

**2007 No.**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**The National Assembly for Wales (Diversion of Functions)  
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

A draft of this Order having been laid before the National Assembly for Wales, and the Assembly 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 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)(c) 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) Order 2007.

(2) This Order shall come into force immediately after the end of the initial period(b).

(3) In this Order—

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

“the 1999 Act” means the Food Standards Act 1999(d);

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(a) 2006 c.32.

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

(c) 1998 c.38.

(d) 1999 c.28.

“the 2006 Act” means the Government of Wales Act 2006; and

“the 2006 Assembly” means the National Assembly for Wales constituted by the 2006 Act.

### **Functions of receiving documents from the Auditor General for Wales**

2. Any function of the 1998 Assembly of receiving a document from the Auditor General for Wales that would, apart from this article, be transferred to the Welsh Ministers immediately after the end of the initial period under paragraph 30(1) of Schedule 11 to the 2006 Act, shall instead from that time be a function of the 2006 Assembly.

### **Certain other functions of the 1998 Assembly not to be transferred to the Welsh Ministers**

3. The functions of the 1998 Assembly specified in article 4, which would, apart from this article, be transferred to the Welsh Ministers immediately after the end of the initial period under paragraph 30(1) of Schedule 11 to the 2006 Act, shall instead from that time be functions of the 2006 Assembly.

4. The functions referred to in article 3 are the functions of receiving—

- (a) reports under section 4(2) of the 1999 Act (annual and other reports of Food Standards Agency to be laid before Assembly);
- (b) statements under section 22(6)(a) of that Act (statements of general objectives and practices of Food Standards Agency to be laid before Assembly);
- (c) accounts and reports under section 7(3)(c) of the Government Resources and Accounts Act 2000(a) (as modified by paragraph 5(3) of Schedule 4 to the 1999 Act) (certified accounts of Food Standards Agency, and associated report of Comptroller and Auditor General, to be laid before Assembly by Treasury or Food Standards Agency);
- (d) reports under—
  - (i) section 9 of the National Audit Act 1983(b) (as modified by paragraph 6(1) of Schedule 4 to the 1999 Act) (reports of the Comptroller and Auditor General to Assembly), or
  - (ii) paragraph 6(2) of Schedule 4 to the 1999 Act (copies of reports of Comptroller and Auditor General to other relevant bodies to be laid before Assembly);
- (e) reports under section 10A(2) of the Animal Health Act 1981(c) (annual reviews of import controls by the Ministers to be laid before Assembly).

Deputy Clerk of the Privy Council

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(a) 2000 c.20. Section 7 was amended by the Statute Law Repeals Act 2004 (c.14), section 1(1) and Schedule 1, Part 9.  
(b) 1983 c.44. Section 9 was further amended by the Government of Wales Act 2006, Schedule 10, paragraphs 14, 17(1) and (2).  
(c) 1981 c.22. Functions under section 10A(2) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 by the National Assembly for Wales (Transfer of Functions) Order 2004, S.I. 2004/3044, articles 2, 3 and Schedule 1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under paragraph 31(1)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32) (“the 2006 Act”).

Article 2 provides that any function of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.32) (“the 1998 Assembly”) of receiving a document from the Auditor General for Wales that would, apart from article 2, be transferred to the Welsh Ministers immediately after the end of the initial period under paragraph 30(1) of Schedule 11 to the 2006 Act shall instead from that time be a function of the National Assembly for Wales constituted by the 2006 Act (“the 2006 Assembly”).

“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 2007 election of members of the 2006 Assembly and ending with the day on which the first appointment of a First Minister is made under section 46 of the 2006 Act.

Article 3 provides that functions of the 1998 Assembly specified in article 4 which would, apart from article 3, be transferred to the Welsh Ministers immediately after the end of the initial period under paragraph 30(1) of Schedule 11 to the 2006 Act, shall instead from that time be functions of the 2006 Assembly.

Article 4 specifies the functions of receiving—

- (a) reports under section 4(2) of the 1999 Act (annual and other reports of Food Standards Agency to be laid before Assembly);
- (b) statements under section 22(6)(a) of that Act (statements of general objectives and practices of Food Standards Agency to be laid before Assembly);
- (c) accounts and reports under section 7(3)(c) of the Government Resources and Accounts Act 2000(c.20) (as modified by paragraph 5(3) of Schedule 4 to the 1999 Act) (accounts of Food Standards Agency, and associated report of Comptroller and Auditor General, to be laid before Assembly by Treasury or Food Standards Agency);
- (d) reports under—
  - (i) section 9 of the National Audit Act 1983 (c.44) (as modified by paragraph 6(1) of Schedule 4 to the 1999 Act) (reports of the Comptroller and Auditor General to Assembly), or
  - (ii) paragraph 6(2) of Schedule 4 to the 1999 Act (copies of reports of Comptroller and Auditor General to other relevant bodies to be laid before Assembly);
- (e) reports under section 10A(2) of the Animal Health Act 1981(c.22) (annual reviews of import controls by the Ministers to be laid before Assembly). The function of receiving such reports, so far as exercisable in relation to Wales, was transferred to the 1998 Assembly by the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I.2004/3044), articles 2, 3 and Schedule 1.