

LEGISLATIVE AND REGULATORY REFORM ACT 2006

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

12. The Act applies in relation to Wales and includes provisions that relate specifically to the powers of the National Assembly for Wales ("the Assembly").
13. [Part 1](#) of the Act provides, at section 11, that an order may not make any provision conferring a function on the Assembly, modifying or removing a function of the Assembly, or restating any provision that confers a function on the Assembly, without the agreement of the Assembly.
14. Where the agreement of the Assembly is not required under section 11, a Minister proposing to make an order under the powers in [Part 1](#) must consult the Assembly in accordance with section 13 where the proposals, so far as they apply in Wales, relate to any matter in relation to which the Assembly exercises functions.
15. In [Part 2](#) of the Act, section 24 provides that a Minister may specify, by order, which regulatory functions (as defined in section 32) are covered by the Principles and Code of Practice (sections 21 and 22). However, a Minister may not specify a regulatory function that is exercisable only in or as regards Wales: instead the power to specify such functions, by order, is conferred on the Assembly.
16. [Part 3](#) of the Act contains provisions dealing with legislation relating to the European Communities. Section 27, which makes provision to include a power in section 2 of the European Communities Act 1972 ("the 1972 Act") to make orders, rules and schemes in addition to regulations, is the only section in that Part that has separate provision in respect of Wales. Subsection (3) of section 27 contains an amendment to the Government of Wales Act 1998 consequential on the amendment made by subsection (1). Subsection (6) further provides that the power of a Minister of the Crown to make an order under subsection (5) to amend enactments or subordinate legislation referring to regulations made under section 2(2) of the 1972 Act to include a reference to any order, rules or scheme, shall also be exercisable by the Assembly, insofar as it relates to a matter in respect of which functions are exercisable by the Assembly. This power is exercisable by statutory instrument (subsection (7)).
17. Amendments will be made to the Act to reflect significant changes to the devolution arrangements in Wales made by the Government of Wales Act 2006. The amendments will be made by order under the powers in sections 157 and 160 of that Act.