

## SCHEDULE 1

Article 45

### Electoral legislation

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

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

1. The Representation of the People Act 1983 <sup>M1</sup>. Article 45(1) does not operate to transfer the function of the Lord Chancellor under section 161 (justice of the peace) to the Welsh Ministers.

#### Marginal Citations

- M1** 1983 c. 2.

2. The Representation of the People Act 2000 <sup>M2</sup>.

#### Marginal Citations

- M2** 2000 c. 2.

3. Section 44 of the Local Government Act 2000 (power to make provision about elections) <sup>M3</sup>.

#### Marginal Citations

- M3** 2000 c. 22; section 44 was amended by section 158(1) of, and paragraph 18(1) and (2) of Schedule 21 to, the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#), [article 10](#) of, and paragraph 8(1) and (3) of Part 1 of Schedule 2 to, [S.I. 2015/1376](#) and article 13 of, and paragraph 13(c) of Part 1 of Schedule 2 to, [S.I. 2016/997](#).

4. The Political Parties, Elections and Referendums Act 2000 <sup>M4</sup>.

- (a) Section 6F(5) (code of practice on attendance of observers at elections etc) applies in relation to a code on which the Electoral Commission consults the Welsh Ministers under section 6F(4) as if the reference to each House of Parliament were a reference to the Assembly;
- (b) Section 155 (power to vary specified sums or percentages) has effect in relation to the exercise of the function under subsection (1) of that section by the Welsh Ministers as if after subsection (4B) there were inserted—

“(4C) In each National Assembly for Wales, other than one that is dissolved less than two years after the date of its first sitting, the Welsh Ministers must either make an order in pursuance of subsection (2)(a), or lay before the Assembly a statement setting out the Welsh Ministers' reasons for not doing so.”

#### Marginal Citations

- M4** 2000 c. 41.

5. The Electoral Administration Act 2006 <sup>M5</sup>.

**Changes to legislation:** There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) Order 2018. (See end of Document for details)

**Marginal Citations**

**M5** [2006 c. 22.](#)

6. The Political Parties and Elections Act 2009 <sup>M6</sup>.

**Marginal Citations**

**M6** [2009 c. 12.](#)

7. The Electoral Registration and Administration Act 2013 <sup>M7</sup>.

**Marginal Citations**

**M7** [2013 c. 6.](#)

8. Regulation 91(5) of the Representation of the People (England and Wales) Regulations 2001 <sup>M8</sup>.

**Marginal Citations**

**M8** [S.I. 2001/341](#); [regulation 91\(5\)](#) was amended by regulation 12(1) and (3) of [S.I. 2006/752](#).

9. The National Assembly for Wales (Representation of the People) Order 2007 <sup>M9</sup> (“the 2007 Order”). Article 45(1) of this Order does not operate to transfer the function of the Lord Chancellor under article 113 of the 2007 Order (justice of the peace) to the Welsh Ministers.

**Marginal Citations**

**M9** [S.I. 2007/236.](#)

SCHEDULE 2

Article 46

Consequential provision

**Representation of the People Act 1983**

1. Paragraph 11 of Schedule ZA1 to the Representation of the People Act 1983 (civil penalties under section 9E) <sup>M10</sup>, in a case where the penalty is received by a registration officer in Wales, is to have effect as if the reference to the Consolidated Fund were a reference to the Welsh Consolidated Fund.

**Marginal Citations**

**M10** Schedule ZA1 was inserted by section 5 of, and Schedule 3 to, the [Electoral Registration and Administration Act 2013 \(c. 6\)](#).

## Government of Wales Act 2006

2. In the table in paragraph 1 of Schedule 3A (functions of Ministers of Crown, etc exercisable concurrently or jointly with Welsh Ministers) to the Government of Wales Act 2006 <sup>M11</sup>—

- (a) in the entry relating to the Pollution Prevention and Control Act 1999, in the second column, omit paragraph (b) (and the word “but” immediately before it);
- (b) at the end of the first column insert “ Education Act 2002 ”; and
- (c) in the second column, for that entry, insert “ Functions of the Secretary of State under section 186 (student loans), but excluding the power to make regulations in relation to loans of the description in section 186(2)(a) ”.

### Marginal Citations

**M11** 2006 c. 32; Schedule 3A was inserted by 21(4) of, and Schedule 4 to, the [Wales Act 2017](#) (c. 4).

## Representation of the People (England and Wales) Regulations 2001

3.—(1) The Representation of the People (England and Wales) Regulations 2001 <sup>M12</sup> are amended in accordance with this paragraph.

(2) In regulation 26 (applications for registration) <sup>M13</sup> after paragraph (6) insert—

“(6A) Before giving approval under paragraph (6) in respect of the design of forms under paragraphs (3), (4) and (5A), the Minister must consult the Welsh Ministers.”.

(3) In regulation 26A (application for alteration of register in respect of a name under section 10ZD) <sup>M14</sup> after paragraph (3) insert—

“(3A) Before giving approval under paragraph (3), the Minister must consult the Welsh Ministers.”.

(4) In regulation 29 (procedure for determining applications for registration and objections without a hearing) <sup>M15</sup>, after paragraph (2BF) insert—

“(2BG) Before giving the approval referred to in paragraph (2BF)(b), the Minister must consult the Welsh Ministers.”.

(5) In regulation 32ZA (annual canvass) <sup>M16</sup> after paragraph (2) insert—

“(2A) Before giving the approval referred to in paragraph (2)(b), the Minister must consult the Welsh Ministers.”.

(6) In regulation 32ZC (invitations to apply for registration) <sup>M17</sup> after paragraph (1) insert—

“(1A) Before giving the approval referred to in paragraph (1)(b), the Minister must consult the Welsh Ministers.”.

### Marginal Citations

**M12** [S.I. 2001/341](#).

**M13** [Regulation 26](#) was substituted by regulation 10 of [S.I. 2013/3198](#) and paragraph (6) was amended by regulations 2 and 4(e) of [S.I. 2016/694](#) and article 13 of, and paragraph 33(1) and (2)(b) of Part 2 of Schedule 2 to, [S.I. 2016/997](#).

**M14** [Regulation 26A](#) was inserted by regulation 11 of [S.I. 2016/3198](#) and paragraph (3) was amended by article 13 of, and paragraph 33(1) and (2)(c) of Part 2 of Schedule 2 to, [S.I. 2016/997](#).

**Changes to legislation:** *There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) Order 2018. (See end of Document for details)*

- M15** Paragraph (2BF) was inserted into regulation 29 by regulations 2 and 6(1) of [S.I. 2015/1971](#), and that paragraph was amended by article 13 of, and paragraphs 33(1) and (2)(f) of Part 2 of Schedule 2 to [S.I. 2016/997](#); there are other amendments not relevant to this instrument.
- M16** [Regulation 32ZA](#) was inserted by regulation 22 of [S.I. 2013/3198](#) and paragraph (2) was amended by article 13 of, and paragraph 33(1) and (2)(g) of Part 2 of Schedule 2 to [S.I. 2016/997](#).
- M17** [Regulation 32ZC](#) was inserted by regulation 22 of [S.I. 2013/3198](#) and paragraph (1) was amended by article 13 of, and paragraph 33(1) and (2)(h) of Part 2 of Schedule 2 to, [S.I. 2016/997](#).

#### **National Assembly for Wales (Representation of the People) Order 2007**

4. In article 90 (judges' expenses and reception) of the National Assembly for Wales (Representation of the People) Order 2007 for “be defrayed by the Secretary of State out of money provided by Parliament” substitute “ be paid out of the Welsh Consolidated Fund ”.

**Changes to legislation:**

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