
EXPLANATORY NOTE

(This note is not part of the Order)

The Ancient Monuments Board for Wales (“the Board”) is currently constituted under section 22 of the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”). The main function of the Board is to advise the Secretary of State on the exercise of the Secretary of State’s powers under the 1979 Act.

The effect of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is that the main function of the Board is now to advise the National Assembly for Wales (“the National Assembly”).

The Board is specified in Part I of Schedule 4 to the Government of Wales Act 1998 (“the 1998 Act”) as a body whose statutory functions the National Assembly may, by Order made under section 28(1) of the 1998 Act, transfer to another body, including to itself.

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to another body if the function, at present, requires something to be done in relation to that other body (an example being the Board’s function of advising the National Assembly, the transfer of which to the National Assembly would require the National Assembly to advise itself).

Section 28(3) of the 1998 Act provides that the National Assembly may, by Order, abolish a body specified in Part I of Schedule 4 to the 1998 Act if each of the statutory functions of the body are transferred or abolished.

Section 28(4) of the 1998 Act provides that an Order which includes provision permitted by section 28(3) may transfer any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions, including the repeal of enactments.

Accordingly—

- (a) article 2 of this Order abolishes the Board and its functions and transfers any property, rights or liabilities of the Board to the National Assembly; and
- (b) article 3 of this Order make the necessary consequential repeals and revocations of enactments.