

Draft Order laid before the National Assembly for Wales and Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of the Assembly and of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2007 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**National Assembly for Wales (Legislative Competence) (No.2)
Order 2007**

Made - - - - *****

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the ***** day ***** of ***** 2007

Present

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(**a**), a draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:—

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence) (No.2) Order 2007 and it comes into force on the day after the day on which it is made.

Amendments to the Government of Wales Act 2006

2.—(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

(2) In matter 5.10 of field 5 (education), omit the second paragraph including sub-paragraphs (a) to (o).

(**a**) 2006 (c.32).

(3) In field 6 (environment), insert –

“Matter 6.1

Collection, management, treatment and disposal of waste.

Matter 6.2

Environmental protection, including pollution, nuisances and hazardous substances.”

(4) After field 20, insert –

“Excepted matters in Part 1 fields

The matters specified in the first column of the table below (excepted matters) are not included within the matters in the fields of this Part specified in the corresponding entry in the second column.

TABLE

1. Road freight transport services, including goods vehicles operating licensing.	Matters 6.1, 6.2
2. The regulation of the use of motor vehicles on roads, their construction and equipment and conditions under which they may be so used.	Matters 5.10, 6.1, 6.2
3. Road traffic offences.	Matter 5.10
4. Driver licensing.	Matter 5.10
5. Driving instruction.	Matter 5.10
6. Insurance of motor vehicles.	Matter 5.10
7. Drivers’ hours.	Matter 5.10
8. Traffic regulation on special roads, pedestrian crossings, traffic signs and speed limits;	Matter 5.10
9. Public service vehicle operator licensing.	Matter 5.10

<p>10. The provision and regulation of railway services, apart from financial assistance which—</p> <ul style="list-style-type: none"> (a) does not relate to the carriage of goods, (b) is not made in connection with a railway administration order, and (c) is not made in connection with Council Regulation (EEC) 1191/69 as amended by Council Regulation (EEC) No. 1893/91 on public service obligations in transport. 	Matter 5.10
<p>11. Transport security.</p>	Matter 5.10
<p>12. Shipping, apart from financial assistance for shipping services to, from or within Wales.</p>	Matters 5.10, 6.1, 6.2
<p>13. Navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation.</p>	Matters 6.1, 6.2
<p>14. Technical and safety standards of vessels.</p>	Matters 5.10, 6.1, 6.2
<p>15. Harbours, docks, piers and boatslips apart from—</p> <ul style="list-style-type: none"> (a) those used or required wholly or mainly for the fishing industry, for recreation or for communication between places in Wales (or for two or more of those purposes), and (b) regulation for the purposes of protecting the environment. 	Matters 5.10, 6.1, 6.2
<p>16. Carriage of dangerous goods (including transport of radioactive material).</p>	Matters 6.1, 6.2
<p>17. Registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to</p>	Matter 5.10

those services.	
18. Energy conservation, apart from the encouragement of energy efficiency otherwise than by prohibition or regulation.	Matters 6.1, 6.2

”

Clerk to the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 5 to the Government of Wales Act 2006 (“the 2006 Act”). The effect of the Order is to extend the legislative competence of the National Assembly of Wales to make new laws for Wales by Measure under section 93 of the 2006 Act.

Article 2 inserts new matters 6.1 and 6.2 and a table of excepted matters into Part 1 of Schedule 5 to the 2006 Act. The new matters are inserted by article 2(3). Matter 6.1 is about the collection, management and treatment and disposal of waste. Matter 6.2 is about environmental protection, including pollution, nuisances and hazardous substances. Any provision of an Assembly Measure relating to the new matters 6.1 and 6.2 will be within the legislative competence of the Assembly by virtue of the terms of those matters and section 94(4) of the 2006 Act.

The table inserted by article 2(4) sets out excepted matters and connects them to specified matters under the fields in Part 1 of Schedule 5 to the 2006 Act. The table has effect so that the matters specified in the first column (“excepted matters”) are not included in the matters in the fields identified in the second column. The Assembly will not be able make provision in an Assembly Measure under section 94(4) of the 2006 Act about anything in the first column, even if it would otherwise relate to the matters in the fields specified in the second column. The excepted matters in the first column will be outside the scope of the matters specified in the corresponding entry in the second column.

Article 2(2) makes an amendment to matter 5.10 which is consequential on the insertion of the table of excepted matters.