

2007 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The National Assembly for Wales (Diversion of Functions)
(No.2) Order 2007**

Made - - - - - [] 2007

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the day of 2007

Present,

The Queen's Most Excellent Majesty in Council

The National Assembly for Wales, having resolved (in accordance with the provisions of paragraph 31(8) of Schedule 11 to the Government of Wales Act 2006^(a)) that a recommendation be made to Her Majesty in Council to make an Order in Council, and the Welsh Ministers having consented (in accordance with the provisions of paragraph 31(5) of that Schedule) to that recommendation being made; and

The Secretary of State for Wales having recommended the making of this Order;

Her Majesty, in exercise of the power conferred upon Her by paragraph 31(1)(a)(ii) and (4) of that Schedule, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as The National Assembly for Wales (Diversion of Functions) (No.2) Order 2007.

(2) This Order shall come into force on the day after it is made.

(3) In this Order—

“the 1998 Assembly” means the National Assembly for Wales constituted by the Government of Wales Act 1998^(b);

(a) 2006 c.32.
(b) 1998 c.38.

“the Rules” means the Employment Tribunals Rules of Procedure 2004 set out in Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004^(a); and
“the 2006 Act” means the Government of Wales Act 2006.

Functions of receiving documents under the Rules

2. The specified functions of the 1998 Assembly under the Rules, which transferred to the Welsh Ministers immediately after the end of the initial period^(b) under paragraph 30(1) of Schedule 11 to the 2006 Act, are transferred to the Counsel General to the Welsh Assembly Government.

3. The specified functions for the purposes of article 2 are the functions under rule 56(2) of receiving notices (other than a copy of a notice under rule 56(2)(a)) and copies of claims and responses.

Consequential modifications to the Rules

4.—(1) The Rules are modified as follows.

(2) In rule 56(2)—

- (a) for “Schedule 8 to the Government of Wales Act 1998” substitute “Schedule 9 to the Government of Wales Act 2006”; and
- (b) for “National Assembly for Wales”, substitute “Counsel General to the Welsh Assembly Government” in both places.

(3) In rule 61(4)(d)—

- (a) for the first reference to “National Assembly for Wales” substitute “Counsel General to the Welsh Assembly Government”; and
- (b) for “Counsel General to the National Assembly for Wales” substitute “Counsel General to the Welsh Assembly Government”.

Name
Deputy Clerk to the Privy Council

(a) S.I. 2004/1861, to which there are amendments not relevant to this Order.

(b) For the meaning of “the initial period” see s.161(5) of the Government of Wales Act 2006.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under paragraph 31(1)(a)(ii) and (4) of Schedule 11 to the Government of Wales Act 2006 (c.32) (“the 2006 Act”). It diverts functions under the Employment Tribunals Rules of Procedure 2004 set out in Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861) (“the Rules”) from the Welsh Ministers to the Counsel General to the Welsh Assembly Government and makes consequential modifications to the Rules.

Article 2 provides that functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.32) (“the 1998 Assembly”) specified in article 3 which transferred to the Welsh Ministers immediately after the end of the initial period under paragraph 30(1) of Schedule 11 to the 2006 Act, are transferred to the Counsel General to the Welsh Assembly Government.

“The initial period” is defined in section 161(5) of the 2006 Act. Broadly speaking, it means the period beginning with the day of the poll at the May 2007 election of members of the 2006 Assembly and ending with the day on which the first appointment of a First Minister was made under section 46 of the 2006 Act. The first such appointment was made on 25 May 2007.

Article 3 specifies the functions of receiving notices and copies of claims and responses under rule 56(2)(b) of the Rules (Devolution issues).

Article 4 makes consequential modifications to rules 56(2) and 61(4)(d), in the case of the former, by substituting reference to Schedule 9 to the 2006 Act for the reference to Schedule 8 to the Government of Wales Act 1998 (c.38) and substituting reference to the Counsel General to the Welsh Assembly Government for both references to the National Assembly for Wales and, in the case of the latter, substituting reference to the Counsel General to the Welsh Assembly Government for the reference to the Counsel General to the National Assembly for Wales.