Draft Order laid before Parliament under section 109(4)(a) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2010 No.

CONSTITUTIONAL LAW
DEVOLUTION, WALES

The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010

Made - - - - ***

Coming into force in accordance with article 1(2)

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

Present,

The Queen's Most Excellent Majesty in Council

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament and the National Assembly for Wales in accordance with section 109(4) of the Government of Wales Act 2006(**1**).

Accordingly, Her Majesty, in pursuance of section 109(1) of that Act is pleased, by and with the advice of Her Privy Council, to order as follows:—

Citation and commencement

1.—(1) This Order may be cited as the National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010.

(2) This Order comes into force on the day after the day on which it is made.

(**1**) 2006 c. 32.

Interpretation

2. In this Order "Schedule 7" means Schedule 7 to the Government of Wales Act 2006 (Acts of the Assembly)(**2**).

Agriculture etc

3.—(1) For the heading before paragraph 1 of Part 1 of Schedule 7 (agriculture, fisheries, forestry and rural development) substitute "*Agriculture, forestry, animals, plants and rural development*".

(2) For paragraph 1 substitute—

"1 Agriculture. Horticulture. Forestry. Fisheries and fishing. Animal health and welfare. Plant health. Plant varieties and seeds. Rural development.

In this Part of this Schedule "animal" means—

(a) all mammals apart from humans, and

(b) all animals other than mammals;

and related expressions are to be construed accordingly.".

(3) In the exception listed under paragraph 1 which begins "Import"—

(a) in paragraph (a)—

(i) omit "fish, fish products,";

(ii) for ", fish or plant" substitute "or plant";

(b) in paragraph (b)—

(i) omit ", fish feedstuff";

(ii) for ", fish or plant" substitute "or plant".

Economic development

4.—(1) The exceptions listed under paragraph 4 of Part 1 of Schedule 7 (economic development) are amended in accordance with this article.

(2) In—

(a) the exception which begins "Product standards", and

(b) the exception which begins "Consumer protection",

for "fish and fish products," substitute "animals and animal products,".

(3) In the exception which begins "Occupational", after "Deputy Welsh Ministers" insert "and schemes for or in respect of members of local authorities".

(4) In the exception which begins "Generation", after "transmission" insert ", distribution".

(5) In the exception which begins "Nuclear", after "installations" insert—

"—

(a) including nuclear safety and liability for nuclear occurrences;

(b) but not including disposal of very low level radioactive waste moved from a site requiring a nuclear site licence".

(**2**) The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143) made various amendments which are relevant to this Order.

Environment

5. In paragraph 6 of Part 1 of Schedule 7 (environment), for "Collection, management and disposal of waste." substitute "Prevention, reduction, collection, management, treatment and disposal of waste.".

Fire and rescue services and the promotion of fire safety

6.—(1) For the heading before paragraph 7 of Part 1 of Schedule 7 (fire and rescue services and the promotion of fire safety) substitute "*Fire and rescue services and fire safety*".

(2) In paragraph 7, after "Fire and rescue services." insert "Provision of automatic fire suppression systems in newly constructed and newly converted residential premises.".

Highways and transport

7.—(1) The exceptions listed under paragraph 10 of Part 1 of Schedule 7 (highways and transport) are amended in accordance with this article.

(2) For the exception which begins "Regulation of use of motor vehicles" substitute—

"Regulation of the construction and equipment of motor vehicles and trailers, and regulation of the use of motor vehicles and trailers on roads, apart from—

(a) any such regulation which—

(i) relates to schemes for imposing charges in respect of the use or keeping of vehicles on Welsh trunk roads ("trunk road charging schemes"), or

(ii) relates to the descriptions of motor vehicles and trailers which may be used under arrangements for persons to travel to and from the places where they receive education or training, unless the regulation is the setting of technical standards for construction or equipment of motor vehicles or trailers which differ from the standards that would or might otherwise apply to them; and

(b) regulation of the use of motor vehicles and trailers carrying animals for the purpose of protecting human, animal or plant health, animal welfare or the environment.".

(3) For the exception which begins "Traffic regulation on special roads", substitute—

"Traffic regulation on special roads, apart from regulation relating to trunk road charging schemes.

Pedestrian crossings.

Traffic signs, apart from the placing and maintenance of traffic signs relating to trunk road charging schemes.

Speed limits.".

(4) In the exception which begins "Provision and regulation of railway services", for paragraph (c) substitute—

"(c) is not made in connection with Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road(**3**).".

(5) In the exception "Transport security", at the end insert ", apart from regulation relating to the carriage of adults who supervise persons travelling to and from the places where they receive education or training".

(6) In—

(**3**) OJNo. L315, 3.12.2007, p. 1.