

SCHEDULES

SCHEDULE 4

Section 21

NEW SCHEDULE 3A TO THE GOVERNMENT OF WALES ACT 2006

This Schedule sets out the new Schedule 3A to the Government of Wales Act 2006, to be inserted after Schedule 3 to that Act—

“SCHEDULE 3A

Section 59A

FUNCTIONS OF MINISTERS OF CROWN ETC EXERCISABLE CONCURRENTLY OR JOINTLY WITH WELSH MINISTERS

Functions exercisable concurrently with Welsh Ministers

- (1) Functions specified in the table below, so far as exercisable in relation to Wales (or, in the case of functions under the Sea Fish (Conservation) Act 1967 or the Sea Fisheries Act 1968, the Welsh zone), are exercisable concurrently with the Welsh Ministers.
- (2) A function specified in the table that is exercisable subject to a requirement for the approval or consent of the Treasury or the Minister for the Civil Service is exercisable by the Welsh Ministers subject to that requirement except as noted in the table.

<i>Act</i>	<i>Functions</i>
Ministry of Transport Act 1919	Functions of a Minister of the Crown under section 17 (power to make advances).
Industrial Organisation and Development Act 1947	Functions of the Board of Trade under section 11 (grants to the Council of Industrial Design and to design centres). <i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury approval.
Prevention of Damage by Pests Act 1949	Functions of a Minister of the Crown of carrying out research under or in connection with the Act.
Landlord and Tenant Act 1954	Certification functions of a Minister of the Crown under— (a) section 57(1) to (6), and (b) section 58.
Science and Technology Act 1965	Functions of a Minister of the Crown under section 5 (funding of scientific research), except so far as relating to Research Councils.

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<i>Act</i>	<i>Functions</i>
	<i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury consent.
Agriculture Act 1967	Notification functions of a Minister of the Crown under section 54(3).
Slaughter of Poultry Act 1967	Functions of a Minister of the Crown under section 4 (power of entry).
Sea Fish (Conservation) Act 1967	Functions of a Minister of the Crown or the Marine Management Organisation under— (a) section 4 (licensing of fishing boats), and (b) section 4A (licensing of vessels receiving trans-shipped fish).
	Functions of a Minister of the Crown under section 15(3) (order by Ministers as to powers of British sea-fishery officers for enforcement of the Act).
	<i>Note:</i> the functions under sections 4 and 4A are exercisable by the Welsh Ministers free from any requirement for Treasury consent.
Sea Fisheries Act 1968	Functions of a Minister of the Crown under section 5(1) and (2)(a) (regulation of conduct of fishing operations).
Transport Act 1968	Functions of a Minister of the Crown under section 57 (grants for research or development in connection with transport services, etc).
	<i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury approval.
Local Government Grants (Social Need) Act 1969	Functions of the Secretary of State under the Act. <i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury consent.
Employment and Training Act 1973	Functions of the Secretary of State under section 2, except for— (a) any function of making arrangements for the principal purpose of helping all those (as distinct from a particular section of the population of Wales) without work to find employment and to help employers to fill vacancies, and (b) any function ancillary to that function.
	Functions of a Minister of the Crown under— (a) section 4 (disclosure of information), (b) section 5 (powers to appoint advisers and make payments), and

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<i>Act</i>	<i>Functions</i>
	<p>(c) section 11(3) (payments in respect of injuries etc).</p> <p><i>Note:</i> the functions under sections 2 and 5(3) are exercisable by the Welsh Ministers free from any requirement for Treasury approval, and the functions under section 5(2)(b) are exercisable by the Welsh Ministers free from any requirement for the approval of the Minister for the Civil Service.</p>
Local Government Act 1974	Function of a Minister of the Crown of giving notice, other than a notice of discharge, under section 32(3) (non-disclosure of documents).
Import of Live Fish (England and Wales) Act 1980	<p>Functions of a Minister of the Crown under—</p> <p>(a) section 1 (power to limit the import etc of fish and fish eggs), and</p> <p>(b) section 3(2) (authorisation of act done for scientific or research purpose).</p> <p><i>Note:</i> the functions under section 1 are exercisable by the Welsh Ministers free from any requirement for Treasury consent.</p>
Wildlife and Country-side Act 1981	<p>Functions of the Secretary of State under—</p> <p>(a) section 2(6) (power to declare period of special protection for birds), and</p> <p>(b) section 16 (power to grant licences).</p>
Industrial Development Act 1982	<p>Functions of a Minister of the Crown under the Act, except for functions under sections 1, 8(5) and (7), 10, 13A, 15 and 16.</p> <p><i>Note:</i> the functions under sections 5, 7, 8 (except subsections (5) and (7)), 12 and 13 are exercisable by the Welsh Ministers free from any requirement for Treasury consent or approval.</p>
Inheritance Tax Act 1984	Functions of the Secretary of State under section 230 (acceptance of property in satisfaction of tax) where there is both a Welsh interest and another interest in the property to which the section applies.
Food Act 1984	Functions of a Minister of the Crown under section 69A (information).
Food and Environmental Protection Act 1985	<p>Functions of a Minister of the Crown under—</p> <p>(a) section 1(1) (power to make emergency orders),</p> <p>(b) section 3(1) and (2) (authorisation of investigating officers and enforcement officers),</p> <p>(c) section 13 (powers to test and to charge for testing), and</p> <p>(d) section 17 (codes of practice).</p>

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<i>Act</i>	<i>Functions</i>
Local Government Finance Act 1988	<p>Functions of the Secretary of State under section 88B (special grants) so far as they relate to police and crime commissioners.</p> <p><i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury consent.</p>
Road Traffic Act 1988	<p>Functions of the Secretary of State under—</p> <ul style="list-style-type: none"> (a) section 39(1) (road safety information or advice), and (b) section 40 (payments for road safety measures). <p><i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury approval.</p>
Official Secrets Act 1989	<p>Functions of the Secretary of State to prescribe persons or classes of member or employee for the purposes of paragraphs (f) and (g) of section 12(1) (meaning of “Crown servant”), where exercisable in respect of bodies or offices in relation to which both the Welsh Ministers and a Minister of the Crown exercise functions.</p>
Town and Country Planning Act 1990	<p>Functions of a Minister of the Crown under—</p> <ul style="list-style-type: none"> (a) section 304 (grants for research and education), and (b) section 321 (local inquiries). <p><i>Note:</i> the functions under section 304 are exercisable by the Welsh Ministers free from any requirement for Treasury consent.</p>
Planning (Listed Buildings and Conservation Areas) Act 1990	<p>Functions of the Secretary of State under paragraph 6(6) of Schedule 3 (powers of direction regarding disclosure of evidence in local inquiries).</p>
Planning (Hazardous Substances) Act 1990	<p>Functions of a Minister of the Crown under—</p> <ul style="list-style-type: none"> (a) section 38(1) (contribution to compensation payable by local authority), and (b) paragraph 6(6) of the Schedule (powers of direction regarding disclosure of evidence in local inquiries). <p><i>Note:</i> the functions under section 38(1) are exercisable by the Welsh Ministers free from any requirement for Treasury consent.</p>
Food Safety Act 1990	<p>Functions of the Secretary of State under section 47 of paying remuneration and allowances.</p> <p><i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury approval.</p>

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<i>Act</i>	<i>Functions</i>
Social Security Act 1990	<p>Functions of the Secretary of State under section 15 (grants for the improvement of energy efficiency in certain dwellings etc).</p> <p><i>Note:</i> the functions are exercisable by the Welsh Ministers free from any requirement for Treasury consent.</p>
Transport and Works Act 1992	Functions of the Secretary of State under section 9 (schemes of national significance).
Clean Air Act 1993	Functions of a Minister of the Crown under section 46(1) (functions in relation to Crown premises).
Welsh Language Act 1993	<p>Functions under—</p> <ul style="list-style-type: none"> (a) section 25 (powers to give Welsh names to statutory bodies etc), and (b) section 26 (powers to prescribe Welsh forms).
National Lottery etc. Act 1993	<p>Functions of the Secretary of State under section 26(1) (directions to distributing bodies) so far as it relates to the National Lottery Charities Board and the New Opportunities Fund but excluding any power to give a direction to such bodies as to—</p> <ul style="list-style-type: none"> (a) the allocation of resources to Wales (or any part of Wales) or between Wales (or any part of Wales) and any other part of the United Kingdom, or (b) conditions that apply to the whole of the United Kingdom. <p>Functions of the Secretary of State under section 26(2) (directions to National Heritage Memorial Fund) but excluding any power to give a direction to the Fund as to—</p> <ul style="list-style-type: none"> (a) the allocation of resources to Wales (or any part of Wales) or between Wales (or any part of Wales) and any other part of the United Kingdom, or (b) conditions that apply to the whole of the United Kingdom. <p>Functions of the Secretary of State under section 26(5) (consultation) so far as it relates to concurrently exercisable functions under section 26(1) or 26(2).</p>
Housing Act 1996	Functions of the Secretary of State under section 185 (persons from abroad: eligibility for housing assistance).
Human Rights Act 1998	Functions of a Minister of the Crown under section 5(2) (joinder of Minister etc as a party to proceedings) in respect of any proceedings in

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<i>Act</i>	<i>Functions</i>
Pollution Prevention and Control Act 1999	<p>which a court is considering whether to make a declaration of incompatibility within the meaning of section 4 of the Human Rights Act 1998 in respect of—</p> <ul style="list-style-type: none"> (a) subordinate legislation made by the Assembly, or (b) subordinate legislation made, in relation to Wales, by a Minister of the Crown in the exercise of a function that is exercisable by the Assembly. <p>Functions under section 2 (regulation of polluting activities) exercisable by the Secretary of State—</p> <ul style="list-style-type: none"> (a) in relation to a cross-border body, but (b) not in relation to offshore oil and gas exploration and exploitation,

- 2 (1) The functions listed in sub-paragraph (2), so far as exercisable in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone, are exercisable concurrently with the Welsh Ministers.
- (2) The functions are—
- (a) functions of a Minister of the Crown under the following provisions of the Sea Fish (Conservation) Act 1967—
 - (i) section 1(3), (4) and (6) (size limits for fish carried by fishing boat);
 - (ii) section 3(1), (3) and (4) (regulation of nets and other fishing gear);
 - (iii) section 5 (power to restrict fishing for sea fish);
 - (iv) section 15(3) (order by Ministers as to powers of British sea-fishery officers for enforcement of the Act);
 - (b) functions of a Minister of the Crown or the Marine Management Organisation under the following provisions of the Sea Fish (Conservation) Act 1967—
 - (i) section 4 (licensing of fishing boats);
 - (ii) section 4A (licensing of vessels receiving trans-shipped fish);
 - (c) functions of a Minister of the Crown under the following provisions of the Sea Fisheries Act 1968—
 - (i) section 5(1) and (2)(a) (regulation of conduct of fishing operations);
 - (ii) section 7(1)(g) and (2) (appointment of British sea-fishery officers);
 - (d) functions of a Minister of the Crown under the following provisions of the Fisheries Act 1981—
 - (i) section 15 (schemes of financial assistance);
 - (ii) section 16 (administration schemes by Sea Fish Industry Authority);
 - (e) functions of a Minister of the Crown under section 30(2) of the Fisheries Act 1981 (enforcement of Community rules).

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- (3) Any provision of section 4 or 4A of the Sea Fish (Conservation) Act 1967 requiring the consent of the Treasury to the exercise of a function does not apply in relation to the exercise of the function by the Welsh Ministers by virtue of this paragraph.
- (4) In this paragraph “Welsh fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Wales as the port to which the vessel is to be treated as belonging.
- 3 (1) The powers to make regulations under sections 10ZC, 10ZD and 53 of the Representation of the People Act 1983 (registration of electors), so far as they are exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, are exercisable by the Welsh Ministers concurrently with that Minister.
- (2) In sub-paragraph (1)—
- “elections in Wales” means—
- (a) an election of Assembly members, or
- (b) a local government election (within the meaning given by section 203 of the Representation of the People Act 1983) in Wales;
- “UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.

Functions exercisable jointly with Welsh Ministers

- 4 Functions specified in the table below are exercisable jointly with the Welsh Ministers.

<i>Act or instrument</i>	<i>Functions</i>
Crime and Disorder Act 1998	Functions of the Secretary of State under section 6 in relation to strategies for combatting crime and disorder or re-offending in areas in Wales.
Marine and Coastal Access Act 2009	Functions of the Secretary of State under sections 45, 46 and 47 (preparation, review and amendment of marine policy statement) in relation to a marine policy statement prepared by the Secretary of State and the Welsh Ministers acting jointly (or by the Secretary of State, the Welsh Ministers and one or more other authorities acting jointly). Functions of the Secretary of State under Schedule 5 (preparation or amendment of marine policy statement) that are exercisable jointly with the Welsh Ministers by virtue of paragraph 2(2)(b) of that Schedule. Functions of the Secretary of State under subsection (6) of section 70 (inquiries) that are exercisable jointly with the Welsh Ministers by virtue of subsection (7) of that section.
Marine Strategy Regulations 2010 (S.I. 2010/1627)	Functions of the Secretary of State under regulation 19 (directions to, and assistance from,

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<i>Act or instrument</i>	<i>Functions</i>
	<p>public authorities) that are exercisable jointly with the Welsh Ministers by virtue of paragraph (5) of that regulation.</p> <p>Functions of the Secretary of State under regulation 20 (guidance) that are exercisable jointly with the Welsh Ministers by virtue of paragraph (5) of that regulation.</p>

Functions exercisable concurrently or jointly with Welsh Ministers

- 5 Functions of the Secretary of State under section 272 of the Transport Act 2000 (financial assistance for inland waterway and sea freight) so far as they relate to—
- (a) the carriage of goods by an inland waterway that is partly in Wales, or
 - (b) the carriage of goods by sea where the carriage concerned is wholly or partly by sea adjacent to Wales (within the meaning of that section),
- are exercisable concurrently or jointly with the Welsh Ministers.

Interpretation

- 6 For the purposes of the entry relating to the Inheritance Tax Act 1984 in the table in paragraph 1—
- (a) a Welsh interest exists where—
 - (i) the property in question is located in Wales, or
 - (ii) the person liable to pay tax has expressed a wish or imposed a condition on his offer of the property in satisfaction of tax that it be displayed in Wales or disposed of or transferred to a body or institution in Wales;
 - (b) another interest exists where—
 - (i) the property in question is located outside Wales, or
 - (ii) the person liable to pay tax has expressed a wish or imposed a condition on his offer of the property in satisfaction of tax that it be displayed outside Wales or disposed of or transferred to a body or institution outside Wales.”