

GOVERNMENT OF WALES ACT 2006

EXPLANATORY NOTES

DETAILED COMMENTARY ON SECTIONS IN PART 4

Referendum

Section 107: Acts of the Assembly

392. This section confers on the Assembly the power to pass legislation in relation to Wales called “Acts of the National Assembly for Wales”, or “Deddfau Cynulliad Cenedlaethol Cymru”. They are referred to in the Act as Acts of the Assembly.
393. It also confirms that the power of the UK Parliament to legislate in relation to Wales, if it chooses to do so, is not affected.
394. Subsection (1) provides that the National Assembly for Wales may enact Acts of the Assembly.
395. Subsection (2) provides that a proposed Act of the Assembly (to be known as a Bill) will become law when:
- a) it has been passed by the Assembly (or “approved” by the Assembly, in the case of a Bill which has been reconsidered), and
 - b) it has received Royal Assent.
396. Subsection (3) provides that if, after an Act is enacted, it becomes apparent that there was some invalidity or procedural irregularity in the Assembly proceedings which led up to its enactment (for example, a rule in the Assembly’s standing orders was not complied with), the invalidity or irregularity will not render the Act invalid and it will still be law. However, it is thought that this subsection will not save a purported Act which had not been passed by the Assembly at all because, in those circumstances, section 107 (2) would not have been complied with.
397. Subsection (4) means that, if a particular Act of the Assembly is relevant in any Court proceedings, its existence and validity need not be proved to the Court in the same way that other types of evidence have to be proved to the Court before the Court will take it into account.
398. Subsection (5) makes it clear that the UK Parliament is sovereign and retains the power to make laws in relation to Wales. This is the case even in relation to matters where the power to pass an Act has been given to the Assembly.