



Wales Office Swyddfa Cymru

WALES BILL: MINISTER OF THE CROWN FUNCTIONS TO BE TRANSFERRED TO WELSH MINISTERS

In February, the Government committed to make clear in the Wales Bill and associated secondary legislation how Minister of the Crown functions in devolved areas (so called “pre-commencement” functions) would be exercised in future. The Government further committed to transferring by Order to the Welsh Ministers as many of these functions as possible.

Schedule 4 to the Bill lists the Minister of the Crown functions in devolved areas which are to be exercised concurrently or jointly by Welsh Ministers and Ministers of the Crown. Paragraph 11(1) of Schedule 2 to the Bill lists a small number of functions which will continue to be exercised solely by Ministers of the Crown.

The Government intends to transfer to Welsh Ministers, through a Transfer of Functions Order (TFO), all remaining Minister of the Crown functions exercisable in devolved areas.

Draft list of provisions to be included in the TFO

1. **Lieutenancies Act 1997 c.23**, section 2(4) – the function of Lord President of the Council shall be transferred to Welsh Ministers.
2. **Vehicles (Crime) Act 2001 c.3**, section 38 – power of SoS to fund speed cameras.
3. **NHS Act 2006 c.41**, Schedule 21 - provision of a certificate in the sale of Medical Practices to certify that no valuable consideration given.
4. **Harbours Act 1964 c.40**, section 39(4) - SoS function not included in clause 29(2)(b) Wales Bill which transfers other functions under Harbours Act but arguably the Assembly already has competence in relation to fishing harbours so this should be included in the TFO.
5. **Conservation of Seals Act 1970 c. 30**, section 1(2). Prescription of firearms or ammunition that are prohibited in the killing of seals.
6. **National Parks and Access to the Countryside Act 1949** - sections 65(3), 72, 78(1) and paragraph 4 of the First Schedule.
7. **Deer Act 1991 c. 54** - all functions except sections 2 and 7, which have already been transferred and in relation to section 7(5)(b), only the function of the Secretary of State as “agriculture Minister” is transferred to Welsh Ministers.
8. **Plant Varieties and Seeds Act 1964 c. 14** - in respect of the functions not transferred to the Secretary of State by the 1978 transfer order.
9. **Plant Varieties Act 1997 c. 66** - the functions of “the Ministers” so far as exercisable by a Minister of the Crown under sections 2, 11, 18, 27 to 29, Schedule 1 and paragraphs 7, 14 and 15 of Schedule 3.

10. **Salmon and Freshwater Fisheries Act 1975**, - section 37A (fixed penalty notices for certain offences) and section 38 (works below high water marks).
11. **Food and Environment Protection Act 1985**, sections 16 and 18. Control of pesticides and payment of fees for evaluation.
12. **Pig Industry Levy Act 1983**, s1