

COMMISSIONER FOR OLDER PEOPLE (WALES) ACT 2006

EXPLANATORY NOTES

COMMENTARY

Section 28: Orders and regulations

64. *Subsection (1)* provides that, where the Assembly is empowered by the Act to make orders or regulations, these are to be made by statutory instrument. *Subsection (2)* provides that such orders or regulations may make different provision for different purposes and may include incidental, supplemental, consequential, transitory or saving provision. *Subsection (6)* provides that any order or regulations made by the Assembly under the Act are to be regarded as general subordinate legislation. Any such orders or regulations will, therefore, be subject to the Assembly's subordinate legislation procedures.
65. *Subsection (3)* enables the Assembly to make, by order, consequential amendments to the legislation relating to other commissioners and ombudsmen that are added to, or removed from, the list of persons with whom the Commissioner may work jointly or collaboratively (provided for in sections 16(4) and 17(8) respectively). *Subsection (4(a))* places the Assembly under a duty to obtain the prior consent of a Northern Ireland department if the order confers functions on a person which relate wholly or partly to a transferred matter (i.e. a matter within the competence of the Northern Ireland Assembly). *Subsection (4)(b)* places the Assembly under a duty to obtain the prior consent of the Secretary of State if the function relates to a matter in a field in which the Assembly does not have functions to the extent that the matter is not a transferred matter. This power does not enable the Assembly to make any amendments to Scottish legislation.