



Government of Wales Act 1998

1998 CHAPTER 38

PART II

ASSEMBLY FUNCTIONS

Other functions

28 Reform of other Welsh public bodies

- (1) The Assembly may by order make, in relation to any one or more of the statutory functions of a body specified in Part I or II of Schedule 4, provision for the transfer of the function or functions—
- to a body specified in Part I or III of that Schedule,
 - to a body specified in Part II or IV of that Schedule if that body consents to the transfer to it of the function or functions,
 - to a county council, county borough council or community council in Wales (or to more than one such council), or
 - to the Assembly.
- (2) Where the Assembly considers that, if a statutory function of a body specified in Part I or II of Schedule 4 were transferred to a body within any of paragraphs (a) to (d) of subsection (1) by an order under that subsection, that body—
- would not be able to exercise the function because the function requires or permits something to be done in relation to that body, or
 - could by exercising another of its functions do what the function would require or permit that body to do,
- the Assembly may by order make provision for the abolition of the function.
- (3) Where each of the statutory functions of a body specified in Part I or II of Schedule 4 is transferred or abolished by an order under subsection (1) or (2), the Assembly may by order make provision—
- for the abolition of the body if it is a body specified in Part I of that Schedule, or

Status: This is the original version (as it was originally enacted).

- (b) for the abolition of the duty to recognise the body if it is a body specified in Part II of that Schedule.
- (4) An order under subsection (1), (2) or (3)(a) making provision in relation to a body specified in Part I of Schedule 4 may include provision for the transfer of staff of the body and of any property, rights and liabilities to which the body is entitled or subject and may in particular—
- (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order,
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the body and the transferee,
 - (c) provide for the order to have effect in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order, or
 - (d) make provision about property situated outside the United Kingdom or rights and liabilities arising otherwise than under the law of England and Wales.
- (5) Where by an order under subsection (1) or (2)—
- (a) any function of a body specified in Part I of Schedule 4 is transferred or abolished, or
 - (b) any function is transferred to a body specified in Part I or III of that Schedule, the Assembly may by order make provision altering the membership of the body.
- (6) An order under subsection (3)(a) making provision for the abolition of a body may include provision for the abolition of any duty in compliance with which it was established or constituted.
- (7) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (8) In this section “statutory functions” means functions conferred or imposed by an enactment (including an enactment which is contained in an Act passed after this Act or is made after the passing of this Act).