

GOVERNMENT OF WALES ACT 2006¹

SCHEDULE 5

PART 1: ASSEMBLY MEASURES

Consolidated List of Matters Conferred on the National Assembly

MATTERS

Field 1: agriculture, fisheries, forestry and rural development

Field 2: ancient monuments and historic buildings

Field 3: culture

Field 4: economic development

Field 5: education and training

[Matter 5.1](#)

Provision about the categories of school that may be maintained by local education authorities.

[Matter 5.2](#)

Provision about the establishment and discontinuance of schools maintained by local education authorities, their change from one category to another and their alteration in other respects.

[Matter 5.3](#)

Provision about the admission of pupils to schools maintained by local education authorities.

[Matter 5.4](#)

Provision about the curriculum in schools maintained by local education authorities.

¹ HTML version: <http://www.opsi.gov.uk/acts/acts2006/20060032.htm>

PDF version: http://www.opsi.gov.uk/acts/acts2006/ukpga_20060032_en.pdf

Explanatory Notes (HTML): <http://www.opsi.gov.uk/acts/en2006/2006en32.htm>

Explanatory Notes (PDF): http://www.opsi.gov.uk/acts/en2006/ukpgaen_20060032_en.pdf

[Matter 5.5](#)

Provision about school attendance, the behaviour of pupils at school, school discipline and the exclusion of pupils from school (including the duties of parents in connection with those matters).

[Matter 5.6](#)

Provision about the making of arrangements for the provision of education for persons of compulsory school age who have been excluded from schools or who for any other reason would not otherwise receive suitable education.

[Matter 5.7](#)

Provision about entitlement to primary, secondary and further education and to training.

[Matter 5.8](#)

Provision about the provision of services that are intended to encourage, enable or assist people—

- (a) to participate effectively in education or training,
- (b) to take advantage of opportunities for employment, or
- (c) to participate effectively in the life of their communities.

[Matter 5.9](#)

Provision about food and drink provided on school premises or provided for children at a place where they receive education or childcare.

[Matter 5.10](#)

Provision about the travel of persons receiving primary, secondary or further education or training to and from the schools or other places where they receive it.

This does not include provision about any of the following—

- (a) the regulation of the use of motor vehicles on roads, their construction and equipment and conditions under which they may be so used;
- (b) road traffic offences;
- (c) driver licensing;
- (d) driving instruction;

- (e) insurance of motor vehicles;
- (f) drivers' hours;
- (g) traffic regulation on special roads, pedestrian crossings, traffic signs and speed limits;
- (h) public service vehicle operator licensing;
- (i) the provision and regulation of railway services, apart from financial assistance which—
 - (i) does not relate to the carriage of goods,
 - (ii) is not made in connection with a railway administration order, and
 - (iii) 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;
- (j) transport security;
- (k) shipping, apart from financial assistance for shipping services to, from or within Wales;
- (l) navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation;
- (m) technical and safety standards of vessels;
- (n) harbours, docks, piers and boatslips, apart from those used or required wholly or mainly for communications between places in Wales;
- (o) registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to those services.

[Matter 5.11](#)

Provision for and in connection with securing the provision of facilities for post-16 education or training.

[Matter 5.12](#)

Provision for and in connection with the establishment and dissolution of—

- (a) institutions concerned with the provision of further education, and
- (b) bodies that conduct such institutions,

including the circumstances in which an educational institution becomes or ceases to be an institution concerned with the provision of further education.

Provision about—

- (a) the conduct and functions of such institutions and bodies that conduct such institutions;
- (b) the property, rights and liabilities of such institutions and bodies that conduct such institutions;
- (c) property held by any person for the purposes of such an institution;
- (d) the governance and staff of such institutions.

[Matter 5.13](#)

Provision for and in connection with securing collaboration—

- (a) between bodies that conduct institutions concerned with the provision of further education, or
- (b) between one or more such bodies and other persons or bodies that have functions relating to education or training in Wales,

including, in particular, provision for and in connection with the establishment of bodies for the purpose of discharging functions on behalf of one or more persons or bodies that are party to arrangements for collaboration.

[Matter 5.14](#)

The provision of financial resources for and in connection with—

- (a) education or training provided by institutions concerned with the provision of further education;

(b) post-16 education or training provided otherwise than by such institutions;

(c) the carrying out of research relating to education or training falling within paragraph (a) or (b).

Matter 5.15

The inspection of—

(a) education or training provided by institutions concerned with the provision of further education;

(b) post-16 education or training provided otherwise than by such institutions;

(c) the training of teachers and specialist teaching assistants for schools;

(d) services of the kinds mentioned in matter 5.8.

Matter 5.16

The provision of advice and information in connection with, and the carrying out of studies in relation to, any of the kinds of education, training or services mentioned in matter 5.15.

Interpretation of this field

In this field—

“post-16 education” means—

(a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age, and

(b) organised leisure-time occupation connected with such education;

“post-16 training” means—

(a) training suitable to the requirements of persons who are above compulsory school age, and

(b) organised leisure-time occupation connected with such training.

References in this field to an institution concerned with the provision of further education are references to an educational institution, other than a school or an institution within the higher education sector (within

the meaning of the [Further and Higher Education Act 1992](#)), that is conducted (whether or not exclusively) for the purpose of providing further education.

Expressions used in this field and in the [Education Act 1996](#) have the same meaning in this field as in that Act.”.

Field 6: environment

Field 7: fire and rescue services and promotion of fire safety

Field 8: food

Field 9: health and health services

[Matter 9.1](#)

Provision for and in connection with the provision of redress without recourse to civil proceedings in circumstances in which, under the law of England and Wales, qualifying liability in tort arises in connection with the provision of services (in Wales or elsewhere) as part of the health service in Wales.

Interpretation of this field

In this field—

“the health service in Wales” means the health service continued under [section 1\(1\)](#) of the National Health Service (Wales) Act 2006;

“illness” has the same meaning as in that Act;

“patient” has the same meaning as in that Act;

“personal injury” includes any disease and any impairment of a person's physical or mental health;

“qualifying liability in tort” means liability in tort owed in respect of or consequent upon personal injury or loss arising out of or in connection with breach of a duty of care owed to any person in connection with the diagnosis of illness or the care or treatment of any patient.”.

Field 10: highways and transport

Field 11: housing

Field 12: local government

[Matter 12.1](#)

Provision for and in connection with—

- (a) the constitution of new principal areas and the abolition or alteration of existing principal areas, and
- (b) the establishment of councils for new principal areas and the abolition of existing principal councils.

“Principal area” means a county borough or a county in Wales, and “principal council” means a council for a principal area.

[Matter 12.2](#)

Provision for and in connection with—

- (a) the procedure for the making and coming into force of byelaws, and
- (b) the enforcement of byelaws.

“Byelaws” means those of a class which may be confirmed by the Welsh Ministers (but the provision which may be made includes provision to remove a requirement of confirmation).

[Matter 12.3](#)

Any of the following—

- (a) the principles which are to govern the conduct of members of relevant authorities,
- (b) codes of conduct for such members,
- (c) the conferral on any person of functions relating to the promotion or maintenance of high standards of conduct of such members (including the establishment of bodies to have such functions),
- (d) the making or handling of allegations that members (or former members) of relevant authorities have breached standards of conduct, including in particular—
 - (i) the investigation and adjudication of such allegations and reports on the outcome of investigations,

- (ii) the action that may be taken where breaches are found to have occurred,
- (e) codes of conduct for employees of relevant authorities.

For the purposes of this matter—

“relevant authority” has the same meaning as in [Part 3](#) of the Local Government Act 2000, except that other than in paragraph (d) it does not include a police authority,

“member” includes a co-opted member within the meaning of that Part.

[Matter 12.4](#)

Provision for and in connection with strategies of county councils and county borough councils for promoting or improving the economic, social or environmental well-being of their areas or contributing to the achievement of sustainable development in the United Kingdom, including provision imposing requirements in connection with such strategies on other persons with functions of a public nature.

[Matter 12.5](#)

Provision for and in connection with—

- (a) the making of arrangements by relevant Welsh authorities to secure improvement in the way in which their functions are exercised,
- (b) the making of arrangements by relevant Welsh authorities for the involvement in the exercise of their functions of people who are likely to be affected by, or interested in, the exercise of the functions, and
- (c) the assessment and inspection of the performance of relevant Welsh authorities in exercising their functions.

The following are “relevant Welsh authorities”—

- (a) a county council, county borough council or community council in Wales,
- (b) a National Park authority for a National Park in Wales,

(c) a fire and rescue authority in Wales constituted by a scheme under [section 2](#) of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(d) a levying body within the meaning of [section 74\(1\)](#) of the Local Government Finance Act 1988 in respect of which the county council or charging authority referred to in section 74(1)(b) of that Act was a council or authority for an area in Wales,

(e) a body to which section 75 of that Act applies (special levies) and which as regards the financial year beginning in 1989 had power to levy a rate by reference to property in Wales.

Field 13: National Assembly for Wales

Matter 13.1

Creation of, and conferral of functions on, an office or body for and in connection with investigating complaints about the conduct of Assembly members and reporting on the outcome of such investigations to the Assembly.

Matter 13.2

Conferral of functions on the Assembly Commission for and in connection with facilitating the exercise by the Assembly of its functions (including the provision to the Assembly of the property, staff and services required for the Assembly's purposes).

Matter 13.3

Provision for and in connection with the payment of salaries, allowances, pensions and gratuities to or in respect of Assembly members, the First Minister, any Welsh Minister appointed under section 48, the Counsel General and any Deputy Welsh Minister.

Matter 13.4

Provision for and in connection with the creation and maintenance of a register of interests of Assembly members and the Counsel General.

Matter 13.5

Provision about the meaning of Welsh words and phrases in—

(a) Assembly Measures,

(b) subordinate legislation made under Assembly Measures, and

(c) subordinate legislation not so made but made by the Welsh Ministers, the First Minister or the Counsel General.

Matter 13.6

Provision for and in connection with the procedures for dealing with proposed private Assembly Measures, including, in particular—

(a) procedures for hearing the promoters of, and objectors, to proposed private Assembly Measures,

(b) the persons who may represent such promoters and objectors, and the qualifications that such persons must possess,

(c) the imposition of fees for and in connection with the promotion of proposed private Assembly Measures, and

(d) the assessment of costs incurred in connection with proposed private Assembly Measures.

Field 14: public administration

Field 15: social welfare

Field 16: sport and recreation

Field 17: tourism

Field 18: town and country planning

Field 19: water and flood defence

Field 20: Welsh language

Summary of Matters Added

- Matters 5.1 - 5.10

Added by the *National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007* [SI 2007/910]
(Made: March 2007)

HTML version: <http://www.opsi.gov.uk/si/si2007/20070910.htm>

PDF version: http://www.opsi.gov.uk/si/si2007/uksi_20070910_en.pdf

Explanatory Memorandum:

http://www.opsi.gov.uk/si/em2007/uksiem_20070910_en.pdf

- Matters 5.11 - 5.16

Added by the *Further Education and Training Act 2007* (c.25), section 27
(Royal Assent: 23 October 2007)

HTML version: http://www.opsi.gov.uk/acts/acts2007/ukpga_20070025_en_1

PDF version:

http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070025_en.pdf

Explanatory Memorandum (HTML):

http://www.opsi.gov.uk/acts/acts2007/en/ukpgaen_20070025_en_1

Explanatory Memorandum (PDF):

http://www.opsi.gov.uk/acts/acts2007/en/ukpgaen_20070025_en.pdf

- Matter 9.1

Added by the *National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007* [SI 2007/910]
(Made: March 2007)

HTML version: <http://www.opsi.gov.uk/si/si2007/20070910.htm>

PDF version: http://www.opsi.gov.uk/si/si2007/uksi_20070910_en.pdf

Explanatory Memorandum:

http://www.opsi.gov.uk/si/em2007/uksiem_20070910_en.pdf

- Matters 12.1 - 12.5

Added by the *Local Government and Public Involvement in Health Act 2007* (c.28), section 235 and Schedule 17
(Royal Assent: 30 October 2007)

HTML version: http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_1

PDF version:

http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070028_en.pdf

Explanatory Memorandum (HTML):

http://www.opsi.gov.uk/acts/acts2007/en/ukpgaen_20070028_en_1

Explanatory Memorandum (PDF):

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- Matters 13.1 - 13.6

Included in the Government of Wales Act 2006

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