

SCHEDULE 1

Article 3

MODIFICATIONS OF ENACTMENTS

European Communities Act 1972

1. In paragraph 1A(2) of Schedule 2 to the European Communities Act 1972(1) (provisions as to subordinate legislation) after “Act of the Scottish Parliament” insert “, Measure or Act of the National Assembly for Wales”.

Sex Discrimination Act 1975

2. The Sex Discrimination Act 1975(2) is amended as follows.

3.—(1) Section 10A (offices and posts to which section 10B applies)(3) is amended as follows.

(2) In subsection (1)(b) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

(3) In subsection (3), after paragraph (g) insert—

“(ga) a member of the Welsh Assembly Government.”.

4. Section 21A(9) (public authorities)(4) is amended as follows—

(a) omit “or” at the end of item 1(c);

(b) after item (1)(d) insert—

“(e) a Measure of the National Assembly for Wales,

(f) a proposed Measure of the National Assembly for Wales,

(g) an Act of the National Assembly for Wales, or

(h) a Bill for an Act of the National Assembly for Wales.”;

(c) in item 2(d) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”;

(d) omit “or” at the end of item 3(b);

(e) after item 3(b) insert—

“(ba) a Measure or Act of the National Assembly for Wales, or”.

5. In section 23A (discrimination by Further Education and Higher Education Funding Councils)(5) for “National Assembly for Wales in carrying out its functions” substitute “Welsh Ministers in carrying out their functions”.

6.—(1) Section 25A (general duty: post-16 education and training etc)(6) is amended as follows.

(2) In subsection (1) for “National Assembly for Wales” substitute “Welsh Ministers”(7).

(1) 1972 c.68.

(2) 1975 c.65.

(3) Section 10A was inserted by regulation 13(1) of the Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467).

(4) Section 21A(9) was inserted by section 83(1) of the Equality Act 2006(c.3) and is amended from a date to be appointed by the Charities Act 2006 (c.50), Schedule 8, paragraph 57.

(5) Section 23A was inserted by the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 78. It was amended by the Education Act 1996 (c.56), Schedule 37, paragraph 32; the Learning and Skills Act 2000 (c.21), Schedule 9, paragraphs 1 and 5(a) and (b) and the National Council for Training and Education for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraphs 3 and 4(a) and (b).

(6) Section 25A was inserted by the Learning and Skills Act 2000 (c.21), Schedule 9, paragraphs 1 and 6.

(7) Subsection (1) was amended by the National Council for Training and Education for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraphs 3 and 5(a).

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(3) In subsection (2) for “National Assembly for Wales by virtue of its functions” substitute “Welsh Ministers by virtue of their functions”(8).

(4) In subsection (4) for “National Assembly for Wales” substitute “Welsh Ministers”(9).

7.—(1) Section 76A (public authorities: general statutory duty)(10) is amended as follows.

(2) In subsection (3) after paragraph (c) insert—

“(ca) the National Assembly for Wales.”.

(3) In subsection (4) after paragraph (b) insert—

“(ba) a function in connection with proceedings in the National Assembly for Wales (other than a function of the National Assembly for Wales Commission).”.

8. Section 76B(3) (specific duties)(11) is amended as follows—

(a) in paragraph (a) for “National Assembly for Wales” substitute “Welsh Ministers”;

(b) in paragraph (b) for “National Assembly for Wales” substitute “Welsh Ministers”.

9. In section 76E(3) (codes of practice)(12) for “National Assembly for Wales” substitute “Welsh Ministers”.

Race Relations Act 1976

10. The Race Relations Act 1976(13) is amended as follows.

11. In section 19C(5) (exceptions or further exceptions from section 19B for judicial and legislative acts etc)(14) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

12.—(1) Section 71B (general statutory duty: Scotland and Wales)(15) is amended as follows.

(2) In subsection (2) for “National Assembly for Wales” substitute “Welsh Ministers”.

(3) In subsection (3) for “National Assembly for Wales” substitute “Welsh Ministers”.

(4) In subsection (4) for “includes the National Assembly for Wales.” substitute—

“includes—

(a) the National Assembly for Wales Commission;

(b) the Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government.”

(8) Subsection (2) was amended by the National Council for Training and Education for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraphs 3 and 5(b).

(9) Subsection (4), along with subsections (3) and (5) were substituted for subsection (3) as originally enacted by the National Council for Training and Education for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraphs 3 and 5(c).

(10) Section 76A was inserted by section 84(1) of the Equality Act 2006 (c.3).

(11) Section 76B was inserted by section 85(1) of the Equality Act 2006 (c.3).

(12) Section 76E(3) was inserted by section 86 of the Equality Act 2006 (c.3) and is repealed from a date to be appointed by Schedule 3, paragraphs 6 and 16 and Schedule 4 to that Act.

(13) 1976 c.74.

(14) Section 19C(5) was inserted by section 1 of the Race Relations (Amendment) Act 2000 (c.34) and amended by paragraph 2 of the Schedule to the Nationality, Immigration and Asylum Act 2002 (Consequential and Incidental Provisions) Order 2003 (S.I. 2003/1016).

(15) Section 71B was substituted, together with sections 71, 71A, 71C, 71D and 71E, for section 71 as originally enacted by section 2(1) of the Race Relations (Amendment) Act 2000 (c.34).

13.—(1) Section 71C (general statutory duty: codes of practice)(**16**) is amended as follows.

(2) In subsection (4) for “National Assembly for Wales” substitute “Welsh Ministers”.

(3) In subsection (5) for “National Assembly for Wales” substitute “Welsh Ministers”.

(4) In subsection (8) for “National Assembly for Wales” substitute “Welsh Ministers”.

14. In section 76(15)(b) (government appointments outside section 4)(**17**) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

15. In section 76ZA(9)(b) (other office holders)(**18**), after sub-paragraph (vii) insert—
“(viii) a member of the Welsh Assembly Government;”.

16. In Part 1 of Schedule 1A (bodies and other persons subject to general statutory duty) for paragraph 3 (National Assembly for Wales)(**19**) and the heading preceding it substitute—

“National Assembly for Wales Commission

3A. The National Assembly for Wales Commission.

Welsh Assembly Government

3B.—(1) The Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

(2) A subsidiary of the Welsh Ministers (as defined by section 134(4) of the Government of Wales Act 2006)..”.

Representation of the People Act 1983

17. In section 7B(6)(b) of the Representation of the People Act 1983 (notional residence: declaration of local connection)(**20**), for “section 8 of the Government of Wales Act 1998” substitute “section 10 of the Government of Wales Act 2006”.

Mental Health Act 1983

18. In section 134(3) of the Mental Health Act 1983 (correspondence with patients)(**21**), after paragraph (a) insert—

“(aa) any of the Welsh Ministers, the Counsel General to the Welsh Assembly Government or a member of the National Assembly for Wales;”

(16) Section 71C was substituted, together with sections 71, 71A, 71B, 71D and 71E, for section 71 as originally enacted by section 2(1) of the Race Relations (Amendment) Act 2000 (c.34). It is repealed from a date to be appointed by the Equality Act 2006 (c.3), Schedule 3, paragraphs 21 and 30 and Schedule 4.

(17) Section 76(15)(b) was amended by sections 3(1) and (3) of the Race Relations (Amendment) Act 2000 (c.34).

(18) Section 76ZA(9)(b) was inserted by regulation 51 of the Race Relations Act 1976 (Amendment) Regulations 2003 (S.I. 2003/1626).

(19) Paragraph 3 of Part 1 of Schedule 1A was inserted by Schedule 1 of the Race Relations (Amendment) Act 2000 (c.34).

(20) 1983 c.2. Section 7B was inserted into the Representation of the People Act 1983 by section 6 of the Representation of the People Act 2000 (c.2).

(21) 1983 c.20. Section 134(3) was amended by the Northern Ireland Act 1998 (c.47), Schedule 13, paragraphs 5(1) and (2) and by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraphs 71(1) and (2). There are other amendments not relevant to this Order.

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Companies Act 1985

19. In section 26(2)(a) of the Companies Act 1985 (prohibition on registration of certain names)(22) after “Her Majesty’s Government” insert “, with the Welsh Assembly Government”.

Business Names Act 1985

20. In section 2(1)(a) of the Business Names Act 1985 (prohibition of use of certain business names)(23) after “Scottish Administration” insert “with the Welsh Assembly Government,”.

Local Government Finance Act 1988

21. The Local Government Finance Act 1988(24) is amended as follows.

22. In section 76 (interpretation)(25), after subsection (6) insert—

“(7) “The Assembly” means the National Assembly for Wales.”

23. In section 84E (1) (revenue support grant:Wales)(26), for “National Assembly for Wales” substitute “Welsh Ministers”.

24.—(1) Section 84F (determination of grant) is amended as follows.

(2) In subsection (1), for “National Assembly for Wales” substitute “Welsh Ministers”,

(3) In subsections (2)(b), (2)(c), (3)(b) and (3)(c), for “Assembly proposes” substitute “Welsh Ministers propose”.

(4) In subsection (5)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “it” substitute “the Welsh Ministers”.

25.—(1) Section 84G (local government finance reports) is amended as follows.

(2) In subsection (1), for “National Assembly for Wales” substitute “Welsh Ministers”.

(3) In subsection (2), for “Assembly proposes” substitute “Welsh Ministers propose”.

(4) In subsection (3), for “Assembly” substitute “Welsh Ministers” and for “it” substitute “them”.

(5) In subsection (4), for “published by” substitute “laid before”.

(6) For subsection (5) substitute—

“(5) As soon as is reasonably practicable after a report is laid before the Assembly under subsection (4), the Welsh Ministers shall send a copy of the report to each of the receiving authorities to which the report relates.”

26. For section 84H (effect of publication of local government finance report) substitute—

“Effect of report’s approval

84H.—(1) This section applies where in accordance with sections 84F and 84G a determination as regards revenue support grant has been made for a financial year and specified in a report which has been laid before the Assembly.

(22) 1985 c.6.

(23) 1985 c.7.

(24) 1988 c.41.

(25) Section 76 was amended by the Local Government Finance Act 1992 (c.41), Schedule 10, paragraph 8.

(26) Sections 84E to 84P were inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraph 1.

(2) If the report is approved by resolution of the Assembly the Welsh Ministers shall pay the amount stated in the determination as the amount of revenue support grant for the year.

(3) The amount of revenue support grant to be paid to receiving authorities in accordance with subsection (2) shall be distributed among, and paid to, them in accordance with sections 84J and 84K.

(4) The amount of revenue support grant to be paid to a specified body in accordance with subsection (2) shall be paid at such time, or in instalments of such amounts and at such times, as the Welsh Ministers may determine.

(5) The time of payment under subsection (4) may be during or after the financial year for which the grant is payable.”

27. For section 84J (calculation of grant payable to receiving authorities)(27) substitute —

“calculation of grant payable to receiving authorities

84J.—(1) As soon as is reasonably practicable after a local government finance report for a financial year has been approved by resolution of the Assembly, the Welsh Ministers shall calculate what sum, if any, falls to be paid to each receiving authority by way of revenue support grant for the year in accordance with the basis of distribution specified in the report as so approved.

(2) The Welsh Ministers may carry out the subsection (1) calculation again at any time before the end of the financial year immediately following the one to which the report relates.

(3) The power under sub-section (2) may only be exercised once and shall not be exercisable after the approval by resolution of the Assembly of any amending report made under section 84L in relation to the local government finance report.

(4) As soon as is reasonably practicable after making a calculation under subsection (1) or (2), the Welsh Ministers shall inform each receiving authority to which the report relates of the outcome, so far as relating to it.”

28.—(1) Section 84K (payment of grant to receiving authorities) is amended as follows.

(2) In subsection (1)—

(a) for “National Assembly for Wales” substitute “Welsh Ministers”, and

(b) for “Assembly” substitute “Welsh Ministers”.

(3) In subsections (2) and (5), for “Assembly makes” substitute “Welsh Ministers make”.

(4) In subsections (2), (3), (5) and (6), for “Assembly” substitute “Welsh Ministers”.

29. For section 84L (amending reports) substitute—

“Amending reports

84L.—(1) Where the Welsh Ministers have made a local government finance report for a particular financial year, the Welsh Ministers may, at any time before the end of the financial year following the financial year concerned, make a report (an “amending report”) containing amendments to the basis of distribution specified under section 84G(2) in the local government finance report.

(27) Sections 84E to 84P were inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraph 1.

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(2) Where the Welsh Ministers have made two local government finance reports relating to the same financial year, the power under subsection (1) may (in particular) be exercised by making a single amending report relating to both of the local government finance reports.

(3) Before making an amending report, the Welsh Ministers shall notify to such representatives of local government as appear to the Welsh Ministers to be appropriate the general nature of the amendments they propose to make.

(4) An amending report shall be laid before the Assembly.

(5) As soon as is reasonably practicable after an amending report is laid before the Assembly, the Welsh Ministers shall send a copy of the amending report to each receiving authority to which the local government finance report relates.

(6) Where an amending report has been approved by resolution of the Assembly, the Welsh Ministers may not make a subsequent amending report under this section in relation to the same local government finance report.”

30.—(1) Section 84M (recalculation of grant following amending report)(**28**) is amended as follows.

(2) For subsection (1) substitute—

“(1) This section applies where the Assembly, by resolution, approves a report made under section 84L (“the amending report”) relating to a local government finance report (“the original report”).”

(3) For subsection (2) substitute—

“(2) As soon as is reasonably practicable after the Assembly has approved the amending report, the Welsh Ministers shall calculate in relation to each receiving authority to which the original report relates what sum, if any, falls to be paid to the authority by way of revenue support grant for the financial year to which the original report relates.”

(4) In subsection (4)—

(a) for the first reference to “Assembly” substitute “Welsh Ministers”, and

(b) in paragraph (b), for “publishes” substitute “approves”.

(5) In subsection (6), for “Assembly” substitute “Welsh Ministers”.

31.—(1) Section 84N (payment of grant following amending report) is amended as follows.

(2) In subsection (1)—

(a) for “National Assembly for Wales makes” substitute “Welsh Ministers make”, and

(b) for “it” substitute “they”.

(3) In subsection (2), for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (4)—

(a) for “Assembly makes” substitute “Welsh Ministers make”, and

(b) for “Assembly” substitute “Welsh Ministers”.

(5) In subsection (5) for “Assembly” substitute “Welsh Ministers”.

32.—(1) Section 84P (information deadlines) is amended as follows.

(2) In subsection (1)—

(a) for “National Assembly for Wales” substitute “Welsh Ministers”, and

(28) Sections 84E to 84P were inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraph 1.

- (b) for “it” substitute “them”.
- (3) In subsection (3), for “Assembly informs” substitute “Welsh Ministers notify”.
- (4) In subsection (5), for “Assembly” substitute “Welsh Ministers”.

33.—(1) Before section 85 (and the heading “Additional grant”) insert—

“Application of this Chapter etc

84Q.—(1) The provisions of this Chapter apply as follows—

- (a) sections 85 and 86 apply only in relation to England;
- (b) sections 86A and 86B apply only in relation to Wales;
- (c) sections 87, 88, 88A and 88B apply in relation to England and Wales;
- (d) section 88C applies only in relation to Wales.

(2) The following functions are exercisable concurrently so far as they relate to police authorities in Wales—

- (a) the functions of the Secretary of State under section 88B;
- (b) the functions of the Welsh Ministers under section 88C.

(3) In this section “police authority” means a police authority established by section 3 of the Police Act 1996.”

(2) The functions of the National Assembly for Wales under the following provisions are not transferred to the Welsh Ministers by Schedule 11 to the Government of Wales Act 2006—

- (a) sections 85 and 86;
- (b) section 88B.

(3) In sub-paragraph (2) the reference to the National Assembly for Wales is a reference to the Assembly established by section 1 of the Government of Wales Act 1998.

34. After section 86 insert—

“Additional grant: Wales

Additional grant: Wales

86A.—(1) This section applies where a local government finance report for a chargeable financial year has been approved by the Assembly and, before the year ends, the Welsh Ministers form the view that fresh circumstances affecting the finances of local authorities have arisen since the approval.

(2) For the year concerned the Welsh Ministers may pay a grant (“additional grant”) to receiving authorities in accordance with this section and section 86B.

(3) Where the Welsh Ministers propose to pay additional grant for a financial year they shall make a determination under this section.

(4) A determination shall state—

- (a) the amount of grant for the year, and
- (b) the basis on which the Welsh Ministers propose to distribute it among receiving authorities.

(5) A determination shall be specified in a report and the report shall be laid before the Assembly.

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(6) As soon as is reasonably practicable after the report is laid before the Assembly the Welsh Ministers shall send a copy of it to each receiving authority.

Effect of additional grant report’s approval: Wales

86B.—(1) This section applies where in accordance with section 86A a determination as regards additional grant has been made for a financial year and specified in a report which has been laid before the Assembly.

(2) If the report is approved by resolution of the Assembly—

- (a) the Welsh Ministers shall pay the amount stated in the determination as the amount of the additional grant for the year, and
- (b) the amount shall be distributed on the basis stated in the determination.

(3) Where a sum falls to be paid to a receiving authority by way of additional grant it shall be paid at such time, or in instalments of such amounts and at such times, as the Welsh Ministers determine; and any such time may fall within or after the financial year concerned.”.

35. In section 87 (transport grants)(**29**), after subsection (6) insert—

“(7) In the application of this section in relation to Wales, references to the Secretary of State are references to the Welsh Ministers.”.

36. In section 88A (council tax grants)(**30**), after subsection (5) insert—

“(6) In the application of this section in relation to Wales, references to the Secretary of State are references to the Welsh Ministers.”.

37. In section 88B (special grants)(**31**), after subsection (9) insert—

“(10) In the application of this section in relation to Wales, “relevant authority” means only a police authority established by section 3 of the Police Act 1996.”.

38. After section 88B insert—

“Special grants: Wales

88C.—(1) The Welsh Ministers may pay a grant (in this section referred to as a special grant) in accordance with this section to a receiving authority in Wales.

(2) Where the Welsh Ministers propose to make one special grant they shall, before making the grant, make a determination stating with respect to the grant—

- (a) to which authority it is to be paid,
- (b) the purpose for which it is to be paid, and
- (c) the amount of the grant or the manner in which the amount is to be calculated.

(29) The functions of the Secretary of State and the Treasury under section 87, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (constituted by the Government of Wales Act 1998 (c.38)) by Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(30) Section 88A was originally inserted by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraphs 61 and 79(3). This section 88A and section 88B were substituted for the original section 88A by the Local Government Finance Act 1992 (c.14), Schedule 10, paragraph 18. The functions of the Secretary of State and the Treasury under section 88A, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (constituted by the Government of Wales Act 1998 (c.38)) by Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(31) Section 88B, along with section 88A, was substituted for the original section 88A by the Local Government Finance Act 1992 (c.14), Schedule 10, paragraph 18. The functions of the Secretary of State and the Treasury under section 88B, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (constituted by the Government of Wales Act 1998 (c.38)) by Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) Where the Welsh Ministers propose to make two or more special grants to different authorities they shall, before making the grants, make a determination stating with respect to the grants—

- (a) to which authorities they are to be paid,
- (b) the purpose for which they are to be paid, and
- (c) either—
 - (i) the amount of the grant which they propose to pay to each authority or the manner in which the amount is to be calculated, or
 - (ii) the total amount which they propose to distribute among the authorities by way of special grants and the basis on which they propose to distribute that amount.

(4) A determination under subsection (2) or (3) above shall be specified in a report (to be called a special grant report) which shall contain such explanation as the Welsh Ministers consider desirable of the main features of the determination.

(5) A special grant report shall be laid before the Assembly and, as soon as is reasonably practicable after the report has been so laid, the Welsh Ministers shall send a copy of it to any receiving authority to whom a special grant is proposed to be paid in accordance with the determination in the report.

(6) No special grant shall be paid unless the special grant report containing the determination relating to the grant has been approved by a resolution of the Assembly.

(7) A special grant report may specify conditions which the Welsh Ministers intend to impose on the payment of (or of any instalment of) special grant to which the report relates; and the conditions may—

- (a) require the provision of returns or other information before a payment is made to the receiving authority concerned, or
- (b) relate to the use of the amount paid, or to the repayment in specified circumstances of all or part of the amount paid, or otherwise.

(8) Without prejudice to compliance with any conditions imposed as mentioned in subsection (7) above, a special grant shall be paid at such time or in instalments of such amounts and at such times as the Welsh Ministers may determine.”.

39.—(1) Schedule 7 (non-domestic rating: multipliers) is amended as follows.

(2) In paragraph 1 (introduction)**(32)**—

- (a) the existing provision is renumbered as sub-paragraph (1), and
- (b) after sub-paragraph (1) insert—

“(2) In this Part of this Schedule “the Assembly” means the National Assembly for Wales.”.

(3) In paragraph 3B (general provisions)**(33)**, sub-paragraph (3) is amended as follows—

- (a) for “National Assembly for Wales” substitute “Welsh Ministers”,
- (b) for “its” substitute “their”, and
- (c) for “it” substitute “them”.

(32) Paragraph 1 of Schedule 7 was amended by sections 62(1) and (2) of the Local Government Act 2003 (c.26).

(33) Paragraph 3B of Schedule 7, along with paragraphs 3 and 3A, was substituted for paragraph 3 as originally enacted by sections 62(1) and (3) of the Local Government Act 2003 (c.26).

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- (4) In paragraph 5 (general provisions)(34)—
- (a) in sub-paragraphs (6) and (7), for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in sub-paragraph (10) after “determines” insert “or, as the case may be, to the Welsh Ministers on such date as they determine”.
 - (c) in sub-paragraph (14), for “National Assembly for Wales” substitute “Welsh Ministers”, and
 - (d) for sub-paragraph (15) substitute—

“(15) An order made by the Welsh Ministers under sub-paragraph (3), in its application to a particular financial year (including an order amending or revoking another), shall not be effective unless it is approved by resolution of the Assembly before the approval by the Assembly of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).”.

- (5) In paragraph 6 (general provisions)(35)—
- (a) in sub-paragraph (1A), for “National Assembly for Wales” substitute “Welsh Ministers”,
 - (b) in sub-paragraph (4A)—
 - (i) for “National Assembly for Wales” substitute “Welsh Ministers”, and
 - (ii) omit “for a financial year beginning in or after 2004”, and
 - (c) for sub-paragraph (4B) substitute—

“(4B) A calculation made by the Welsh Ministers under this paragraph is invalid unless one or both of the following conditions is fulfilled—

- (a) it is made after the Assembly has approved by resolution the local government finance report for the year or, where the Welsh Ministers are making two local government finance reports for the year, it is made after the Assembly has approved by resolution both of those reports;
- (b) it is made on or after 1 March in the preceding financial year.”.

40.—(1) Schedule 8 (non-domestic rating: pooling) is amended as follows.

- (2) In paragraph 1 (accounts), after sub-paragraph (3) insert—

“(4) The Auditor General for Wales shall examine, certify and report on any account of which copies are sent to him under sub-paragraph (2) and shall lay copies of the account and of his report before the Assembly.”.

- (3) In paragraph 5(6)(ba) (non-domestic rating contributions)(36), for “National Assembly for Wales” substitute “Welsh Ministers”.

- (4) In paragraph 8 (interpretation)(37) after sub-paragraph (2) insert—

“(3) In this Part of this Schedule “the Assembly” means the National Assembly for Wales.

- (4) For the purposes of this Part of this Schedule—

(34) Paragraph 5 of Schedule 7 was amended by the Local Government Finance Act 1992 (c.14), Schedule 13, paragraph 84(1); sections 62(1), (5), (6) and (7) of the Local Government Act 2003 (c.26) and Schedule 7, paragraphs 9(1) and 25(1) and (2); and the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273).

(35) Paragraph 6 of Schedule 7 was amended by the Local Government Finance Act 1992 (c.14), Schedule 13, paragraph 84(2); sections 62(1), (8), (9) and (10) of the Local Government Act 2003 (c.26) and Schedule 7, paragraphs 9(1) and 25(1) and (3).

(36) Paragraph 5(6)(ba) of Schedule 8 was inserted by section 70(2)(a) of the Local Government Act 2003 (c.26).

(37) Part III of Schedule 8 was substituted by the Local Government Finance Act 1992 (c.14), Schedule 10, paragraph 7. Paragraph 8 was amended by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (2).

- (a) references to the laying of a local government finance report (or amending report) before the House of Commons are, in relation to Wales, to be read as references to the laying of a report before the Assembly, and
 - (b) references to the approval of a local government finance report (or amending report) by resolution of the House of Commons are, in relation to Wales, to be read as references to the approval of a local government finance report (or amending report) by resolution of the Assembly.”.
- (5) In paragraph 9A (years where two local government finance reports prepared for Wales)(**38**)—
- (a) in sub-paragraph (1)—
 - (i) for “National Assembly for Wales publishes” substitute “Welsh Ministers make”,
 - (ii) in sub-paragraph (b), for “Assembly” substitute “Welsh Ministers”,
 - (b) in sub-paragraph (2)—
 - (i) for “Assembly decides” substitute “Welsh Ministers decide”,
 - (ii) in sub-paragraph (a), for “Assembly” substitute “Welsh Ministers”, and
 - (c) in sub-paragraph (3), for “Assembly decides” substitute “Welsh Ministers decide”.
- (6) In paragraph 11A (distribution: local government finance reports)(**39**)—
- (a) in sub-paragraph (1)—
 - (i) for “National Assembly proposes to publish” substitute “Welsh Ministers propose to make”,
 - (ii) for “decides” substitute “decide”,
 - (iii) for “the Assembly shall” substitute “the Welsh Ministers shall”,
 - (iv) in sub-paragraph (c), for “Assembly proposes” substitute “Welsh Ministers propose”,
 - (b) in sub-paragraph (2), for “Assembly” in both places substitute “Welsh Ministers”.
- (7) In paragraph 11B (distribution: local government finance reports)(**40**)—
- (a) for sub-paragraph (1) substitute—
 - “(1) This paragraph applies where—
 - (a) the Assembly approves by resolution a local government finance report that is one of two being made by the Welsh Ministers for a particular financial year, and
 - (b) as respects that year the Welsh Ministers decide as mentioned in paragraph 9A(1)(b)(ii) above.”,
 - (b) in sub-paragraph (3), for “after the report is published, the Assembly shall calculate” substitute “after the report is approved by the Assembly, the Welsh Ministers shall calculate”,
 - (c) in sub-paragraphs (5) and (7), for “Assembly” substitute “Welsh Ministers”, and
 - (d) in sub-paragraph (6), for the words from “publishes” to the end substitute “approves by resolution an amending report made by the Welsh Ministers under paragraph 13 below.”.
- (8) In paragraph 11C (distribution: local government finance reports)(**41**)—

(38) Paragraph 9A was inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (4).

(39) Paragraph 11A was inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (6).

(40) Paragraph 11B was inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (6).

(41) Paragraph 11C was inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (6).

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- (a) in sub-paragraph (1)—
 - (i) for “National Assembly for Wales” substitute “Welsh Ministers”, and
 - (ii) for “it” substitute “them”,
 - (b) in sub-paragraph (3), for “Assembly informs” substitute “Welsh Ministers inform”, and
 - (c) in sub-paragraph (5), for “Assembly” substitute “Welsh Ministers”.
- (9) In paragraph 14A (distribution: amending reports)(42)—
- (a) in sub-paragraph (1)(a), for “National Assembly for Wales publishes” substitute “Welsh Ministers make”,
 - (b) in sub-paragraph (1)(b), for “Assembly decides” substitute “Welsh Ministers decide”,
 - (c) in sub-paragraph (2)—
 - (i) for “published by” substitute “approved by resolution of”,
 - (ii) for “the Assembly shall calculate” substitute “the Welsh Ministers shall calculate”, and
 - (d) in sub-paragraph (4)—
 - (i) for “Assembly may carry out” substitute “Welsh Ministers may carry out”, and
 - (ii) in sub-paragraph (b), for “publishes” substitute “approves by resolution”.

Local Government Finance Act 1992

41. The Local Government Finance Act 1992(43) is amended as follows.
42. In section 52J(10)(a) (duty of designated precepting authority)(44), after “section 85”, insert “(in relation to England) or section 86A (in relation to Wales)”.
43. In section 52U(13)(a) (duty of designated precepting authority)(45), after “section 85”, insert “(in relation to England) or section 86A (in relation to Wales)”.
44. For section 52Z (separate administration in England and Wales)(46), substitute—

“Separate administration in England and Wales

- 52Z.**—(1) This Chapter shall apply separately to England and to Wales.
- (2) In its application to Wales, this Chapter shall have effect with the following modifications—
- (a) for each reference to the Secretary of State there shall be substituted a reference to the Welsh Ministers;
 - (b) for each reference to the House of Commons there shall be substituted a reference to the National Assembly for Wales;
 - (c) sections 52K(2) and 52V(3) shall be omitted; and
 - (d) in sections 52I(5)(a) and 52T(7)(a), for “general fund” there shall be substituted “council fund”.

(42) Paragraph 14A was inserted by the Local Government Act 2003 (c.26), Schedule 2, paragraphs 2(1) and (9).

(43) 1992 c.14.

(44) Section 52J was inserted by the Local Government Act 1999 (c.27), Schedule 1, paragraph 1. Subsection (10) was amended by the Greater London Authority Act 1999 (c.29), Schedule 9, paragraphs 1, 3 and 7.

(45) Section 52U was inserted by the Local Government Act 1999 (c.27), Schedule 1, paragraph 1. Subsection (13) was amended by the Greater London Authority Act 1999 (c.29), Schedule 9, paragraphs 1, 5(1) and 8(a) and (b).

(46) Section 52Z was inserted by the Local Government Act 1999 (c.27), Schedule 1, paragraph 1 and was amended by the Local Government Act 2003 (c.26), Schedule 8, paragraph 8.

Olympic Symbol etc (Protection) Act 1995

45. In section 4(16) of the Olympic Symbol etc (Protection) Act 1995 (limits on effect)(**47**) in the definition of “parliamentary proceedings” after “Scottish Parliament,” insert “of the National Assembly for Wales,”.

Environment Act 1995

46. Section 16A(6) of the Environment Act 1995 (power to alter composition of regional flood defence committees in Wales)(**48**) is repealed.

Disability Discrimination Act 1995

47. The Disability Discrimination Act 1995(**49**) is amended as follows.

48. In section 2(3) (past disabilities)(**50**) for “National Assembly for Wales” substitute “Welsh Ministers”.

49.—(1) Section 4C (office holders: introductory)(**51**) is amended as follows.

(2) In subsection (3)(b) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

(3) In subsection (5), after paragraph (g) insert—

“(ga) a member of the Welsh Assembly Government,”.

50. Section 21C(2) (exceptions from section 21B(1))(**52**) is amended as follows—

(a) in paragraph (a) after “ Scottish Parliament” insert “, a Measure or Act of the National Assembly for Wales”;

(b) in paragraph (b)—

(i) after “Scottish Parliament,” insert “or under a Measure or Act of the National Assembly for Wales,”.

(ii) in sub-paragraph (iii) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

51.—(1) Section 28D (accessibility strategies and plans)(**53**) is amended as follows.

(2) In subsection (7)(c) for “National Assembly” substitute “Welsh Ministers”(**54**).

(3) In subsection (17), in paragraph (b) of the definition of “regulations”, for “National Assembly” substitute “Welsh Ministers”(**55**).

52.—(1) Section 28E (accessibility strategies and plans: procedure)(**56**) is amended as follows.

(47) 1995 c.32.

(48) 1995 c.25. Section 16A was inserted by section 67 of the Water Act 2003 (c.37).

(49) 1995 c.50.

(50) Section 2(3) was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 2(1) and (3) and by the Special Educational Needs and Disability (Northern Ireland) Order 2005, articles 48(1) and (3)(b) (S.I. 2005/1117).

(51) Section 4C was substituted, together with sections 4, 4A, 4B, 4D, 4E and 4F, for sections 4, 5 and 6 as originally enacted, by regulations 3(1) and (5) of the Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673).

(52) Section 21C(2) was inserted by section 2 of the Disability Discrimination Act 2005 (c.13).

(53) Section 28D was inserted by section 14(1) of the Special Educational Needs and Disability Act 2001 (c.10).

(54) Subsection (7) was amended by regulation 3 of the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913).

(55) Subsection (17) was substituted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 24(1) and (2).

(56) Section 28E was inserted by section 15 of the Special Educational Needs and Disability Act 2001 (c.10).

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- (2) In subsection (3)(b) for “National Assembly” substitute “Welsh Ministers”.
- (3) In subsection (6)—
 - (a) for “National Assembly asks” substitute “Welsh Ministers ask”;
 - (b) for “it” substitute “them”(57).

53.—(1) Section 28J (procedure)(58) is amended as follows.

- (2) In subsection (2A) for “National Assembly” substitute “Welsh Ministers”(59).
- (3) In subsection (6) for “National Assembly” substitute “Welsh Ministers”(60).

54.—(1) Section 28M (roles of the Secretary of State and the National Assembly)(61) is amended as follows.

- (2) In the heading for “National Assembly” substitute “Welsh Ministers”.
- (3) In subsection (2)(a) for “National Assembly” substitute “Welsh Ministers”.
- (4) In subsection (8)(b) for “National Assembly” substitute “Welsh Ministers”.
- (5) In subsection (9)(b)—
 - (a) for “National Assembly” substitute “Welsh Ministers”;
 - (b) for “it” substitute “them”.

55.—(1) Section 28Q (interpretation) is amended as follows(62).

- (2) In subsection (4)(d) for “National Assembly” substitute “Welsh Ministers”.
- (3) Omit subsection (14).

56. In section 31AF(2) (duty to consult before making regulations)(63) for “National Assembly for Wales” substitute “Welsh Ministers”.

57. Section 49B(1)(b) (meaning of “public authority” in Part 5A)(64) is amended as follows—

- (a) Omit “or” at the end of sub-paragraph (ii);
- (b) after sub-paragraph (iii) insert—
 - “(iv) the National Assembly for Wales; or
 - (v) a person, other than the National Assembly for Wales Commission, exercising functions in connection with proceedings in the National Assembly for Wales”.

58. In section 49C(2) after “an Act of the Scottish Parliament” insert “, a Measure or Act of the National Assembly for Wales”(65).

59.—(1) Section 49D (power to impose specific duties)(66) is amended as follows.

- (2) In subsection (6) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (3) In subsection (7) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (4) In subsection (10) in the definition of “relevant Welsh authority” for paragraph (a) substitute—

(57) Subsection (6) was amended by the Education Act 2002 (c.32), Schedule 7, paragraphs 5(1) and (2)(b).

(58) Section 28J was inserted by section 19(1) of the Special Educational Needs and Disability Act 2001 (c.10).

(59) Subsection (2A) was inserted by the Education Act 2002 (c.32), Schedule 18, paragraphs 7 and 10(1) and (2).

(60) Subsection (6) was substituted by the Education Act 2002 (c.32), Schedule 18, paragraphs 7 and 10(1) and (6).

(61) Section 28M was inserted by section 22 of the Special Educational Needs and Disability Act 2001 (c.10).

(62) Section 28Q was inserted by section 25 of the Special Educational Needs and Disability Act 2001 (c.10).

(63) Section 31AF(2) is inserted from a date to be appointed by section 15 of the Disability Discrimination Act 2005 (c.13).

(64) Section 49B(1)(b) was inserted by section 3 of the Disability Discrimination Act 2005 (c.13).

(65) Section 49C(2) was inserted by section 3 of the Disability Discrimination Act 2005 (c.13).

(66) Section 49D was inserted by section 3 of the Disability Discrimination Act 2005 (c.13).

- “(a) the National Assembly for Wales Commission;
- (aa) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government; or.”.

60.—(1) Section 53A (codes of practice)(**67**) is amended as follows.

- (2) In subsection (4A) for “National Assembly for Wales” substitute “Welsh Ministers”(68).
- (3) In subsection (6A) for “National Assembly for Wales” substitute “Welsh Ministers”(69).

61.—(1) Section 59(1) (statutory authority) is amended as follows.

- (2) Omit “or” at the end of paragraph (b) (ii).(70)
- (3) In paragraph (b) (iii), after “the National Assembly for Wales” insert “constituted by the Government of Wales Act 1998, or
“(iv) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.”.
- (4) Omit “or” at the end of paragraph (c) (ii).(71)
- (5) In paragraph (c) (iii) after “the National Assembly for Wales” insert “constituted by the Government of Wales Act 1998”.
- (6) At the end of that provision insert “ , or
“(iv) imposed by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.”

62.—(1) Section 67 (regulations and orders) is amended as follows.

- (2) In subsection (1) for “National Assembly for Wales” substitute “Welsh Ministers”(72).
- (3) In subsection (4)(f) for the words “or in an Act of the Scottish Parliament” substitute “ , in an Act of the Scottish Parliament, or in a Measure or Act of the National Assembly for Wales”(73).

63.—(1) Schedule 3 (enforcement and procedure) is amended as follows.

- (2) In paragraph 4(1B) (employment : evidence)(74)—
 - (a) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in paragraph (a) for “Assembly” substitute “National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- (3) In paragraph 8(4) (discrimination in other areas : evidence)(75)—
 - (a) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in paragraph (a) for “Assembly” substitute “National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

(67) Section 53A was inserted by section 9 of the Disability Rights Commission Act 1999 (c.17) and is repealed from a date to be appointed by Schedule 3, paragraphs 41 and 52 and Schedule 4 of the Equality Act 2006 (c.3).

(68) Subsection (4A) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 28(1) and (4).

(69) Subsection (6A) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 28(1) and (5).

(70) Section 59(1)(b) was substituted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraph 30.

(71) Section 59(1)(c) was substituted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraph 30.

(72) Section 67(1) was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 33(1) and (2).

(73) Subsection (4), along with subsections (4A), (4B), (4C), (4D), (5) and (5A) were substituted for subsections (4) and (5) as originally enacted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 33(1) and (5).

(74) Paragraph 4(1B) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 38(1) and (3).

(75) Paragraph 8(4) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 38(1) and (6).

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- (4) In paragraph 11(1B) (discrimination in schools: evidence)(76)—
- (a) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in paragraph (a) for “Assembly” substitute “National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- (5) In paragraph 15(1B) (discrimination in further and higher education institutions: evidence)(77)—
- (a) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in paragraph (a) for “Assembly” substitute “National Assembly for Wales constituted by the Government of Wales Act 1998, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

School Standards and Framework Act 1998

64. After section 85(7) of the School Standards and Framework Act 1998 (procedure for codes issued by the Secretary of State or the Welsh Ministers)(78) insert—

“(7A) In the case of a code issued or revised by the Welsh Ministers, subsection (7) (as modified by paragraph 33 of Schedule 11 to the Government of Wales Act 2006) has effect as if the reference to any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days were to any period during which the National Assembly for Wales is dissolved or is in recess for more than four days.”.

Food Standards Act 1999

65. The Food Standards Act 1999(79) is amended as follows.

66. In section 22(2)(b)(ii) (statement of general objectives and practices of Food Standards Agency), for “the National Assembly for Wales (and its staff) and Assembly Secretaries” substitute “the Welsh Assembly Government”.

67. In section 32(1)(b) and (2)(b) (modification of powers conferred on Parliament and devolved legislatures), after “the Scottish Parliament” insert “, the National Assembly for Wales”.

68. In Schedule 4 (accounts and audit), in paragraphs 2(2) (resource accounts), 3(7) (accounts of the Agency relating to sums paid or appropriated under section 39(3)) and 4(5) (consolidated accounts) after “the Scottish Parliament” insert “, the Welsh Ministers shall present such documents to the National Assembly for Wales”.

Care Standards Act 2000

69. The Care Standards Act 2000(80) is amended as follows.

70.—(1) Section 72B (review of exercise of functions of Assembly and other persons) is amended as follows.

(2) In the heading for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (1)(a) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

(76) Paragraph 11(1B) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 38(1) and (10).

(77) Paragraph 15(1B) was inserted by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 38(1) and (12).

(78) 1998 c.31.

(79) 1999 c.28.

(80) 2000 c.14.

(4) In subsection (2) for “Assembly” substitute “Welsh Ministers”.

(5) In subsection (3)(a) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

(6) In subsection (3)(b) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, or the Counsel General to the Welsh Assembly Government”.

(7) In subsection 3(c) for “Assembly” substitute “Welsh Ministers”.

(8) In subsection (6)—

(a) for the first “Assembly” substitute “Welsh Ministers”, and

(b) for “the Assembly does not have functions” substitute “no functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

71.—(1) Section 73 (review and monitoring of arrangements) is amended as follows.

(2) In subsections (2), (2C) (in both places), (3) and (4) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

(3) In subsection (5A) for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (5B)—

(a) in paragraph (b) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”;

(b) in paragraph (c) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, or the Counsel General to the Welsh Assembly Government”; and

(c) in paragraph (d) for “Assembly” substitute “Welsh Ministers”.

(5) In subsection (5E)—

(a) for the first “Assembly” substitute “Welsh Ministers”, and

(b) for “the Assembly does not have functions” substitute “no functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

72. In section 75A (additional power of consideration and representation) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

73. In section 78(7) (interpretation) in the definition of “regulations” for “Assembly” substitute “Welsh Ministers”.

74.—(1) Schedule 2 (the Children’s Commissioner for Wales) is amended as follows.

(2) In paragraph 3 for “Assembly” substitute “Welsh Ministers”.

(3) In paragraph 5 for “Assembly” substitute “Welsh Ministers”.

(4) In paragraph 6—

(a) in sub-paragraph (1), for “executive committee” substitute “Welsh Ministers”,

(b) in sub-paragraph (2), for “executive committee” substitute “Welsh Ministers”,

(c) in sub-paragraph (3)—

(i) for “executive committee” substitute “Welsh Ministers”;

(ii) for “it” substitute “them”;

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- (iii) for “the committee thinks” substitute “the Welsh Ministers think”,
 - (d) omit sub-paragraph (5).
 - (5) In paragraph 7 for “Assembly” substitute “Welsh Ministers”.
 - (6) In paragraph 8 for “Assembly” substitute “Welsh Ministers”.
 - (7) In paragraph 10(4)(a) (accounting officer) for “executive committee” substitute “Welsh Ministers”.
 - (8) In paragraph 14 for “Assembly” substitute “Welsh Ministers”.
 - (9) In paragraph 17(2) for “Assembly” substitute “Welsh Ministers”.
75. In paragraph 1 of Schedule 2B (persons whose arrangements are subject to review by the Commissioner under section 73) for “the Assembly” substitute “the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

Regulation of Investigatory Powers Act 2000

- 76.—(1) The Regulation of Investigatory Powers Act 2000(81) is amended as follows.
- (2) In section 4(8) (power to provide for lawful interception – interpretation), in the definition of “government department”, for “the National Assembly for Wales” substitute “the Welsh Assembly Government”.
 - (3) In Schedule 1 (relevant public authorities)(82) for paragraph 16 and the heading preceding it substitute—

“The Welsh Assembly Government

16. The Welsh Assembly Government.”.

Freedom of Information Act 2000

77. The Freedom of Information Act 2000(83) is amended as follows.
- 78.—(1) Section 4 (amendment of Schedule 1) is amended as follows.
- (2) In subsection (2)(b), for “the National Assembly for Wales” substitute “the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
 - (3) In subsection (3)(a) and (b), for “the National Assembly for Wales” substitute “the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
 - (4) In subsection (7)(a)(ii), for “the National Assembly for Wales” substitute “the Welsh Ministers”(84).
79. In section 7(4) (public authorities to which Act has limited application: consultation)(85) for paragraph (a) substitute—

(81) 2000 c.23.

(82) There are amendments to that Schedule which are not relevant to this Order.

(83) 2000 c.36.

(84) Section 4(7) was amended was amended by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), article 8 and paragraph 8(1)(a) of Schedule 2; and by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), article 9 and paragraph 12(1)(a) of Schedule 2. The duty imposed by section 4(7) was transferred from the Secretary of State to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001, article 3 and paragraph 12 of Schedule 1; and was transferred from the Lord Chancellor to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003, article 4 and Schedule 1.

(85) Section 7(4) was amended by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), article 8 and paragraph 8(1)(c) of Schedule 2; and by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), article 9 and paragraph 12(1)(a) of Schedule 2. The duty imposed by section 7(4) was transferred from the Secretary of State to the Lord

- “(a) if the order relates to the National Assembly for Wales or a Welsh public authority referred to in section 83(1)(b)(ii) (subsidiary of the Assembly Commission), consult the Presiding Officer of the National Assembly for Wales,
- (aa) if the order relates to the Welsh Assembly Government or a Welsh public authority other than one referred to in section 83(1)(b)(ii), consult the First Minister for Wales.”.

80. In section 28(2) (relations within the United Kingdom: administration in the United Kingdom), for paragraph (d), substitute—

- “(d) the Welsh Assembly Government.”.

81.—(1) Section 35 (formulation of government policy, etc) is amended as follows.

(2) In subsection (1), for “the National Assembly for Wales” substitute “the Welsh Assembly Government”.

(3) In subsection (5) —

- (a) in the definition of “government policy”, for “the National Assembly for Wales” substitute “the Welsh Assembly Government”,
- (b) in the definition of “the Law Officers”, after “the Solicitor General for Scotland” insert “, the Counsel General to the Welsh Assembly Government”,
- (c) in the definition of “Ministerial communications”—
 - (i) for paragraph (c) substitute—
 - “(c) between members of the Welsh Assembly Government”,
 - (ii) for “the executive committee of the National Assembly for Wales” substitute “the Cabinet or any committee of the Cabinet of the Welsh Assembly Government”,
- (d) in the definition of “Ministerial private office”, for “any part of the administration of the National Assembly for Wales providing personal administrative support to the Assembly First Secretary or an Assembly Secretary” substitute “any part of the administration of the Welsh Assembly Government providing personal administrative support to the members of the Welsh Assembly Government”.

82.—(1) Section 36 (prejudice to effective conduct of public affairs) is amended as follows.

(2) In subsection (1)(a), for “the National Assembly for Wales” substitute “the Welsh Assembly Government”.

(3) In subsection (2)(a), for sub-paragraph (iii) substitute—

“(iii) the work of the Cabinet of the Welsh Assembly Government.”.

(4) In subsection (5)—

- (a) for paragraphs (g) and (h), substitute—
 - “(g) in relation to information held by the Welsh Assembly Government, means the Welsh Ministers or the Counsel General to the Welsh Assembly Government,
 - (ga) in relation to information held by the National Assembly for Wales, means the Presiding Officer of the National Assembly for Wales,
 - (gb) in relation to information held by any Welsh public authority (other than one referred to in section 83(1)(b)(ii) (subsidiary of the Assembly Commission),

Chancellor by the Transfer of Functions (Miscellaneous) Order 2001, article 3 and paragraph 12 of Schedule 1; and was transferred from the Lord Chancellor to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003, article 4 and Schedule 1.

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the Auditor General for Wales or the Public Services Ombudsman for Wales), means—

- (i) the public authority, or
 - (ii) any officer or employee of the authority authorised by the Welsh Ministers or the Counsel General to the Welsh Assembly Government”,
- (gc) in relation to information held by a Welsh public authority referred to in section 83(1)(b)(ii), means—
- (i) the public authority, or
 - (ii) any officer or employee of the authority authorised by the Presiding Officer of the National Assembly for Wales,”;

(b) after paragraph (k) insert—

“(ka) in relation to information held by the Public Services Ombudsman for Wales, means the Public Services Ombudsman for Wales.”.

83.—(1) Section 53 (exception from duty to comply with decision notice or enforcement notice) is amended as follows.

(2) In subsection (1)(a), for sub-paragraph (ii) substitute—

“(ii) the Welsh Assembly Government, or”.

(3) In subsection (3), for paragraph (c) substitute—

“(c) the National Assembly for Wales, in any case where the certificate relates to a decision notice or enforcement notice which has been served on—

- (i) the Welsh Assembly Government,
- (ii) the National Assembly for Wales, or
- (iii) any Welsh public authority.”.

(4) In subsection (5) —

(a) in paragraph (a), for “the National Assembly for Wales” substitute “the Welsh Ministers”,

(b) after paragraph (a), insert—

“(aa) if the order relates to the National Assembly for Wales, consult the Presiding Officer of that Assembly.”.(86)

(5) In subsection (8), for paragraph (b) substitute—

“(b) in relation the Welsh Assembly Government, the National Assembly for Wales or any Welsh public authority, means the First Minister for Wales, and”

84.—(1) Section 81 (application to government departments, etc) is amended as follows.

(2) In subsection (3), after “A government department” insert “or the Welsh Assembly Government”.

(3) In subsection (4), after “the Northern Ireland Assembly” insert “or the National Assembly for Wales”.

85.—(1) Section 83 (meaning of “Welsh public authority”) is amended as follows.

(86) Section 53(5) was amended by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), article 8 and paragraph 8(1)(j) of Schedule 2; and by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), article 9 and paragraph 12(1)(a) of Schedule 2. The power conferred by section 53(5) was transferred from the Secretary of State to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001, article 3 and paragraph 12 of Schedule 1; and were transferred from the Lord Chancellor to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003, article 4 and Schedule 1.

- (2) In subsection (1), for paragraph (b) substitute—
- “(b) any public authority which is—
- (i) a subsidiary of the Welsh Ministers (as defined by section 134(4) of the Government of Wales Act 2006), or
- (ii) a subsidiary of the Assembly Commission (as defined by section 139(4) of that Act).”.
- (3) In subsection (3), for “the National Assembly for Wales” substitute “the First Minister for Wales”(87).
- 86.**—(1) Section 84 (interpretation) is amended as follows.
- (2) Omit the definition of “executive committee”.
- (3) In the definition of “government department”, for paragraph (c) substitute—
- “(c) the Welsh Assembly Government”.
- 87.** In Part 1 of Schedule 1 (public authorities: general), after paragraph 5 insert—
- “**5A.** the Welsh Assembly Government.”.

Transport Act 2000

- 88.** Section 109A(5) of the Transport Act 2000 (approval of plans:Wales)(88) is repealed.

Political Parties, Elections and Referendums Act 2000

- 89.** The Political Parties, Elections and Referendums Act 2000(89) is amended as follows.
- 90.** In section 5 (reports on elections and referendums)—
- (a) in subsection (2), for paragraph (d) substitute—
- “(d) a National Assembly for Wales general election;”;
- (b) in subsection (2A)(c), for “section 8 of the Government of Wales Act 1998” substitute “section 10 of the Government of Wales Act 2006”(90); and
- (c) in subsection (3)—
- (i) for “section 36 of the Government of Wales Act 1998” substitute “section 64 of the Government of Wales Act 2006”; and
- (ii) for “the National Assembly for Wales, at the Assembly’s expense” substitute “the Welsh Ministers, at their expense” .
- 91.** In section 6(3) (reviews of electoral and political matters) –
- (a) in paragraph (a), after “duties” insert “or the funding of political groups under section 24 of the Government of Wales Act 2006”; and
- (b) in paragraph (b), for “section 36 of the Government of Wales Act 1998” substitute “section 64 of the Government of Wales Act 2006”.

(87) Section 83(5) was amended by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), article 8 and paragraph 8(1)(l) of Schedule 2; and by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), article 9 and paragraph 12(1)(c) of Schedule 2. The power conferred by section 53(5) was transferred from the Secretary of State to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001, article 3 and paragraph 12 of Schedule 1; and were transferred from the Lord Chancellor to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003, article 4 and Schedule 1.

(88) 2000 c.38. Section 109A was inserted by section 3 of the Transport (Wales) Act 2006 (c.5).

(89) 2000 c.41.

(90) Subsection (2A) was inserted into section 5 by section 28 of the Electoral Administration Act 2006 (c. 22).

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92. In section 6A(5)(d) (attendance of representatives of Commission at election etc)(**91**) for “section 8 of the Government of Wales Act 1998 (vacancies in constituency seats)” substitute “section 10 of the Government of Wales Act 2006 (constituency vacancies)” .

93. In section 7(2) (Commission to be consulted on changes to electoral law), for paragraph (f) substitute—

“(f) an order under section 13 or 64(3) of the Government of Wales Act 2006 (conduct of elections to the National Assembly for Wales and of polls held by Welsh Ministers);” .

94. In section 9A(6)(d)(setting of performance standards)(**92**), for “section 8 of the Government of Wales Act 1998(vacancies in constituency seats)” substitute “section 10 of the Government of Wales Act 2006(constituency vacancies)” .

95. In section 10(6) (giving of advice and assistance)(**93**), after paragraph (c) insert—

“(caa) the Welsh Ministers;” .

96. In section 101(3) (referendums to which Part 7 applies), for “section 36 of the Government of Wales Act 1998” substitute “section 64 of the Government of Wales Act 2006” .

97. In section 160(4) (general interpretation – payments out of public funds)—

(a) in paragraph (a)(i), after “the Scottish Consolidated Fund” insert “, the Welsh Consolidated Fund”;

(b) in paragraph (b)—

(i) in sub-paragraph (i), after “, the Scottish Ministers” insert “, the Welsh Ministers”;

(ii) in sub-paragraph (ii), after “(including a Northern Ireland department)” insert “, the Welsh Assembly Government”, and at the end omit “,or” ; and

(iii) omit sub-paragraph (iii); and

(c) in paragraph (c), after “the Scottish Parliamentary Corporate Body” insert “, the National Assembly for Wales Commission” .

98.—(1) Schedule 1, paragraph 14 (financing the Electoral Commission) is amended as follows.

(2) Omit “or” at the end of sub-paragraph (a).

(3) For sub-paragraph (b) substitute —

“(b) met by the Welsh Ministers in pursuance of section 5(3) or 20(12); or

(c) met by the National Assembly for Wales Commission under Schedule 2 paragraph 6 to the Government of Wales Act 2006. ” .

(4) Until the end of the initial period, paragraph 14(1)(b) has effect as if it included a reference to expenditure of the Commission met by the National Assembly for Wales constituted by the Government of Wales Act 1998 in pursuance of paragraphs 5 and 6 of Schedule 2 to the Government of Wales Act 2006 (as modified by paragraph 18 of Schedule 11 to that Act).

99.—(1) Schedule 9 (limits on campaign expenditure) is amended as follows.

(2) In paragraph 1 (introductory: interpretation), for sub-paragraph (1)(c) substitute—

(91) Section 6A was inserted into the Political Parties, Elections and Referendums Act 2000 by section 29 of the Electoral Administration Act 2006.

(92) Section 9A was inserted into the Political Parties, Elections and Referendums Act 2000 by section 67 of the Electoral Administration Act 2006.

(93) Section 10(6) was also amended by Schedule 10 paragraph 60 to the Government of Wales Act 2006 .

- “(c) “an ordinary general election to the National Assembly for Wales” means an election held under section 3 of the Government of Wales Act 2006;
 - (ca) “an extraordinary general election to the National Assembly for Wales” means an election held under section 5 of the Government of Wales Act 2006;”.
- (3) For the heading preceding paragraph 6, substitute “*General elections to the National Assembly for Wales*”.
- (4) Paragraph 6 is amended as follows —
- (a) in sub-paragraph (1), for “an ordinary election to the Welsh Assembly” substitute “an ordinary or extra ordinary general election to the National Assembly for Wales”;
 - (b) in sub-paragraph (3) for “ For the purposes of this paragraph” substitute “In the case of an ordinary general election”;
 - (c) in sub-paragraph (4)(a), for “section 3(2) of the Government of Wales Act 1998” substitute “section 3(1) of the Government of Wales Act 2006”;
 - (d) in sub-paragraph (4)(b) and (c)—
 - (i) for “section 3(2) of that Act”, in each place, substitute “section 3 (1) of that Act”; and
 - (ii) for “section 3(3) of that Act” substitute “section 4(1) of that Act “ ;
 - (e) in the words after sub-paragraph (4)(c) for “section 3(2) of that Act” substitute “section 3(1) of that Act”; and
 - (f) after sub-paragraph (4) , add —
 - “(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.”.

100.—(1) Schedule 10 (limits on controlled expenditure) is amended as follows.

- (2) In paragraph 1 (introductory – interpretation), for sub-paragraph (1)(c) substitute—
- “(c) “an ordinary general election to the National Assembly for Wales” means an election under section 3 of the Government of Wales Act 2006;
 - (ca) “an extraordinary general election to the National Assembly for Wales” means an election under section 5 of the Government of Wales Act 2006;”.
- (3) For the heading preceding paragraph 6 substitute “*General elections to the National Assembly for Wales*”.
- (4) In paragraph 6 —
- (a) in sub-paragraph (1), for “an ordinary election to the Welsh Assembly” substitute “an ordinary general election to the National Assembly for Wales”;
 - (b) in sub-paragraph (3), for “For the purposes of this paragraph” substitute “In the case of an ordinary general election”;
 - (c) in sub-paragraph (4)(a), for “section 3(2) of the Government of Wales Act 1998” substitute “section 3(1) of the Government of Wales Act 2006”;
 - (d) in sub-paragraph (4)(b) and (c)—
 - (i) for “section 3(2) of that Act”, in each place ,substitute “section 3(1) of that Act”; and
 - (ii) for “section 3(3) of that Act”, substitute “section 4(1) of that Act”;
 - (e) in the words after sub-paragraph (4)(c) , for “section 3(2) of that Act” substitute “section 3(1) of that Act” ; and

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(f) after sub-paragraph (4), add—

“(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.”.

Income Tax (Earnings and Pensions) Act 2003

101. The Income Tax (Earnings and Pensions) Act 2003⁽⁹⁴⁾ is amended as follows.

102. In section 291 (termination payments to MPs and others ceasing to hold office) for subsection (2)(e) substitute—

- “(e) made under section 20(3) of the Government of Wales Act 2006 to a person—
- (i) ceasing to be a member of the National Assembly for Wales; or
 - (ii) ceasing to hold office as the Presiding Officer, Deputy Presiding Officer, or such other office in connection with the Assembly as the Assembly may determine, but continuing to be an Assembly Member,
- (ea) made under section 53(3) of the Government of Wales Act 2006 to a person ceasing to be a member of the Welsh Assembly Government, or”.

103. In section 293 (overnight expenses of other elected representatives), in paragraph (b) of subsection (2) for “section 16(2) of the Government of Wales Act 1998 (c.38)” substitute “section 20(2) of the Government of Wales Act 2006 or to a member of the Welsh Assembly Government under section 53(2) of that Act”.

104. In section 294 (European travel expenses of MPs and other representatives), in sub-paragraph (b)(ii) of subsection (1) for “section 16(2) of the Government of Wales Act 1998” substitute “section 20(2) of the Government of Wales Act 2006 or to a member of the Welsh Assembly Government under section 53(2) of that Act”.

105. In section 295 (transport and subsistence for Government Ministers etc), in sub-paragraph (c)(ii) of subsection (3) for “the Government of Wales Act 1998 (c.38)” substitute “the Government of Wales Act 2006”.

Finance Act 2004

106. The Finance Act 2004⁽⁹⁵⁾ is amended as follows.

107. In section 59(1) (contractors)—

- (a) in paragraph (b) after “any Northern Ireland department” insert “, the Welsh Assembly Government”; and
- (b) in paragraph (c) for “and the Scottish Parliamentary Corporate Body” substitute “, the Scottish Parliamentary Corporate Body and the National Assembly for Wales Commission”.

108. In section 150(4)(c) (meaning of “pension scheme”) after “National Assembly for Wales” insert “, the National Assembly for Wales Commission or the Welsh Ministers”.

Constitutional Reform Act 2005

109. The Constitutional Reform Act 2005⁽⁹⁶⁾ is amended as follows.

(94) 2003 c.1.
(95) 2004 c.12.
(96) 2005 c.4.

110. In—

- (a) section 27(2)(d) (selection process);
- (b) section 28(5)(d) (report); and
- (c) section 54(1)(d) (annual report),

for “the Assembly First Secretary in Wales” substitute “the First Minister for Wales”.

111. In section 41(4) (relation to other courts: devolution issues), in paragraph (b), for “Schedule 8 to the Government of Wales Act 1998” substitute “Schedule 9 to the Government of Wales Act 2006” .

Equality Act 2006

112. The Equality Act 2006(97) is amended as follows.

113. In section 11(3)(b)(ii) (monitoring the law) for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”.

114. In section 14(9) (codes of practice) for “National Assembly for Wales” substitute “Welsh Ministers”.

115. In section 50(4)(e) (section 49: exceptions) for “National Assembly for Wales” substitute “Welsh Ministers”.

116. In section 52(4) (public authorities: general), after paragraph (e) insert—

“(ea) the making of an instrument by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government under an enactment,”.

117.—(1) Section 56 is amended as follows.

(2) Make the existing provision subsection (1).

(3) In subsection (1)—

(a) after paragraph (b) insert—

“(ba) a Measure of the National Assembly for Wales,

(bb) an Act of the National Assembly for Wales,”;

(b) in sub-paragraph (c)(iv) after “National Assembly for Wales” insert “constituted by the Government of Wales Act 1998”;

(c) in sub-paragraph (c)(iv) omit “or”;

(d) after sub-paragraph (c)(iv) insert—

“(iva) by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or”;

(e) in sub-paragraph (c)(v) omit the second “or”;

(f) in paragraph (d) for “paragraphs (a) to (c).” substitute “paragraphs (a) to (c), or”;

(g) after paragraph (d) insert—

“(e) a condition or requirement imposed after the end of the initial period by the Welsh Ministers, the First Minister for Wales or the Counsel General to

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the Welsh Assembly Government by virtue of anything listed in paragraphs (a) to (c).”

(4) After subsection (1) insert—

“(2) In subsection (1)(e) “the initial period” has the same meaning as in the Government of Wales Act 2006 (see section 161(5) of that Act).”

118. In section 78 (3) (crown application), after paragraph (b) insert—

“(ba) by or on behalf of the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government,”.

119. In section 92 (crown application), after paragraph (c) insert—

“(ca) the Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government,”.

120. In paragraph 2(3)(c) of Schedule 1 (the Commission: constitution: membership) for “National Assembly for Wales” substitute “Welsh Ministers”.

Transport (Wales) Act 2006

121. Sections 2(6) and 2(7) (Wales transport strategy) and 5(9) (joint transport authorities) of the Transport (Wales) Act 2006⁽⁹⁸⁾ are repealed.

Electoral Administration Act 2006

122. In section 44(7)(b) of the Electoral Administration Act 2006 (access to other election documents: supplementary)⁽⁹⁹⁾, for “section 2(2) of the Government of Wales Act 1998 (Assembly constituencies and Assembly regions)” substitute “section 2 of the Government of Wales Act 2006 (Assembly constituencies and electoral regions)”.

Health Act 2006

123. In section 12(4) of the Health Act 2006 (interpretation and territorial sea)⁽¹⁰⁰⁾, for “155(2) of the Government of Wales Act 1998 (c. 38)” substitute “158(3) and (4) of the Government of Wales Act 2006”.

Commissioner for Older People (Wales) Act 2006

124. The Commissioner for Older People (Wales) Act 2006⁽¹⁰¹⁾ is amended as follows.

125.—(1) Section 2 (general functions) is amended as follows.

(2) In subsection (2) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

(3) In subsection (3) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

126. In section 3(1)(a) and (b)(review of discharge of functions) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

⁽⁹⁸⁾ 2006 c.5.

⁽⁹⁹⁾ 2006 c.22.

⁽¹⁰⁰⁾ 2006 c.28.

⁽¹⁰¹⁾ 2006 c.30.

- 127.**—(1) Section 4 (power to amend Schedule 2) is amended as follows.
- (2) In subsection (1) for “Assembly” substitute “Welsh Ministers”.
- (3) In subsection (2)—
- (a) in paragraph (b) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”;
 - (b) in paragraph (c) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government” and
 - (c) in paragraph (d) for “Assembly” substitute “Welsh Ministers”.
- (4) In subsection (7) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- 128.**—(1) Section 6 (review of arrangements : supplementary) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) for “Assembly” substitute “Welsh Ministers” and
 - (b) after paragraph (a) insert—
 - “(aa) the First Minister for Wales;
 - (ab) the Counsel General to the Welsh Assembly Government;”.
- (3) In subsection (4) for paragraph (a) substitute—
- “(a) in the case of the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, any service which they provide;”.
- 129.**—(1) Section 7 (power to amend Schedule 3) is amended as follows.
- (2) In subsection (1) for “Assembly” substitute “Welsh Ministers”.
- (3) In subsection (2)—
- (a) in paragraph (b) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”;
 - (b) in paragraph (c) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government” and
 - (c) in paragraph (d) for “Assembly” substitute “Welsh Ministers”.
- (4) In subsection (7)(b) for “the Assembly has functions” substitute “functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- 130.** In section 8(1)(a) (assistance) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- 131.** In section 10(2) (examination of cases) for “the Assembly does not have functions.” substitute “neither the Welsh Ministers, the First Minister for Wales nor the Counsel General to the Welsh Assembly Government have functions.”
- 132.** In section 12(2)(a) (guidance) for “Assembly” substitute “Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

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133. In section 14(2)(a) (further supplementary functions) for “the Assembly does not have functions;” substitute “neither the Welsh Ministers, the First Minister for Wales nor the Counsel General to the Welsh Assembly Government have functions;”

134. In section 15(2) (reports following discharge of particular functions) for “the Assembly does not have functions.” substitute “neither the Welsh Ministers, the First Minister for Wales nor the Counsel General to the Welsh Assembly Government have functions.”

135.—(1) Section 16 (working jointly with the Public Services Ombudsman for Wales) is amended as follows.

(2) In subsection (4) for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (5)—

(a) for “Assembly” substitute “Welsh Ministers” and

(b) for “it thinks” substitute “they think”.

136.—(1) Section 17 (working collaboratively with other ombudsmen) is amended as follows.

(2) In subsection (8) for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (9)—

(a) for “Assembly” substitute “Welsh Ministers” and

(b) for “it thinks” substitute “they think”.

137.—(1) Section 18 (power to disclose information) is amended as follows.

(2) In subsection (9)—

(a) in paragraph (a) for “Assembly” substitute “Welsh Ministers” and

(b) after paragraph (a) insert—

“(aa) the First Minister for Wales;

(ab) the Counsel General to the Welsh Assembly Government;”.

(3) In subsection (10) for “Assembly” substitute “Welsh Ministers”.

138.—(1) Section 20 (complaints procedure in respect of the Commissioner) is amended as follows.

(2) In subsection (4)—

(a) for “Assembly” substitute “Welsh Ministers” and

(b) for “its” substitute “their”.

(3) In subsection (5) for “Assembly” substitute “Welsh Ministers”.

139.—(1) Section 27 (other interpretative provisions) is amended as follows.

(2) In subsection (1)—

(a) omit the definition of “Assembly Cabinet”;

(b) in the definition of “regulations” for “Assembly” substitute “Welsh Ministers” and

(c) in the definition of “Welsh health service body”, in paragraph (a) for “Assembly” substitute “Welsh Ministers” and for “it discharges” substitute “they discharge”.

(3) In subsection (2) for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (3)—

(a) for “Assembly” substitute “Welsh Ministers” and

(b) for “it thinks” substitute “they think”.

140.—(1) Section 28 (orders and regulations) is amended as follows.

(2) In subsection (1) for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (2) for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (4)—

(a) for “Assembly” in the first place substitute “Welsh Ministers” and

(b) in paragraph (b) for “the Assembly has no functions” substitute “neither the Welsh Ministers, the First Minister for Wales nor the Counsel General to the Welsh Assembly Government have functions”.

(5) Omit subsection (6).

141.—(1) Schedule 1 (the Commissioner for Older People in Wales) is amended as follows.

(2) In paragraph 3—

(a) in sub-paragraph (1) for “Assembly” substitute “Welsh Ministers”;

(b) in sub-paragraph (2) for “Assembly” substitute “Welsh Ministers” and

(c) in sub-paragraph (3) for “Assembly” in both places substitute “Welsh Ministers” and for “it thinks” substitute “they think”.

(3) In paragraph 6(2) for “Assembly” substitute “Welsh Ministers”.

(4) In the heading to paragraph 7 for “Assembly” substitute “Welsh Ministers”.

(5) In paragraph 7—

(a) for “Assembly” substitute “Welsh Ministers” and

(b) for “it thinks” substitute “they think”.

(6) In the heading to paragraph 8 for “Assembly” substitute “Welsh Ministers”.

(7) In paragraph 8(1) for “Assembly” substitute “Welsh Ministers”.

(8) In paragraph 9—

(a) in sub-paragraph (2) for “Assembly Cabinet” substitute “Welsh Ministers” and

(b) in sub-paragraph (3)—

(i) for “Assembly Cabinet” substitute “Welsh Ministers”;

(ii) for “it” in the first place substitute “them”; and

(iii) for “it thinks” substitute “they think”.

(9) In paragraph 10—

(a) in sub-paragraph (1)(b) for “Assembly” substitute “Welsh Ministers”;

(b) in sub-paragraph (2) for “Assembly” substitute “Welsh Ministers” and

(c) in sub-paragraph (3) for “Assembly” substitute “Welsh Ministers”.

(10) In paragraph 11(4)(a) for “Assembly Cabinet” substitute “Welsh Ministers”.

(11) In paragraph 19—

(a) in sub-paragraph (1) for “Assembly” substitute “Welsh Ministers” and

(b) in sub-paragraph (2) for “Assembly” substitute “Welsh Ministers”.

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Companies Act 2006

142.—(1) Section 966(7) of the Companies Act 2006 (definition of “minister” for purposes of section 966(4))**(102)** is amended as follows.

- (2) After paragraph (c) insert—
“**(d)** the Welsh Ministers;”.
- (3) After “the Board of Trade” insert “and”.
- (4) Omit “and the National Assembly for Wales”.

Legislative and Regulatory Reform Act 2006

143. The Legislative and Regulatory Reform Act 2006**(103)** is amended as follows.

144. In section 1(6) (power to remove or reduce burdens: meaning of “legislation”)—

- (a) in paragraph (a) leave out “or”;
- (b) after paragraph (a) insert—
“**(aa)** a Measure or Act of the Assembly, or”;
- (c) in paragraph (b) for “under an Act referred to in paragraph (a),” substitute—
“under—
(a) an Act referred to in paragraph (a), or
(b) a Measure or Act of the Assembly,”.

145. In section 4 (subordinate legislation)—

- (a) after subsection (3), insert—
“**(3A)** An order under this Part may not make provision to confer a function of legislating on the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government (alone or otherwise) unless the conditions in subsections (4) and (5A) are satisfied.”;
- (b) after subsection (5), insert—
“**(5A)** The condition in this subsection is that such a statutory instrument—
(a) is an instrument to which section 5(1) of the Statutory Instruments Act 1946 applies (instruments subject to annulment); or
(b) is not to be made unless a draft of the statutory instrument has been laid before and approved by a resolution of the Assembly.”;
- (c) in subsection (6) for “Subsections (1) to (3)” substitute “Subsections (1) to (3A)”.

146. For section 11 (Wales), substitute—

“11. Wales

(1) Except with the agreement of the Assembly, an order under this Part may not make provision which would be within the legislative competence of the Assembly if the provision were contained in—

- (a) an Assembly Measure (until the Assembly Act provisions of the Government of Wales Act 2006 come into force), or
- (b) an Act of the Assembly (after those provisions come into force).

(102)2006 c.46.
(103)2006 c.51.

- (2) An order under this Part may not make any provision—
- (a) conferring a function on the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government,
 - (b) modifying or removing a function of the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government,
 - (c) restating any provision which confers a function on the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or
 - (d) that could be made by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government in the exercise of any of their functions,

except with the agreement of the Welsh Ministers.

(3) Subsections (1) and (2)(d) do not apply to any provision of an order under this Part falling within section 1(8) or 2(7).”.

147. In section 13 (consultation), for subsection (1)(c) substitute—

- “(c) consult the Welsh Ministers where the proposals, so far as applying in or as regards Wales, relate to any matters in relation to which the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government exercise functions (and where the agreement of the Welsh Ministers is not required under section 11)”.

148. In section 24 (functions to which sections 21 and 22 apply)—

- (a) in subsection (4), for “The Assembly” substitute “The Welsh Ministers”,
- (b) after subsection (9), insert—

“(9A) The Welsh Ministers may not make a statutory instrument containing an order under this section unless a draft has been laid before, and approved by resolution of, the Assembly.”, and
- (c) in subsection (10), in the definition of “Wales”, for “Government of Wales Act 1998” substitute “Government of Wales Act 2006”**(104)**.

149. In section 27 (power to make orders, rules and schemes)—

- (a) omit subsection (3),
- (b) in subsection (6), for paragraph (c) substitute—

“(c) so far as exercisable in relation to a matter—

 - (i) within the legislative competence of the Assembly, or
 - (ii) in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government,

shall also be exercisable by the Welsh Ministers”,
- (c) in subsection (7)(a), for “the National Assembly for Wales” substitute “the Welsh Ministers”, and
- (d) in subsection (8)—
 - (i) at the end of paragraph (b), omit “and”,
 - (ii) at the end of paragraph (c), insert “, and”,
 - (iii) after paragraph (c), insert—

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“(d) if made by the Welsh Ministers, shall be subject to annulment in pursuance of a resolution of the Assembly”.

Employment Equality (Religion or Belief) Regulations 2003

150. In regulation 10 of the Employment Equality (Religion or Belief) Regulations 2003 (office-holders etc)(**105**)—

- (a) in paragraph (8)(b) for “National Assembly for Wales”, substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”;
- (b) in paragraph (10)(b), after sub-paragraph (vii) insert—
“(viiia) a member of the Welsh Assembly Government,”.

Employment Equality (Sexual Orientation) Regulations 2003

151. In regulation 10 of the Employment Equality (Sexual Orientation) Regulations 2003 (office holders etc)(**106**)—

- (a) in paragraph (8)(b) for “National Assembly for Wales”, substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”;
- (b) In paragraph (10)(b), after sub-paragraph (vii) insert—
“(viiia) a member of the Welsh Assembly Government,”.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003

152. In Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003(**107**) (offices, ranks and positions prescribed for the purposes of section 30(1) of the Regulation of Investigatory Powers Act 2000), for the entries in relation to the National Assembly for Wales substitute—

“The Welsh Assembly	Head of Department	Member of (b)(d)(e)
Government	for Health and Social Services	Department for Health and Social Services
		at a level equivalent to Grade 7
	Head of Department for Health and Social Services	Member of (b)(d)(e)
	Finance	Department for Health and Social Services
		Finance at a

(105)S.I. 2003/1660.

(106)S.I. 2003/1661.

(107)S.I. 2003/3171. There are amendments to S.I. 2003/3171 which are not relevant to this Order.

	level equivalent
	to Grade 7
Head of Rural Payments	Member of (b)(e)
Department	Rural Payments
	Department at a
	level equivalent
	to Grade 7
Regional Director or	Senior Inspector (b)(d)(e)
equivalent grade in the	or equivalent grade
Care and Social Services	Inspectorate for Wales
Inspectorate for Wales	in the Care and
	Social Services
	Inspectorate
	for Wales”

Employment Equality (Age) Regulations 2006

153. The Employment Equality (Age) Regulations 2006(**108**) are amended as follows.

154.—(1) Regulation 12 (office holders etc) is amended as follows.

(2) In paragraph (8)(b) for “National Assembly for Wales”, substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

(3) In paragraph (10)(b), after sub-paragraph (vii) insert—
“(viii) a member of the Welsh Assembly Government.”.

155.—(1) Regulation 27(2) (exception for statutory authority) is amended as follows.

(2) After paragraph (2)(a) insert—

“(aa) a Measure or Act of the National Assembly for Wales;”.

(3) After sub-paragraph (2)(c) insert—

an instrument made after the end of the initial period under an Act, or under a Measure or Act of the National Assembly for Wales, by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

(3) In paragraph (2)(d) “the initial period” has the same meaning as in the Government of Wales Act 2006 (*see* section 161(6) of that Act).”.