



Government of Wales Act 1998

1998 CHAPTER 38

PART V

OTHER PROVISIONS ABOUT THE ASSEMBLY

Community law, human rights and international obligations

108 International obligations

- (1) If a Minister of the Crown considers that any action proposed to be taken by the Assembly would be incompatible with any international obligation, he may by order direct that the proposed action shall not be taken.
- (2) If a Minister of the Crown considers that any action capable of being taken by the Assembly is required for the purpose of giving effect to any international obligation, he may by order direct the Assembly to take the action.
- (3) If a Minister of the Crown considers that any subordinate legislation made, or which could be revoked, by the Assembly is incompatible with any international obligation, he may by order revoke the legislation.
- (4) An order under subsection (3) may include provision for the order to have effect from a date earlier than that on which it is made; but—
 - (a) such a provision shall not affect any rights or liabilities acquired or incurred before the date on which the order is made, and
 - (b) no person shall be guilty of an offence merely because of such a provision.
- (5) An order under subsection (1), (2) or (3) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings.
- (6) In this section “international obligation” means an international obligation of the United Kingdom other than—
 - (a) an obligation under Community law, or
 - (b) an obligation not to act (or fail to act) in a way which is incompatible with any of the Convention rights.

Status: This is the original version (as it was originally enacted).

- (7) A Minister of the Crown may make an order containing provision such as is specified in subsection (8) where—
- (a) an international obligation is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and
 - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes the whole or part of Wales).
- (8) The provision referred to in subsection (7) is provision for the achievement by the Assembly (in the exercise of its functions) of so much of the result to be achieved under the international obligation as is specified in the order.
- (9) The order may specify the time by which any part of the result to be achieved by the Assembly is to be achieved.
- (10) Where an order under subsection (7) is in force in relation to an international obligation, references to the international obligation in subsections (1) to (3) are to an obligation to achieve so much of the result to be achieved under the international obligation as is specified in the order by the time or times so specified.
- (11) No order shall be made by a Minister of the Crown under subsection (2), (3) or (7) unless he has consulted the Assembly.
- (12) In this section “action” includes making, confirming or approving subordinate legislation.