

# Constitutional Affairs Committee

CA(3)-07-11

## CA565: The Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011

### Procedure: Negative

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.

### Technical Scrutiny

No points are identified for reporting under Standing Order 15.2 in respect of this instrument.

### Merits Scrutiny

The following points are identified for reporting under Standing Order 15.3(ii) in respect of this instrument.

- 1.This Order commences the Assembly Act provisions of the Government of Wales Act 2006 (Part 4 and Schedule 7) with effect from 5 May 2011. This means that the National Assembly will be able to consider Bills from the outset.
- 2.The Order makes consequential amendments to ensure that Measures awaiting Royal Approval under Part 3 of the Act can still receive Royal Approval despite the fact that Part 3 will have ceased to have effect from the 5<sup>th</sup> May pursuant to section 106(1) of the Act.
- 3.Paragraph 4.7 of the Explanatory Memorandum explains why the Order does not amend section 67 of the Education and Skills Act 2008 to enable it to apply to Acts of the Assembly. In view of the existence of an existing power under section 150 of the Government of Wales Act 2006, it is not clear why section 67 of the 2008 Act was not simply revoked.

### Legal Advisers

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**March 2011**