

**Changes to legislation:** Government of Wales Act 2006, Paragraph 11 is up to date with all changes known to be in force on or before 14 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

### [<sup>F1</sup>SCHEDULE 7B

#### GENERAL RESTRICTIONS

##### Textual Amendments

- F1** Schs. 7A, 7B substituted for Sch. 7 (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(3\), Sch. 2](#) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179, reg. 2](#)

#### PART 1

#### GENERAL RESTRICTIONS

##### *Ministers of the Crown, government departments and other reserved authorities*

- 11 (1) A provision of an Act of the [<sup>F2</sup>Senedd] cannot remove or modify, or confer power by subordinate legislation to remove or modify—
- (a) any function of a Minister of the Crown that relates to a qualified devolved function,
  - (b) any function of a Minister of the Crown exercisable in relation to the Welsh language,
  - (c) any function of a Minister of the Crown exercisable in relation to water supply, water quality, water resources management, control of pollution of water resources, sewerage, rivers and other watercourses, land drainage, flood risk management or coastal protection,
  - (d) any function of a Minister of the Crown under Chapter 1 of Part 3, or section 58, of the Marine and Coastal Access Act 2009,
  - (e) any power of the Secretary of State under section 6 of the Railways Act 2005 (financial assistance relating to railway services etc), or
  - (f) any function of the Treasury under section 138(2) or 141(4),
- unless the appropriate Minister consents to the provision.
- (2) A provision of an Act of the [<sup>F2</sup>Senedd ] cannot remove or modify, or confer power by subordinate legislation to remove or modify, any function of a Minister of the Crown not falling within sub-paragraph (1) unless the Welsh Ministers have consulted the appropriate Minister about the provision.
- [ Where sub-paragraph (1)(a) does not apply by virtue of sub-paragraph (6) or (7), a <sup>F3</sup>(2A) provision of an Act of the Senedd cannot remove, or confer power by subordinate legislation to remove, any function unless the Welsh Ministers have consulted the appropriate Minister about the provision.]
- (3) In this paragraph ““qualified devolved function”” means a function that—

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- (a) is conferred or imposed on or transferred to the Welsh Ministers, the First Minister or the Counsel General by any Act (whenever passed) or by an instrument made under any Act (whenever made), and
- (b) is to any extent exercisable—
  - (i) concurrently or jointly with a Minister of the Crown, or
  - (ii) only with the consent or agreement of, or after consultation with, a Minister of the Crown.

(4) For the purposes of sub-paragraph (1)(a)—

- (a) the functions of a Minister of the Crown that ““relate to”” qualified devolved functions within sub-paragraph (3)(b)(i) are the qualified devolved functions so far as exercisable by the Minister;
- (b) the functions of a Minister of the Crown that ““relate to”” qualified devolved functions within sub-paragraph (3)(b)(ii) are those concerning consent or agreement to, or consultation about, the exercise of the qualified devolved functions.

(5) In this paragraph ““appropriate Minister”” has the same meaning as in paragraph 8.

[ Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which  
<sup>F4</sup>(6) removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown that is to any extent exercisable concurrently where that function—

- (a) exists to any extent by virtue of regulations made under sections 8 to 8C of the European Union (Withdrawal) Act 2018; or
- (b) is conferred by, or by regulations made under—
  - (i) the European Union (Withdrawal Agreement) Act 2020;
  - (ii) the Direct Payments to Farmers (Legislative Continuity) Act 2020;
  - (iii) the Coronavirus Act 2020;
  - (iv) the Agriculture Act 2020;
  - (v) the Fisheries Act 2020; <sup>F5</sup>...
  - (vi) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020 [<sup>F6</sup>; <sup>F7</sup>...
  - (vii) the Environment Act 2021][<sup>F8</sup>; <sup>F9</sup>...
  - (viii) section 28 of the Commercial Rent (Coronavirus) Act 2022][<sup>F10</sup>; <sup>F11</sup>...
  - (ix) the Professional Qualifications Act 2022][<sup>F12</sup>; <sup>F13</sup>...]
  - [<sup>F14</sup>(x) the Trade (Australia and New Zealand) Act 2023; or
  - (xi) Chapter 1 of Part 3 or Part 6 of the Levelling-up and Regeneration Act 2023.]

(7) Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown, where that function concerns consent or agreement to, or consultation about, the exercise of a function that is to any extent exercisable concurrently with a Minister of the Crown and is conferred by, or by regulations made under—

- (a) the European Union (Withdrawal Agreement) Act 2020; or
- (b) the Fisheries Act 2020; or

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- (c) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.
- (8) Sub-paragraphs (6) and (7) do not have effect in relation to a function of a Minister of the Crown to regulate British fishing boats in the Welsh zone.
- (9) In sub-paragraph (8), the reference to British fishing boats does not include Welsh fishing boats; and “British fishing boat” and “Welsh fishing boat” have the same meaning as in section 52 of the Fisheries Act 2020.]]

#### Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F3** [Sch. 7B para. 11\(2A\)](#) inserted (11.3.2021) by [The Government of Wales Act 2006 \(Amendment\) Order 2021](#) (S.I. 2021/290), arts. 1(1), **6(2)**
- F4** [Sch. 7B para. 11\(6\)-\(9\)](#) inserted (11.3.2021) by [The Government of Wales Act 2006 \(Amendment\) Order 2021](#) (S.I. 2021/290), arts. 1(1), **6(3)**
- F5** Word in [Sch. 7B para. 11\(6\)\(b\)\(v\)](#) omitted (9.11.2021) by virtue of [Environment Act 2021](#) (c. 30), **ss. 141(3)(a), 147(1)(b)** (with s. 144)
- F6** [Sch. 7B para. 11\(6\)\(b\)\(vii\)](#) and word inserted (9.11.2021) by [Environment Act 2021](#) (c. 30), **ss. 141(3)(b), 147(1)(b)** (with s. 144)
- F7** Word in [Sch. 7B para. 11\(6\)\(b\)\(vi\)](#) omitted (24.3.2022) by virtue of [Commercial Rent \(Coronavirus\) Act 2022](#) (c. 12), **ss. 29(3)(a), 31(4)** (with s. 30)
- F8** [Sch. 7B para. 11\(6\)\(b\)\(viii\)](#) and word inserted (24.3.2022) by [Commercial Rent \(Coronavirus\) Act 2022](#) (c. 12), **ss. 29(3)(b), 31(4)** (with s. 30)
- F9** Word in [Sch. 7B para. 11\(6\)\(b\)\(vii\)](#) omitted (28.4.2022) by virtue of [Professional Qualifications Act 2022](#) (c. 20), **ss. 16(7)(a), 21(1)(f)** (with s. 12)
- F10** [Sch. 7B para. 11\(6\)\(b\)\(ix\)](#) and word inserted (28.4.2022) by [Professional Qualifications Act 2022](#) (c. 20), **ss. 16(7)(b), 21(1)(f)** (with s. 12)
- F11** Word in [Sch. 7B para. 11\(6\)\(b\)\(viii\)](#) omitted (23.3.2023) by virtue of [Trade \(Australia and New Zealand\) Act 2023](#) (c. 9), s. 4(2), **Sch. 1 para. 9(3)(a)**
- F12** [Sch. 7B para. 11\(6\)\(b\)\(ix\)](#) and word inserted (23.3.2023) by virtue of [Trade \(Australia and New Zealand\) Act 2023](#) (c. 9), s. 4(2), **Sch. 1 para. 9(3)(b)**
- F13** Word in [Sch. 7B para. 11\(6\)\(b\)\(ix\)](#) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023](#) (c. 55), **ss. 239(3)(a), 255(9)(b)** (with s. 247)
- F14** [Sch. 7B para. 11\(6\)\(b\)\(x\)\(xi\)](#) substituted for (ix) (26.12.2023) by [Levelling-up and Regeneration Act 2023](#) (c. 55), **ss. 239(3)(b), 255(9)(b)** (with s. 247)

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**Changes and effects yet to be applied to :**

- Sch. 7B para. 11(6)(b)(xi) and word inserted by [2023 c. 54 s. 118\(d\)](#)

**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\(c\)](#)