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# Legislation (Wales) Bill

[AS PASSED]

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# Legislation (Wales) Bill

[AS PASSED]

An Act of the National Assembly for Wales to promote the accessibility of Welsh law; to provide for the interpretation and operation of Welsh legislation; and for connected purposes.

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## PART 1

### ACCESSIBILITY OF WELSH LAW

#### **1 Duty to keep accessibility of Welsh law under review**

- (1) The Counsel General must keep the accessibility of Welsh law under review.
- (2) In this Part, the “accessibility” of Welsh law means the extent to which it is—
  - (a) readily available to members of the public in Welsh and English;
  - (b) published in an up-to-date form in both languages (showing whether enactments are in force and incorporating any amendments made to them);
  - (c) clearly and logically organised (both within and between enactments);
  - (d) easy to understand and certain in its effect.
- (3) In this Part, “Welsh law” means—
  - (a) Assembly Acts and Assembly Measures;
  - (b) subordinate legislation made under Assembly Acts and Assembly Measures;
  - (c) any other subordinate legislation made by the Welsh Ministers or the National Assembly for Wales established by the Government of Wales Act 1998 (c. 38), so far as it applies in relation to Wales;
  - (d) any other enactment or rule of law, so far as it applies in relation to Wales and relates to subject matter which could be provided for in an Assembly Act.

#### **2 Programme to improve accessibility of Welsh law**

- (1) The Welsh Ministers and the Counsel General must prepare a programme setting out what they intend to do to improve the accessibility of Welsh law.
- (2) A programme must be prepared for each term of the National Assembly for Wales that begins after this section comes into force.
- (3) The programme must include proposed activities that are intended to—
  - (a) contribute to an ongoing process of consolidating and codifying Welsh law;
  - (b) maintain the form of Welsh law (once codified);

- (c) promote awareness and understanding of Welsh law;
  - (d) facilitate use of the Welsh language.
- (4) The programme may also include proposed activities –
- (a) that may be undertaken in collaboration with the Law Commission (in accordance with the Law Commissions Act 1965 (c. 22)), or
  - (b) of any other kind the Welsh Ministers and the Counsel General consider appropriate.
- (5) The Counsel General must lay a copy of the programme before the National Assembly within 6 months of the appointment of a First Minister after a general election held under Part 1 of the Government of Wales Act 2006 (c. 32).
- (6) The Welsh Ministers and the Counsel General may at any time revise the programme, and if they do so the Counsel General must lay a copy of the revised programme before the National Assembly.
- (7) The Counsel General must report annually to the National Assembly on progress made under the programme.
- (8) In subsection (3), codifying Welsh law includes –
- (a) adopting a structure for Welsh law that improves its accessibility;
  - (b) organising and publishing consolidated Welsh law according to that structure.

## PART 2

### INTERPRETATION AND OPERATION OF WELSH LEGISLATION

#### *Application and effect of Part*

### **3 Legislation to which this Part applies**

- (1) This Part applies to –
- (a) this Act;
  - (b) Assembly Acts that receive Royal Assent on or after the day on which this Part comes fully into force;
  - (c) Welsh subordinate instruments that are made on or after that day.
- (2) “Welsh subordinate instrument” means an instrument (whether or not that instrument is a statutory instrument) containing only one or both of the following –
- (a) subordinate legislation that is made under an Assembly Act or an Assembly Measure, whether by the Welsh Ministers or by any other person;
  - (b) subordinate legislation that –
    - (i) is made under an Act of the Parliament of the United Kingdom or retained direct EU legislation,

- (ii) is made only by the Welsh Ministers or any other devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32)), and
  - (iii) applies only in relation to Wales.
- (3) References in the rest of this Part to an Assembly Act or a Welsh subordinate instrument are (unless otherwise provided) references to an Assembly Act or Welsh subordinate instrument to which this Part applies by virtue of subsection (1).

#### **4 Effect of provisions in this Part**

- (1) Where this Part applies to an Assembly Act or a Welsh subordinate instrument, the provisions in this Part have effect in relation to the Act or instrument except so far as –
- (a) express provision is made to the contrary, or
  - (b) the context requires otherwise.
- (2) The exception in subsection (1) does not apply to section 5 (equal status of texts of bilingual legislation).
- (3) Paragraph (b) of that exception does not apply to –
- (a) section 10 (references to time of day);
  - (b) section 28 (application of Welsh legislation to the Crown);
  - (c) section 33 (repeals and revocations do not revive law previously repealed, revoked or abolished).

#### *Bilingual Welsh legislation*

#### **5 Equal status of Welsh and English language texts**

- (1) This section applies where an Assembly Act is enacted, or a Welsh subordinate instrument is made, in Welsh and English.
- (2) The Welsh language text and the English language text have equal status for all purposes.

#### *Meaning of words and expressions used in Welsh legislation*

#### **6 Definitions of words and expressions**

- (1) Words and expressions listed in the Table in Schedule 1 are to be interpreted according to that Table where they appear in an Assembly Act or a Welsh subordinate instrument.
- (2) The Welsh Ministers may by regulations amend Schedule 1 to –
- (a) insert new definitions of words or expressions;
  - (b) remove definitions of words or expressions;
  - (c) amend definitions of words or expressions.
- (3) Regulations under subsection (2) may make supplementary, incidental, consequential, transitory, transitional or saving provision, which may include provision which amends, repeals, revokes or otherwise modifies any enactment (whenever enacted or made).

**7 Words in the singular include the plural and vice versa**

In an Assembly Act or a Welsh subordinate instrument –

- (a) words in the singular include the plural;
- (b) words in the plural include the singular.

**8 Words denoting a gender are not limited to that gender**

In an Assembly Act or a Welsh subordinate instrument, words denoting persons of a particular gender are not to be read as limited to persons of that gender.

**9 Variations of a word or expression due to grammar etc.**

Where a word or expression in an Assembly Act or a Welsh subordinate instrument is given a meaning by an enactment, other parts of speech and grammatical forms or modifications of the word or expression are to be interpreted in accordance with that meaning.

**10 References to time of day**

A reference to the time of day in an Assembly Act or a Welsh subordinate instrument is a reference to Greenwich mean time; but this is subject to section 3 of the Summer Time Act 1972 (c. 6) (points of time during the period of summer time).

**11 References to the Sovereign**

A reference to the Sovereign in an Assembly Act or a Welsh subordinate instrument is to be read as a reference to the Sovereign for the time being.

**12 Measurement of distance**

A reference to a distance in an Assembly Act or a Welsh subordinate instrument is a reference to that distance measured in a straight line on a horizontal plane.

*Service of documents by post or electronically*

**13 Service of documents by post or electronically**

- (1) Where an Assembly Act or a Welsh subordinate instrument authorises or requires a person (“A”) to serve a document by post on another person (“B”), A serves the document if A properly addresses, pre-pays and posts a letter containing the document to B.
- (2) Where an Assembly Act or a Welsh subordinate instrument authorises or requires a person (“A”) to serve a document electronically on another person (“B”), A serves the document if –
  - (a) A properly addresses and sends to B an electronic communication consisting of or containing the document, or to which the document is attached, and
  - (b) the document is sent in an electronic form which is capable of being accessed and retained by B.

- (3) This section applies whether the Assembly Act or Welsh subordinate instrument uses the word “serve” or any other expression (such as “give” or “send”) to refer to the service of the document.

#### **14 Day on which service is deemed to be effected**

Where a document is served by post or electronically under an Assembly Act or a Welsh subordinate instrument, service is deemed to be effected, unless the contrary is proved –

- (a) in the case of a document served by post, on the day on which the letter containing the document would arrive in the ordinary course of post;
- (b) in the case of a document served electronically, on the day on which the electronic communication is sent.

#### *Powers and duties*

#### **15 Continuity of powers and duties**

- (1) A power conferred by an Assembly Act or a Welsh subordinate instrument may be exercised on more than one occasion.
- (2) A duty imposed by an Assembly Act or a Welsh subordinate instrument is continuous and must be performed as occasion requires.
- (3) Where a power is conferred or a duty is imposed by an Assembly Act or a Welsh subordinate instrument on the holder of an office, it is to be exercised by the holder for the time being of the office.

#### **16 Exercise of a power or duty that is not in force**

- (1) This section applies where a power or duty is conferred or imposed –
  - (a) by a provision in an Assembly Act which comes into force –
    - (i) other than by order or regulations, and
    - (ii) more than one day after the day on which the Act receives Royal Assent, or
  - (b) by a provision in a Welsh subordinate instrument which does not come into force immediately on the instrument being made.
- (2) The power or duty may be exercised (and any instrument made under the power or duty may come into force) during the period –
  - (a) beginning when the Assembly Act receives Royal Assent or the Welsh subordinate instrument is made, and
  - (b) ending when the provision conferring the power or imposing the duty comes into force.
- (3) But during that period the power or duty may be exercised only so far as is necessary or expedient for the purpose of giving full effect to –
  - (a) the Assembly Act or Welsh subordinate instrument conferring or imposing the power or duty, or

- (b) a provision in that Act or instrument,  
at or after the time when the Act, instrument or provision comes into force.
- (4) Where a provision in an Assembly Act or a Welsh subordinate instrument which is not in force –
  - (a) is incidental or supplementary to a power or duty exercised in accordance with this section, and
  - (b) comes into force other than by order or regulations,  
that provision is to be treated as being in force so far as is necessary for the exercise of the power or duty in accordance with this section.
- (5) The exercise of a power or duty in accordance with this section is subject to any conditions or limitations imposed by the Assembly Act or Welsh subordinate instrument conferring or imposing the power or duty (whether or not the provision imposing the condition or limitation is in force).

## **17 Inclusion of sunset provisions and review provisions in subordinate legislation**

- (1) A power or duty to make subordinate legislation conferred or imposed by an Assembly Act may be exercised so that the subordinate legislation contains a review provision or a sunset provision (or both).
- (2) In this section –
  - (a) “review provision” means a provision requiring the person who made the subordinate legislation to review the effectiveness of that legislation, or of any Welsh subordinate instrument it amends, within a specified period or at the end of a specified period;
  - (b) “sunset provision” means a provision for the subordinate legislation, or any Welsh subordinate instrument it amends, to cease to have effect at the end of a specified day or specified period;
  - (c) “specified” means specified in the subordinate legislation.
- (3) A review provision may, among other things, require a review of whether the objectives of the subordinate legislation to which it applies remain appropriate and, if so, whether they could be achieved in another way.
- (4) The subordinate legislation containing the review provision or sunset provision may provide that the provision applies generally or only in relation to specified provisions of subordinate legislation or specified cases or circumstances.
- (5) The power to make the review provision or sunset provision may be exercised to make supplementary, incidental, consequential, transitory, transitional or saving provision in connection with the review provision or sunset provision.

## **18 Revoking, amending and re-enacting subordinate legislation**

- (1) A power to make subordinate legislation conferred by an Assembly Act may be exercised to amend, revoke or re-enact any subordinate legislation made under the power.

- (2) A duty to make subordinate legislation imposed by an Assembly Act includes a power (exercisable in the same way and subject to the same conditions or limitations as the duty) which may be exercised to amend, revoke and replace, or re-enact any subordinate legislation made under the duty (or under the power provided by this subsection).

## **19 Amendment of subordinate legislation by an Assembly Act**

The amendment or revocation of subordinate legislation by an Assembly Act does not limit or otherwise affect the power or duty under which the subordinate legislation was made.

## **20 Varying and withdrawing directions**

- (1) A power to give directions conferred by an Assembly Act or a Welsh subordinate instrument may be exercised to vary or withdraw any directions given under the power.
- (2) A duty to give directions imposed by an Assembly Act or a Welsh subordinate instrument includes a power (exercisable in the same way and subject to the same conditions or limitations as the duty) to vary, or withdraw and replace, any directions given under the duty.

*References in Welsh legislation to legislation and other documents*

## **21 References to portions of enactments, instruments and documents**

- (1) Where an Assembly Act or a Welsh subordinate instrument –
  - (a) describes or refers to a portion of any enactment, instrument or document, and
  - (b) does so by referring to words, sections or other parts from or to which (or from and to which) the portion extends,the portion includes the words, sections or other parts referred to.
- (2) In subsection (1), “enactment” includes an enactment which is, or is contained in, any of the following –
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
  - (c) an instrument made under legislation mentioned in paragraph (a) or (b).

## **22 Edition of Assembly Act or Assembly Measure referred to**

- (1) This section applies where an Assembly Act or a Welsh subordinate instrument refers to an Assembly Act (including an Assembly Act to which this Part does not apply) or an Assembly Measure.
- (2) The reference is a reference to the certified copy of the Act, or to the Measure as approved, which is published –
  - (a) by the Queen’s Printer, or

(b) under the superintendence or authority of Her Majesty's Stationery Office.

**23 Edition of Act of the Parliament of the United Kingdom referred to**

- (1) This section applies where an Assembly Act or a Welsh subordinate instrument refers to an Act of the Parliament of the United Kingdom (whether by its short title or by year, statute, session or chapter).
- (2) The reference is a reference to the Act as enacted which is published –
  - (a) by the Queen's Printer, or
  - (b) under the superintendence or authority of Her Majesty's Stationery Office.
- (3) But –
  - (a) where the reference is to an Act included in a revised edition of the statutes printed by authority, the reference is a reference to that edition;
  - (b) where paragraph (a) does not apply and the reference is to an Act included in the edition prepared under the direction of the Record Commission, the reference is a reference to that edition.

**24 References to direct EU legislation retained in domestic law after EU exit**

- (1) This section applies where –
  - (a) an Assembly Act receives Royal Assent, or a Welsh subordinate instrument is made, on or after exit day, and
  - (b) the Act or instrument refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement that forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c. 16) (incorporation of direct EU legislation).
- (2) The reference is a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law (and not as it forms part of EU law).
- (3) In this section, the following expressions have the meanings given by section 20(1) of the European Union (Withdrawal) Act 2018 –
  - “domestic law”;
  - “EU decision”;
  - “EU regulation”;
  - “EU tertiary legislation”.

**25 References to enactments are to enactments as amended**

- (1) This section applies where –
  - (a) an Assembly Act or a Welsh subordinate instrument refers to an enactment (“A”), and

- (b) at any time (whether before, on or after the day on which the Assembly Act receives Royal Assent or the Welsh subordinate instrument is made) A is amended, extended or applied by an enactment ("B").
- (2) The reference to A is a reference to A as amended, extended or applied by B.
- (3) Nothing in sections 22 to 24 limits the operation of this section.
- (4) In subsection (1), "enactment" includes an enactment which is, or is contained in, any of the following—
  - (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
  - (c) an instrument made under legislation mentioned in paragraph (a) or (b).

## 26 References to EU instruments

- (1) This section applies where—
  - (a) an Assembly Act or a Welsh subordinate instrument refers to an EU instrument ("A"), and
  - (b) before the day on which the Assembly Act receives Royal Assent or the Welsh subordinate instrument is made, A has been amended, extended or applied by another EU instrument ("B").
- (2) The reference to A is a reference to A as amended, extended or applied by B.
- (3) See also regulation 2 of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 (S.I. 2019/628) for provision about the effect on or after exit day of certain references which exist before exit day.

### *Duplication of criminal offences*

## 27 Duplicated offences

- (1) Where an act or omission is an offence under an Assembly Act or Welsh subordinate instrument ("A") and is also an offence—
  - (a) under an Assembly Act or Welsh subordinate instrument other than A,
  - (b) at common law, or
  - (c) under an Assembly Act or Welsh subordinate instrument other than A and at common law,a person is liable to be prosecuted and punished under either or any of those Acts or instruments or at common law, but cannot be punished more than once for the same offence.
- (2) Subsection (1) does not apply if the act or omission is also an offence under any legislation to which section 18 of the Interpretation Act 1978 (c. 30) applies (but that section makes corresponding provision in relation to such an act or omission).

*Application to the Crown***28 Application of Welsh legislation to the Crown**

- (1) An Assembly Act binds the Crown.
- (2) A Welsh subordinate instrument binds the Crown so far as it is made under an enactment which binds the Crown or confers a power to make provision binding the Crown.
- (3) An Assembly Act or a Welsh subordinate instrument does not make the Crown criminally liable, but it applies to persons in the service of the Crown as it applies to other persons.

*Coming into force of legislation***29 Time when Welsh legislation comes into force**

Where—

- (a) an Assembly Act or a Welsh subordinate instrument, or
- (b) a provision in an Assembly Act or a Welsh subordinate instrument,

comes into force on a day provided for in an enactment, the Act, instrument or provision comes into force at the beginning of that day.

**30 Day on which an Assembly Act comes into force**

Where the coming into force of an Assembly Act, or of a provision in an Assembly Act, is not provided for in an enactment, the Act or provision comes into force at the beginning of the day after the day on which the Act receives Royal Assent.

**31 Orders and regulations bringing Assembly Acts into force**

Where an Assembly Act provides for an order or regulations to appoint—

- (a) the day on which the Act comes into force, or
- (b) the day on which a provision in the Act comes into force,

the order or regulations may appoint different days for different purposes.

*Amendment, repeal and revocation of legislation***32 Amendments made to or by Welsh legislation**

- (1) Where an enactment amends an Assembly Act or a Welsh subordinate instrument by inserting or substituting words or other material, the words or material have effect as part of that Act or instrument.
- (2) Where an Assembly Act or a Welsh subordinate instrument amends an enactment by inserting or substituting words or other material, the words or material have effect as part of that enactment.

- (3) See also section 23ZA of the Interpretation Act 1978 (c. 30) for provision about the application of that Act to retained direct EU legislation that is amended by an Assembly Act or a Welsh subordinate instrument (or by certain other legislation).

### **33 Repeals and revocations do not revive law previously repealed, revoked or abolished**

Where –

- (a) an Assembly Act or a Welsh subordinate instrument repeals or revokes an enactment (“A”), and
- (b) A previously repealed or revoked any other enactment (“B”) or abolished any other rule of law (“C”),

the repeal or revocation of A does not revive B or C.

### **34 General savings in connection with repeals and revocations**

- (1) This section applies where an Assembly Act or a Welsh subordinate instrument repeals or revokes an enactment.
- (2) The repeal or revocation does not –
- (a) revive anything that is not in force or existing at the time when the repeal or revocation takes effect;
  - (b) affect the previous operation of the enactment or anything done or suffered under the enactment.
- (3) The repeal or revocation also does not affect –
- (a) any right, privilege, obligation or liability acquired, accrued or incurred under the enactment;
  - (b) any penalty, forfeiture or punishment incurred in respect of any offence committed under the enactment;
  - (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repeal or revocation had not occurred.

### **35 Effect of re-enactment**

- (1) This section applies where an enactment (“A”) is –
- (a) repealed or revoked by an Assembly Act or a Welsh subordinate instrument, and
  - (b) re-enacted (with or without modification) by an enactment (“B”) which is, or is contained in, an Assembly Act or a Welsh subordinate instrument.

- (2) A reference to A in any enactment, instrument or document is to be read as (or as including) a reference to B.
- (3) So far as any subordinate legislation made under A or having effect as if it were made under A could have been made under B, it is to have effect as if made under B.
- (4) So far as anything done or having effect as if it were done under A could have been done under B, it is to have effect as if done under B.

**36 Referring to an Assembly Act by its short title after repeal**

An Assembly Act may continue to be referred to by the short title conferred on it by an enactment despite the repeal of that enactment.

**37 Meaning of repeal and revocation in this Part**

- (1) In this Part, references to repealing or revoking an enactment or abolishing a rule of law include—
  - (a) substituting anything for the enactment or rule (or for any part of it);
  - (b) limiting the application or effect of the enactment or rule;
  - (c) providing for the enactment or rule to cease to have effect.
- (2) For the purposes of sections 34 to 36 (but not section 33)—
  - (a) the expiry of a temporary Assembly Act is to be treated as a repeal of the Act by an Assembly Act or a Welsh subordinate instrument;
  - (b) the expiry of a temporary Welsh subordinate instrument is to be treated as a revocation of the instrument by an Assembly Act or a Welsh subordinate instrument.

## PART 3

### MISCELLANEOUS

**38 Power to replace descriptions of dates and times in Welsh legislation**

- (1) Where a provision in any legislation to which this section applies describes a date or time by reference to the coming into force of an enactment or the occurrence of any other event, the Welsh Ministers may by regulations amend the provision so that it refers to the actual date or time (once known).
- (2) Regulations under subsection (1) may also—
  - (a) amend the legislation to include an explanation of the date or time they insert;
  - (b) make consequential provision which amends, repeals or revokes any enactment.
- (3) This section applies to the following legislation (whenever enacted or made)—
  - (a) Assembly Acts and Assembly Measures;

- (b) subordinate legislation made under Assembly Acts and Assembly Measures;
- (c) any other subordinate legislation made by the Welsh Ministers or the National Assembly for Wales established by the Government of Wales Act 1998 (c. 38) that applies only in relation to Wales;
- (d) any other enactment, so far as it is amended by legislation mentioned in paragraph (a), (b) or (c).

**39 Power to make subordinate legislation in different forms**

- (1) Where the Welsh Ministers have a power or duty to make subordinate legislation in the form of regulations, rules or an order made by statutory instrument, they may exercise the power or duty by making the subordinate legislation in any other of those forms by statutory instrument.
- (2) This does not affect the procedure for making a statutory instrument containing the subordinate legislation.
- (3) A reference in any enactment, instrument or document to regulations, rules or an order made under the power or duty includes subordinate legislation made under it in any other form in reliance on subsection (1).
- (4) Subsection (1) does not apply to subordinate legislation that –
  - (a) is made under an Act of the Parliament of the United Kingdom or retained direct EU legislation, and
  - (b) applies otherwise than in relation to Wales.

**40 Combining subordinate legislation subject to different Assembly procedures**

- (1) Where the Welsh Ministers make, or propose to make, a statutory instrument that would otherwise be subject to two or more different Assembly procedures as a result of the subordinate legislation that it contains, whichever of those Assembly procedures is mentioned first in subsection (2) applies to the instrument (and none of the other Assembly procedures apply).
- (2) In this section, “Assembly procedure” means a procedure which has the effect that –
  - (a) a statutory instrument (or the subordinate legislation that it contains) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales,
  - (b) a statutory instrument must be laid before the National Assembly for Wales after being made and must be approved by resolution of the National Assembly in order for the subordinate legislation that it contains to come into force or continue in force,
  - (c) a statutory instrument is subject to annulment in pursuance a resolution of the National Assembly for Wales,
  - (d) a statutory instrument must be laid before the National Assembly for Wales after being made, or

- (e) a statutory instrument is not required to be laid before the National Assembly for Wales at any time.
- (3) The fact that the Welsh Ministers have made subordinate legislation in a statutory instrument to which subsection (1) applies does not –
  - (a) prevent them making further subordinate legislation in a statutory instrument to which that subsection does not apply, or
  - (b) affect the Assembly procedure that applies to such an instrument.
- (4) Subsection (1) does not apply to a statutory instrument containing any subordinate legislation that –
  - (a) is made by the Welsh Ministers under an Act of the Parliament of the United Kingdom or retained direct EU legislation, and
  - (b) applies otherwise than in relation to Wales.

## PART 4

### GENERAL

#### **41 Consequential amendments and repeals**

Schedule 2 contains consequential amendments and repeals.

#### **42 Power to make additional provision to give full effect to this Act**

- (1) If the Welsh Ministers consider it necessary or expedient for the purpose of giving full effect to any provision in this Act, or in consequence of any such provision, they may by regulations make –
  - (a) supplementary, incidental or consequential provision;
  - (b) transitory, transitional or saving provision.
- (2) Regulations under subsection (1) may amend, repeal, revoke or otherwise modify any enactment (including a provision in this Act).

#### **43 Regulations made under this Act**

- (1) A power to make regulations under this Act –
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales –
  - (a) regulations under section 6(2);
  - (b) regulations under section 42(1) which amend, repeal or otherwise modify any provision in an Assembly Act, an Assembly Measure or an Act of the Parliament of the United Kingdom.

- (3) Any other statutory instrument containing regulations made under section 42(1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

**44 Coming into force of this Act**

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent –
  - (a) Part 1;
  - (b) section 6(2) and (3);
  - (c) the other provisions in Part 2, so far as they apply to this Act;
  - (d) Part 3;
  - (e) this Part.
- (2) So far as it is not brought into force by subsection (1), Part 2 comes into force on a day appointed by an order made by the Welsh Ministers.
- (3) An order under subsection (2) –
  - (a) must be made by statutory instrument;
  - (b) may include transitory, transitional or saving provision.

**45 Short title**

The short title of this Act is the Legislation (Wales) Act 2019.

SCHEDULE 1  
(Introduced by section 6)

DEFINITIONS OF WORDS AND EXPRESSIONS

TABLE

Assembly Act ( <i>Deddf Cynulliad</i> )	“Assembly Act” means an Act of the National Assembly for Wales, enacted under Part 4 of the Government of Wales Act 2006 (c. 32)
Assembly Measure ( <i>Mesur Cynulliad</i> )	“Assembly Measure” means a Measure of the National Assembly for Wales, enacted under Part 3 of the Government of Wales Act 2006 (which ceased to have effect by virtue of section 106 of that Act, subject to the saving which is continued by paragraph 5 of Schedule 7 to the Wales Act 2017 (c. 4))
Bank of England ( <i>Banc Lloegr</i> )	“Bank of England” means, as the context requires – (a) the Governor and Company of the Bank of England, or (b) the bank of the Governor and Company of the Bank of England
Charity Commission ( <i>Comisiwn Elusennau</i> )	“Charity Commission” means the Charity Commission for England and Wales, continued in existence by section 13 of the Charities Act 2011 (c. 25)
Counsel General ( <i>Cwnsler Cyffredinol</i> )	“Counsel General” means the Counsel General to the Welsh Government, appointed under section 49 of the Government of Wales Act 2006 (c. 32)
county court ( <i>llys sirol</i> )	“county court” means the county court in England and Wales, established by section A1 of the County Courts Act 1984 (c. 28)
Court of Appeal ( <i>Llys Apêl</i> )	“Court of Appeal” means Her Majesty’s Court of Appeal in England and Wales
Court of Protection ( <i>Llys Gwarchod</i> )	“Court of Protection” means the Court of Protection established by section 45 of the Mental Capacity Act 2005 (c. 9)
Crown Court ( <i>Llys y Goron</i> )	“Crown Court” means the Crown Court in England and Wales, originally established by section 4 of the Courts Act 1971 (c. 23) (which was repealed by the Senior Courts Act 1981 (c. 54))
EEA agreement ( <i>cytundeb yr AEE</i> )	“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time; but in relation to a time on or after exit day does not include any retained direct EU legislation

EEA state ( <i>gwladwriaeth AEE</i> )	“EEA state”, in relation to any time, means –  (a) a state which at that time is a member State, or  (b) any other state which at that time is a party to the EEA agreement
enactment ( <i>deddfiad</i> )	“enactment” means any of the following or a provision of any of the following –  (a) an Assembly Act,  (b) an Assembly Measure,  (c) an Act of the Parliament of the United Kingdom,  (d) any retained direct EU legislation, or  (e) any subordinate legislation
England ( <i>Lloegr</i> )	“England” has the meaning given by Schedule 1 to the Interpretation Act 1978 (c. 30)
the EU ( <i>yr UE</i> ) or the European Union ( <i>yr Undeb Ewropeaidd</i> )	“the EU” or “the European Union” means the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992, as amended by any later Treaty; and includes, so far as the context permits or requires, the European Atomic Energy Community
EU institution ( <i>sefydliad UE</i> )	“EU institution” means any institution of the European Union
EU instrument ( <i>offeryn UE</i> )	“EU instrument” means any instrument issued by an EU institution, but in relation to a time on or after exit day does not include any retained direct EU legislation

European Court ( <i>Llys Ewropeaidd</i> )	“European Court” means the Court of Justice of the European Union
exit day ( <i>diwrnod ymadael</i> )	“exit day” and related expressions are to be interpreted in accordance with section 20(1) to (5) of the European Union (Withdrawal) Act 2018 (c. 16)
family court ( <i>llys teulu</i> )	“family court” means the family court in England and Wales, established by section 31A of the Matrimonial and Family Proceedings Act 1984 (c. 42)
financial year ( <i>blwyddyn ariannol</i> )	“financial year” means a year ending with 31 March
First Minister ( <i>Prif Weinidog</i> )	“First Minister” means the First Minister for Wales, appointed under section 46(1) of the Government of Wales Act 2006 (c. 32) (and see section 45(2) of that Act, which provides that references to the Welsh Ministers include the First Minister)
Her Majesty’s Revenue and Customs ( <i>Cyllid a Thollau Ei Mawrhydi</i> )	“Her Majesty’s Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005 (c. 11) (and see sections 3(5) and 11(4) of the Borders, Citizenship and Immigration Act 2009 (c. 11), which provide for references to Her Majesty’s Revenue and Customs to include certain officials designated under that Act)
High Court ( <i>Uchel Lys</i> )	“High Court” means Her Majesty’s High Court of Justice in England and Wales

indictable offence ( <i>trosedd ddiadwy</i> )	“indictable offence” means –  (a) an offence which, if committed by an adult, is triable only on indictment, or  (b) an offence triable either way
land ( <i>tir</i> )	“land” includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land
Local Health Board ( <i>Bwrdd Iechyd Lleol</i> )	“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42)
Lord Chancellor ( <i>Arglwydd Ganghellor</i> )	“Lord Chancellor” means the Lord High Chancellor of Great Britain
magistrates’ court ( <i>llys ynadon</i> )	“magistrates’ court” means a magistrates’ court, within the meaning given by section 148 of the Magistrates’ Courts Act 1980 (c. 43), in England and Wales
member State ( <i>Aelod-wladwriaeth</i> )	“member State” means a State which is a member of the European Union
Minister of the Crown ( <i>Gweinidog y Goron</i> )	“Minister of the Crown” means the holder of an office in Her Majesty’s Government in the United Kingdom, and includes the Treasury
month ( <i>mis</i> )	“month” means a calendar month
National Assembly for Wales ( <i>Cynulliad Cenedlaethol Cymru</i> )	“National Assembly for Wales” means the Assembly for Wales established by section 1 of the Government of Wales Act 2006 (c. 32)
National Assembly for Wales Commission ( <i>Comisiwn Cynulliad Cenedlaethol Cymru</i> )	“National Assembly for Wales Commission” means the Commission established by section 27 of the Government of Wales Act 2006 (c. 32)

Natural Resources Wales ( <i>Cyfoeth Naturiol Cymru</i> )	“Natural Resources Wales” means the Natural Resources Body for Wales, established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903 (W. 230))
oath ( <i>llw</i> ), affidavit ( <i>affidafid</i> ), and swear ( <i>tyngu llw</i> )	“oath” and “affidavit” include affirmation and declaration; and “swear” includes affirm and declare
offence triable either way ( <i>trosedd neillffordd</i> )	“offence triable either way” means an offence which, if committed by an adult, is triable either on indictment or summarily –  (a) not including an offence which may be tried on indictment by virtue only of section 40 of the Criminal Justice Act 1988 (c. 33), and  (b) ignoring section 22 of the Magistrates’ Courts Act 1980 (c. 43) (which requires certain offences triable either way to be tried summarily if the value involved is small)
person ( <i>person</i> )	“person” includes a body of persons corporate or unincorporated
the Privy Council ( <i>y Cyfrin Gyngor</i> )	“the Privy Council” means the Lords and others of Her Majesty’s Most Honourable Privy Council
retained direct EU legislation ( <i>deddfwriaeth uniongyrchol UE a ddargedwir</i> )	“retained direct EU legislation” has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018 (c. 16)
retained direct minor EU legislation ( <i>mân ddeddfwriaeth uniongyrchol UE a ddargedwir</i> ) and  retained direct principal EU legislation ( <i>prif ddeddfwriaeth uniongyrchol UE a ddargedwir</i> )	“retained direct minor EU legislation” and “retained direct principal EU legislation” have the meanings given by section 7(6) of the European Union (Withdrawal) Act 2018 (c. 16)
retained EU law ( <i>cyfraith UE a ddargedwir</i> )	“retained EU law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018 (c. 16)

retained EU obligation ( <i>rhwymedigaeth UE a ddargedwir</i> )	“retained EU obligation” means an obligation that –  (a) was created or arose by or under the EU Treaties before exit day, and  (b) forms part of retained EU law,  as modified from time to time
rules of court ( <i>rheolau llys</i> )	“rules of court”, in relation to any court, means rules made by the authority having power to make rules or orders regulating the practice and procedure of that court
Secretary of State ( <i>Ysgrifennydd Gwladol</i> )	“Secretary of State” means one of Her Majesty’s Principal Secretaries of State
Senior Courts ( <i>Uwchlysoedd</i> )	“Senior Courts” means the Senior Courts of England and Wales (see section 1 of the Senior Courts Act 1981 (c. 54))
standard scale ( <i>graddfa safonol</i> )	“standard scale”, in relation to a fine or penalty for a summary offence, has the meaning given by section 37 of the Criminal Justice Act 1982 (c. 48)
statutory declaration ( <i>datganiad statudol</i> )	“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835 (c. 62)
subordinate legislation ( <i>is-ddeddfwriaeth</i> )	“subordinate legislation” means regulations, orders, rules, Orders in Council, schemes, warrants, byelaws and other instruments made under –  (a) an Assembly Act,  (b) an Assembly Measure,  (c) an Act of the Parliament of the United Kingdom, or  (d) retained direct EU legislation
summary offence ( <i>trosedd ddiannod</i> )	“summary offence” means an offence which, if committed by an adult, is triable only summarily –  (a) not including an offence which is treated as if it were triable only summarily by virtue of section 22 of the Magistrates’ Courts Act 1980 (c. 43), and  (b) ignoring section 40 of the Criminal Justice Act 1988 (c. 33) (which provides for cases in which a count charging a person with a summary offence may be included in an indictment)
Supreme Court ( <i>Goruchaf Llys</i> )	“Supreme Court” means the Supreme Court of the United Kingdom, established by section 23 of the Constitutional Reform Act 2005 (c. 4)

the Treasury ( <i>y Trysorlys</i> )	“the Treasury” means the Commissioners of Her Majesty’s Treasury
the Treaties ( <i>y Cytuniadau</i> ) or the EU Treaties ( <i>Cytuniadau’r UE</i> )	“the Treaties” or “the EU Treaties” – (a) in relation to a time before exit day, has the meaning given by the European Communities Act 1972 (c. 68) (see section 1(2) to (4) of, and Part 1 of Schedule 1 to, that Act); (b) in relation to a time on or after exit day, has the meaning given by that Act as it had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018 (c. 16), and refers to the Treaties or the EU Treaties as they were immediately before exit day
United Kingdom ( <i>y Deyrnas Unedig</i> )	“United Kingdom” means Great Britain and Northern Ireland
Wales ( <i>Cymru</i> )	“Wales” means – (a) the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972 (c. 70)), together with (b) the sea adjacent to Wales within the seaward limits of the territorial sea,  and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)
Welsh Government ( <i>Llywodraeth Cymru</i> )	“Welsh Government” is to be interpreted in accordance with section 45(1) of the Government of Wales Act 2006 (c. 32)
the Welsh Ministers ( <i>Gweinidogion Cymru</i> )	“the Welsh Ministers” is to be interpreted in accordance with section 45(2) of the Government of Wales Act 2006 (c. 32) (which provides that references to the Welsh Ministers are to the First Minister and the Welsh Ministers appointed under section 48 of that Act)
Welsh Revenue Authority ( <i>Awdurdod Cyllid Cymru</i> )	“Welsh Revenue Authority” means the authority established by section 2 of the Tax Collection and Management (Wales) Act 2016 (anaw 6)
Welsh tribunal ( <i>tribiwnlys Cymreig</i> )	“Welsh tribunal” has the meaning given by section 59(1) of the Wales Act 2017 (c. 4)

working day ( <i>diwrnod gwaith</i> )	“working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80)
writing ( <i>ysgrifennu</i> )	“writing” includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form

SCHEDULE 2  
(Introduced by section 41)

CONSEQUENTIAL AMENDMENTS AND REPEALS

*Interpretation Act 1978 (c. 30)*

1 For section 23B of the Interpretation Act 1978 (application of Act to Measures and Acts of the National Assembly for Wales etc.) substitute—

**“23B Application of this Act to Welsh legislation**

- (1) The provisions of this Act, except sections 1 to 3, apply to the following as they apply to an Act—
  - (a) a Measure of the National Assembly for Wales, and
  - (b) an Act of the National Assembly for Wales, other than the Legislation (Wales) Act 2019, which receives Royal Assent before the day on which Part 2 of that Act (interpretation and operation of Welsh legislation) comes fully into force.
- (2) The provisions of this Act apply to an instrument—
  - (a) made under a Measure or Act of the National Assembly for Wales, and
  - (b) made before the day on which Part 2 of the Legislation (Wales) Act 2019 comes fully into force,as they apply to other subordinate legislation.
- (3) The provisions of this Act apply to an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority, only if—
  - (a) the instrument is made before the day on which Part 2 of the Legislation (Wales) Act 2019 comes fully into force,
  - (b) the instrument is made (at any time) with any other person who is not a devolved Welsh authority, or
  - (c) the instrument contains any provision that applies otherwise than in relation to Wales.
- (4) Nothing in subsection (2) or (3) limits the operation of sections 12 to 14A in relation to a power or duty to make an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies, but section 11 does not apply in relation to such an instrument.
- (5) In the application of this Act to a Measure or Act of the National Assembly for Wales, references to the passing of an Act or an enactment are to be read as references to the enactment of the Measure or Act.

- (6) In this section, “devolved Welsh authority” and “Wales” have the same meanings as in the Government of Wales Act 2006 (see sections 157A and 158 of that Act).

**23C Interpretation of this Act in relation to Welsh legislation**

- (1) In this Act, references to an enactment include an enactment comprised in—

- (a) a Measure of the National Assembly for Wales,
- (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),
- (c) an instrument made under such an Act or Measure (whenever the instrument is made), or
- (d) an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority (whenever the instrument is made, and whether or not it is made with any other person),

but the reference in section 16(2) to a temporary enactment does not include an enactment comprised in legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (see section 3(1) of that Act).

- (2) In section 17(2)(b), the reference to subordinate legislation includes an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies.
- (3) In section 18, the reference to an act or omission which constitutes an offence under two or more Acts includes an act or omission which constitutes an offence under—
- (a) any legislation to which that section applies, and
  - (b) any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies,

and the reference to “those Acts” is to be read accordingly.

- (4) In section 19(1), references to “another Act” include—
- (a) a Measure of the National Assembly for Wales, and
  - (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),

and the reference in paragraph (c) to “Acts” is to be read accordingly.”

*Government of Wales Act 2006 (c. 32)*

- 2 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 156 (English and Welsh texts of legislation)—
- (a) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (but section 5 of that Act makes corresponding provision in relation to legislation to which that Part applies).”;

(b) omit subsections (2) to (5).

(3) In Schedule 7B, in paragraph 7(2)(e), omit sub-paragraph (ii).

(4) In Schedule 10, omit paragraph 11.

*Waste (Wales) Measure 2010 (nawm 8)*

3 (1) The Waste (Wales) Measure 2010 is amended as follows.

(2) In section 19, omit subsections (3) and (4).

(3) In section 20, omit subsections (4) and (5).