Draft Order laid before Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

CONSTITUTIONAL LAW
DEVOLUTION, WALES

The National Assembly for Wales (Legislative Competence) (Exceptions to Matters) Order 2009

Made - - - - 2009

Coming into force in accordance with Article 1(2)

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(**1**), 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 sections 95(1) and (3) of the Government of Wales Act 2006, 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 (Legislative Competence) (Exceptions to Matters) Order 2009.

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

(3) In this Order "the 2006 Act" means the Government of Wales Act 2006.

Exceptions to matters in Part 1 of Schedule 5 to the 2006 Act

2.—(1) Section 94 of the 2006 Act is amended in accordance with paragraphs (2) to (4).

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

(2) In subsection (4)(a), after "Schedule 5" insert "and does not fall within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule (whether or not the exception is under a heading corresponding to the field which includes the matter)."

(3) In subsection (6)(a), after "restrictions in" insert "paragraphs 1 to 6 of'.

(4) In subsection (7), after "Schedule 5" insert "(or falls within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule)".

(5) In section 101(1)(a) of the 2006 Act, after "Schedule 5" insert "(or falls within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule)".

(6) Schedule 5 to the 2006 Act is amended in accordance with paragraphs (7) to (12).

(7) In Part 1 of Schedule 5(**2**)—

(a) in matter 10.1 omit the words from "This does not include" to the end of that matter;

(b) omit the words and tables from "EXCEPTIONS TO MATTERS" to the end of that Part.

(8) For the heading of Part 2 of Schedule 5 substitute "EXCEPTIONS TO MATTERS AND GENERAL RESTRICTIONS".

(9) After the heading of Part 2 of Schedule 5 insert—

"Exceptions to matters

A1. These are the exceptions mentioned in section 94(4)(a) and (7)—

Highways and transport (field 10 of Part 1)

(1) Registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to those services.

(2) Regulation of the use of motor vehicles on roads, their construction and equipment and conditions under which they may be so used (apart from regulation relating to matter 10.1).

(3) Road traffic offences.

(4) Driver licensing.

(5) Driving instruction.

(6) Insurance of motor vehicles.

(7) Drivers' hours.

(8) Traffic regulation on special roads (apart from regulation relating to matter 10.1).

(9) Pedestrian crossings.

(10) Traffic signs (apart from the placing and maintenance of traffic signs within the meaning of section 177 of the Transport Act 2000 for purposes relating to matter 10.1).

(11) Speed limits.

(12) Public service vehicle operator licensing.

(13) Provision and regulation of railway services, apart from financial assistance which—

(a) does not relate to the carriage of goods,

(b) is not made in connection with a railway administration order, and

(**2**) Matter 10.1 was inserted by section 122 of the Local Transport Act 2008 (c.26). The words and tables from "EXCEPTIONS TO MATTERS" to the end of Part 1 of Schedule 5 were inserted by article 5 of the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008 (SI.2008/3132).