
Changes to legislation: Government of Wales Act 2006, Cross Heading: Exercise of functions before appointment of first First Minister is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 11

TRANSITIONAL PROVISIONS

Exercise of functions before appointment of first First Minister

- 22 (1) Nothing in this Act (including in particular the repeal of section 1 of the Government of Wales Act 1998 (c. 38)), or in that Act, is to be taken to dissolve the Assembly constituted by that Act until the end of the initial period.
- (2) Despite this Act and section 2(5) of that Act, during the initial period the Assembly constituted by that Act is to be treated as consisting of the persons who—
- (a) immediately before the beginning of the initial period, hold office as the Assembly First Secretary, an Assembly Secretary or the presiding officer, and
 - (b) are candidates to be Assembly members at the 2007 election.
- (3) But a person ceases to be a member of that Assembly —
- (a) if not returned as an Assembly member at that election, when the Assembly members for the Assembly constituency or Assembly electoral region for which that person is a candidate are returned, or
 - (b) if disqualified from being an Assembly member, when that disqualification takes effect.
- (4) For so long as a person is a member of the Assembly constituted by the Government of Wales Act 1998 by virtue of this paragraph the person continues to be entitled to the same salary and allowances as the person was entitled to by virtue of section 16 of that Act immediately before the beginning of the initial period.
- 23 (1) This paragraph and paragraph 24 have effect during the initial period.
- (2) The functions of the Assembly constituted by the Government of Wales Act 1998, other than functions to which paragraph 24 applies, are exercisable—
- (a) by the person who immediately before the beginning of the initial period held office as the Assembly First Secretary, if that person is a member of that Assembly, or
 - (b) by such of the persons who at that time held office as an Assembly Secretary and are members of that Assembly as those persons may designate, if that person is not a member of that Assembly (or if the office of Assembly First Secretary was vacant at that time).
- (3) A person designated for the purposes of sub-paragraph (2)(b) must inform the Secretary of State of the designation as soon as is reasonably practicable.
- (4) Functions which are exercisable by virtue of sub-paragraph (2) may be delegated by the person by whom they are exercisable (to such extent as that person may determine) to any other member of the Assembly constituted by the Government

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of Wales Act 1998 who immediately before the beginning of the initial period held office as an Assembly Secretary.

- (5) Functions which—
- (a) are exercisable by virtue of sub-paragraph (2), or
 - (b) are delegated under sub-paragraph (4),
- may be delegated by the person by whom they are exercisable or to whom they have been delegated (to such extent as that person may determine) to members of the staff of the Assembly constituted by the Government of Wales Act 1998 (c. 38).
- (6) Where a function is delegated under sub-paragraph (5), arrangements for the exercise of the function are to be made by the person who, immediately before the beginning of the initial period, was the Permanent Secretary to the Assembly for the purposes of section 63(2) of the Government of Wales Act 1998.
- (7) The delegation of any function under this paragraph does not prevent the exercise of the function by the person by whom the delegation is made.
- (8) The exercise of any function in accordance with this paragraph is subject to any condition, limitation or restriction which applied to the exercise of that function immediately before the beginning of the initial period.
- 24 (1) This paragraph applies to functions of the Assembly constituted by the Government of Wales Act 1998 which, immediately before the beginning of the initial period, were delegated under section 62 of that Act to the committee of the Assembly referred to in the standing orders made under that Act as the House Committee.
- (2) Functions to which this paragraph applies are exercisable—
- (a) by the person who, immediately before the beginning of the initial period, held office as the presiding officer of the Assembly constituted by the Government of Wales Act 1998, if that person is a member of that Assembly, or
 - (b) by the person who, at that time, held the post referred to in the standing orders made under that Act as the Clerk to the Assembly, if the person mentioned in paragraph (a) is not a member of that Assembly (or if the office of presiding officer was vacant at that time).
- (3) Functions which are exercisable by virtue of sub-paragraph (2) may be delegated by the person by whom they are exercisable (to such extent as that person may determine) to members of the staff of the Assembly constituted by the Government of Wales Act 1998.
- (4) Where a function is delegated under sub-paragraph (3), arrangements for the exercise of the function are to be made by the person who, immediately before the beginning of the initial period, held the post referred to in the standing orders made under the Government of Wales Act 1998 as the Clerk to the Assembly.
- (5) The delegation of any function under sub-paragraph (3) does not prevent the exercise of the function by the person by whom the delegation is made.
- (6) The exercise of any function in accordance with this paragraph is subject to any condition, limitation or restriction which applied to the exercise of that function immediately before the beginning of the initial period.
- 25 (1) Where a function of making, confirming or approving subordinate legislation is exercised during the initial period in accordance with paragraph 23, it is to be made,

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confirmed or approved by being signed by the person by whom the function is exercised.

- (2) Despite sub-paragraph (8) of paragraph 23, nothing contained in the following provisions of the Government of Wales Act 1998 (c. 38), or included in the standing orders of the Assembly constituted by that Act by virtue of the following provisions of that Act, applies to subordinate legislation made in accordance with that paragraph—
- (a) section 65 (regulatory appraisals),
 - (b) sections 66 and 67 (procedure), and
 - (c) section 68 (financial initiative).
- (3) But as soon as is reasonably practicable after the end of the initial period the Clerk must lay before the Assembly every statutory instrument containing subordinate legislation made, confirmed or approved in accordance with paragraph 23.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)