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STATUTORY INSTRUMENTS

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**2018 No. 644**

**The Welsh Ministers (Transfer of Functions) Order 2018**

**Transfer of functions in relation to electoral legislation**

**45.**—(1) The functions of a Minister of the Crown conferred by or by virtue of the Acts and instruments listed in Schedule 1, so far as those functions are exercisable within devolved competence<sup>M1</sup>, are exercisable by the Welsh Ministers in accordance with that Schedule instead of by the Minister.

(2) For the purposes of this article—

- (a) the exercise of a function of making, confirming or approving subordinate legislation is within devolved competence if the provisions of that subordinate legislation would be within the legislative competence of the Assembly if they were included in an Act of the Assembly; and
- (b) the exercise of any other function (or the exercise of any other function in any way) is within devolved competence so far as a provision conferring that function (or conferring it so as to be exercisable in that way) would be within the legislative competence of the Assembly if it were included in an Act of the Assembly.

(3) So far as may be necessary for the purposes of, or in consequence of, the exercise of a function transferred to the Welsh Ministers by this article and Schedule 1, any enactments passed before the coming into force of this article, any instrument made under those enactments, and any other document, are to be read as if a reference to a Minister of the Crown (however described) was a reference to the Welsh Ministers.

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**Modifications etc. (not altering text)**

- C1** [Art. 45](#) modified (18.12.2019) by [The Government of Wales Act 2006 \(Amendment\) Order 2019 \(S.I. 2019/1506\)](#), arts. 1(2), [3](#)

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**Marginal Citations**

- M1** See section B1, [paragraphs 6](#) and [7](#) of Part 1 of, and [paragraphs 20](#) to [27](#) of Part 2 of Schedule 7A to, the [Government of Wales Act 2006 \(c. 32\)](#) as to the electoral functions which are reserved and consequently outside the legislative competence of the National Assembly for Wales.

**Changes to legislation:**

There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) Order 2018, Section 45.