

Draft Order laid before the National Assembly for Wales under section 105(4) of the Government of Wales Act 2006, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2011 No. (W.)

CONSTITUTIONAL LAW

DEVOLUTION

**The Government of Wales Act 2006
(Commencement of Assembly Act
Provisions, Transitional and Saving
Provisions and Modifications)
Order 2011**

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order commences the Assembly Act provisions in Part 4 of the Government of Wales Act 2006 (c. 32) (“the Act”) and makes transitional and saving provisions and modifications in relation to the commencement of that Part. It also repeals certain legislation that becomes redundant on the coming into force of the Order.

2. Article 2 specifies the date on which the Order comes into force and Article 3 commences the Assembly Act provisions so that the National Assembly for Wales may pass Acts of the Assembly.

3. Article 4 makes transitional provision for Part 3 of the Act to continue to have effect in relation to proposed Assembly Measures which, on the coming into force of this Order, have been passed by the Assembly but have not been approved by Her Majesty in Council. The purpose of this provision is to ensure that proposed Assembly Measures passed by the Assembly before its dissolution on 1 April 2011 may still be approved by Her Majesty in Council under the relevant provisions in Part 3 so that they may become law.

4. Article 5(2) inserts in section 115 of the Act provision that the Keeper of the Welsh Seal must send the Letters Patent to the National Library of Wales.

5. Article 5(3) inserts in section 115 of the Act provision to ensure that there is an official print of an Act of the Assembly and that the Clerk to the Assembly must write the calendar year and any prefix and number assigned to the Act on that copy. It also provides that the Clerk to the Assembly must make a certified copy of the official print and send that copy to the Queen's Printer. The Clerk must arrange for the official print of each Act of the Assembly to be sent to the National Library of Wales.

6. Article 5(3) also inserts in section 115 of the Act provision to ensure that each official print of an Act of the Assembly and Letters Patent relating to it are preserved by the National Library of Wales and open to public inspection.

7. Article 6 modifies the Local Government Act 2000 (c. 22). Section 7(8) is amended to include a reference to Acts of the Assembly and section 7(9) replaces the reference to section 94(4) of the Act with a reference to section 108(4) of that Act.

8. Article 7 modifies the definition of "Welsh trunk road charging scheme" in section 123(6) of the Local Transport Act 2008 (c. 26) so that it refers to schemes made by or under Acts of the Assembly.

9. Article 8 modifies regulation 2(4) of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 (S.I. 2008/3239) to include a reference to Acts of the Assembly.

10. Article 9 amends section 41 of the Constitutional Reform Act 2005 (c. 4) to remove the references to section 96.

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CONSTITUTIONAL LAW

DEVOLUTION

**The Government of Wales Act 2006
(Commencement of Assembly Act
Provisions, Transitional and Saving
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Order 2011**

Made 2011

Coming into force 5 May 2011

The Welsh Ministers, in exercise of the powers conferred by section 105(2) and (3) and 157(2) of the Government of Wales Act 2006⁽¹⁾, make the following Order:

Title, interpretation and application

1.—(1) The title of this Order is the Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011.

(2) In this Order, “the Act” means the Government of Wales Act 2006.

(3) Article 8 of this Order applies in relation to Wales only.

Commencement

2. This Order comes into force on 5 May 2011.

(1) 2006 (c. 32).

Assembly Act provisions

3. The Assembly Act provisions⁽¹⁾ come into force on the date specified in article 2.

Amendments to section 106 of the Act

4.—(1) In section 106 of the Act (Effect on Measures of commencement of Assembly Act provisions), for subsection (2) substitute—

“(2) But that does not affect—

- (a) the continuing operation, on and after that day, of any Assembly Measure enacted before that day, or
- (b) the continuing operation, after the enactment of the Measure, of any Assembly Measure enacted in accordance with section 106A.

(3) Subsection (1) is subject to section 106A.”.

(2) After section 106 of the Act insert—

“Enactment of proposed Assembly Measures

106A.—(1) This section applies if, immediately before the coming into force of the Assembly Act provisions, one or more proposed Assembly Measures have been passed by the Assembly but have not been approved by Her Majesty in Council (“the proposed Measures”).

(2) Part 3 continues to have effect, for the purposes of enabling the proposed Measures to be enacted, until an Order in Council in respect of every such Measure has been published by the Clerk in accordance with section 102(6).”.

Amendment to section 115 of the Act

5.—(1) Section 115 of the Act (Royal Assent) is amended as follows.

(2) After subsection (4) insert—

“(4A) The Keeper of the Welsh Seal (see section 116(2)) must make arrangements to send the Letters Patent to the National Library of Wales.”.

(3) After subsection (5) insert—

“(5A) On the copy of the Act of the Assembly on which the Clerk writes the date of Royal Assent the Clerk must write—

- (a) the calendar year, and

(1) The term “Assembly Act provisions” is defined in section 103(8) of the Act and means sections 107, 108 and 110 to 115 of the Act.

(b) any prefix and number which has been assigned to that Act of the Assembly.

(5B) The information written on the Act of the Assembly in pursuance of subsection (5A) forms part of the Act.

(5C) The copy of the Act of the Assembly on which the date of Royal Assent and the information in subsection (5A) is written is to be known as the official print of the Act.

(5D) The Clerk must make a copy of the official print and certify it as a true copy.

(5E) The Clerk must send the certified copy to the Queen's Printer and the official print to the National Library of Wales.

(5F) The National Library of Wales must ensure that the official prints and Letters Patent it receives are preserved and open to public inspection at all reasonable times."

Amendment to section 7(8) and (9) of the Local Government Act 2000

6.—(1) Section 7 of the Local Government Act 2000(1) (Power to modify enactments concerning plans etc: Wales) is amended as follows.

(2) In subsection (8), for "a Measure" substitute "an Act".

(3) In subsection (9), omit from "section 94(4)" to the end of that subsection and substitute—

"section 108(4) of the Government of Wales Act 2006 (Legislative competence) has effect as if paragraph (a) were omitted."

Amendment to section 123(6) of the Local Transport Act 2008

7. In section 123(6) of the Local Transport Act 2008(2) (Information), in the definition of "Welsh trunk road charging scheme", for "Assembly Measure relating to matter 10.1 in Part 1 of Schedule 5 to the Government of Wales Act 2006 (c 32)" substitute—

"Act of the National Assembly for Wales, relating to the imposition of charges in respect of the use or keeping of motor vehicles on Welsh trunk roads."

Amendment to regulation 2(4) of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008

8. In regulation 2(4) of the Controlled Drugs (Supervision of Management and Use) (Wales)

(1) 2000 (c. 22).

(2) 2008 (c. 26).

Regulations 2008⁽¹⁾ (Interpretation), after “Measure” insert “or an Act”.

Amendments to section 41 of the Constitutional Reform Act 2005

9. In section 41(4)(a) of the Constitutional Reform Act 2005⁽²⁾ (Relation to other courts etc) omit “96,”.

First Minister, one of the Welsh Ministers

Date

(1) S.I. 2008/3239 (W.286) to which there are amendments not relevant to this Order.

(2) 2005 (c. 4).