
DRAFT STATUTORY INSTRUMENTS

2009 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The National Assembly for Wales (Legislative Competence)
(Culture and other fields) Order 2009**

Made - - - - []

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the day of 2009

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) (Culture and other fields) Order 2009 and it comes into force on the day after the day on which it is made.

Amendments to Schedule 5 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 field 2 (ancient monuments and historic buildings), insert—

(a) 2006 c.32.

“Matter 2.1

The functions of local authorities in the support, improvement and promotion of the appreciation by the public of archaeological remains, ancient monuments, buildings and places of historical or architectural interest, and historic wrecks.

This matter does not include removal of any public right under an enactment to have access to any such remains, monuments, buildings, places or wrecks.

Interpretation of this field

In this field—

“enactment” includes any future enactment;

“local authorities” has the same meaning as in field 15.”

(3) In field 3 (Culture), insert—

“Matter 3.1

The functions of local authorities in the support, improvement and promotion of museums, galleries and libraries, arts and crafts, archives and historical records, and cultural activities and projects.

This matter does not include—

(a) arrangements for the care, preservation and management of local authorities’ records;

(b) removal of the duty to provide a comprehensive and efficient library service.

Interpretation of this field

In this field—

“local authorities” has the same meaning as in field 15;

“local authorities records” means materials under the control of a local authority setting out facts or events or otherwise recording information, including not only written records but records conveying information by any other means whatsoever.”

(4) In field 16 (sport and recreation), insert—

“Matter 16.4

The functions of local authorities in the support, improvement and promotion of sport and recreational activities.

Interpretation of this field

In this field—

“local authorities” has the same meaning as in field 15.”

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

(2) Before “*Highways and transport (field 10 of Part 1)*”, insert—

“Culture (field 3 of Part 1)

(1) Public lending right.

(2) Broadcasting.

- (3) Classification of films, and video recordings.
- (4) Government indemnities for objects on loan.
- (5) Payments to Her Majesty's Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Welsh national interest."

(3) After the entry relating to "*Social Welfare (field 15 of Part 1)*", insert—

"Sport and recreation (field 16 of Part 1)

- (1) Betting, gaming and lotteries."

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Government of Wales Act 2006 (“the 2006 Act”). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as “Assembly Measures”). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act (as amended by this Order).

Article 2 inserts matters 2.1, 3.1 and 16.4 and interpretation provisions into fields 2 (ancient monuments and historic buildings), 3 (culture) and 16 (sport and recreation) of Part 1 of Schedule 5 to the 2006 Act.

Article 2(2) inserts matter 2.1 into field 2 (ancient monuments and historic buildings). This matter is about functions of local authorities in supporting, improving and promoting the appreciation by the public of archaeological remains, ancient monuments, buildings and places of historical or architectural interest, and historic wrecks.

This matter does not include removing any public right under an enactment to have access to any remains, monuments, buildings, places or wrecks.

Article 2(3) inserts matter 3.1 into field 3 (culture). This matter is about functions of local authorities in supporting, improving and promoting museums, galleries and libraries, arts and crafts, archives and historic records, and cultural activities and projects.

This matter does not include—

- (a) arrangements for the care, preservation and management of local authorities’ records;
- (b) removing the duty to provide a comprehensive and efficient library service.

Article 2(4) inserts matter 16.4 into field 16 (sport and recreation). This matter is about functions of local authorities in supporting, improving and promoting sport and recreational activities.

Article 3 inserts provisions that modify Part 2 of Schedule 5 to the 2006 Act. The provisions insert exceptions into Part 2 that will apply to all matters in Part 1 of Schedule 5. The exceptions are—

Public lending rights

Broadcasting

Classification of films, and video recordings

Government indemnities for objects on loan

Payments to Her Majesty’s Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Welsh national interest

Betting, gaming and lotteries.

A full regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.