
STATUTORY INSTRUMENTS

2007 No. 1270

**The Government of Wales Act 2006
(Transitional Provisions) Order 2007**

Amendments to Schedule 11 to Government of Wales Act 2006

2.—(1) Schedule 11 to the Government of Wales Act 2006 (transitional provisions) is amended as follows .

(2) After paragraph 35 insert—

“Instrument containing provisions under transferred power and provision under power in section 2(2) of the European Communities Act 1972: Assembly procedure

35A.—(1) Paragraph 2A of Schedule 2 to the ECA 1972 applies to a draft of a statutory instrument laid before the Assembly pursuant to section 59(3) of this Act as it applies to a draft of a statutory instrument laid before Parliament pursuant to paragraph 2(2) of Schedule 2 to the ECA 1972.

(2) Paragraph 2B of Schedule 2 to the ECA 1972 applies to a statutory instrument laid before the Assembly pursuant to section 59(3) of this Act as it applies to a statutory instrument laid before Parliament pursuant to paragraph 2(2) of Schedule 2 to the ECA 1972.

(3) Paragraph 2A, or paragraph 2B, is subject to the following modifications in its application by virtue of this paragraph—

- (a) references to Parliament and to each or either House of Parliament are to be read as references to the Assembly;
- (b) the reference in paragraph 2A(1)(a), or in paragraph 2B(1)(a), to a power conferred by any other enactment is to be read as a reference to a power which—
 - (i) is transferred to, or made exercisable by, the Welsh Ministers, the First Minister or the Counsel General by or by virtue of paragraph 30 or 31 of this Schedule, or
 - (ii) is conferred on the Welsh Ministers, the First Minister or the Counsel General by a provision of any Act in consequence of the amendment of that Act by or under this Act.

(4) In this paragraph, ECA 1972 means the European Communities Act 1972.”.

(3) After paragraph 42 insert—

“Criminal Liability of the Assembly

42A.—(1) In this paragraph, “criminal liability of the Assembly” means criminal liability incurred by the Assembly constituted by the Government of Wales Act 1998.

(2) To the extent that any criminal liability of the Assembly is connected with property, rights and other liabilities transferred to the Assembly Commission by the National Assembly for Wales (Transfer of Property, Rights and Liabilities) Order 2007, that criminal liability is transferred to the Assembly Commission.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Subject to sub-paragraph (2), the criminal liability of the Assembly is transferred to the Welsh Assembly Government.

(4) Paragraph 39(2) to (4) applies in relation to criminal liability transferred by this paragraph as it applies to a liability transferred by paragraph 39; and in that application of paragraph 39(2) to (4)—

“transfer time” means the time immediately after the end of the initial period;

“transferee of the transferred function” means the Assembly Commission or, as the case may be, the Welsh Assembly Government.”.