

Legislation (Wales) Bill

[DRAFT]

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Legislation (Wales) Bill

[DRAFT]

An Act of the National Assembly for Wales to promote the accessibility of Welsh law; to provide for the interpretation of Welsh legislation; and for connected purposes.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

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PART 1

ACCESSIBILITY OF WELSH LAW

1 Duty to keep accessibility of Welsh law under review

- (1) The Counsel General must keep the accessibility of Welsh law under review.
- (2) For the purposes of this Part, “Welsh law” means –
 - 10 (a) Acts and Measures of the National Assembly for Wales,
 - (b) Welsh subordinate instruments (within the meaning given in section 4(4)), and
 - (c) any other enactment, or rule of law, to the extent that it relates to subject matter which could be provided for in an Act of the National Assembly for Wales.

2 Programme to improve accessibility of Welsh law

- 15 (1) The Welsh Ministers and the Counsel General must prepare a programme setting out what they intend to do to improve the accessibility of Welsh law.
- (2) A programme must be prepared for each term of the National Assembly for Wales.
- (3) The programme must include proposed activities that are intended to –
 - 20 (a) contribute to an ongoing process of consolidating and codifying Welsh law;
 - (b) maintain the form of Welsh law (once codified);
 - (c) facilitate use of the Welsh language.
- (4) The programme may also include proposed activities –
 - 25 (a) intended to promote awareness and understanding of Welsh law,
 - (b) that may be undertaken in collaboration with the Law Commission (in accordance with the Law Commissions Act 1965 (c. 22)), or
 - (c) of any other kind the Welsh Ministers and the Counsel General consider appropriate.
- 30 (5) The Counsel General must lay a copy of the programme before the National Assembly within 6 months of the appointment of a First Minister after a general election held under Part 1 of the Government of Wales Act 2006 (c. 32).

- 5
- (6) The Welsh Ministers and the Counsel General may at any time revise the programme, and if they do so the Counsel General must lay a copy of the revised programme before the National Assembly.
 - (7) The Counsel General must report periodically to the National Assembly on progress made under the programme.

PART 2

INTERPRETATION OF WELSH LEGISLATION

Application of Part and definitions of key terms

3 Application of Part

- 10
- (1) This Part applies to—
 - (a) Assembly Acts which receive Royal Assent on or after the day on which this Part comes into force,
 - (b) Welsh subordinate instruments made on or after that day, and
 - (c) this Act.
 - 15 (2) References in this Part to an Assembly Act or a Welsh subordinate instrument mean (unless otherwise provided) an Act or instrument to which this Part applies by virtue of subsection (1).
 - (3) A provision in this Part does not apply to an Assembly Act or a Welsh subordinate instrument, or a provision in such an Act or instrument, to the extent that—

20

 - (a) the Act or instrument provides that a provision in this Part does not apply, or
 - (b) the context of the Act or instrument, or the provision in the Act or instrument, requires that a provision in this Part does not apply.
 - (4) Subsection (3)(b) does not apply in relation to the application of—
 - (a) section 10 (references to time of day),
 - 25 (b) section 27 (Assembly Acts and Welsh subordinate instruments bind the Crown), and
 - (c) section 31 (repeals and revocations do not revive things previously repealed or revoked).

4 Definitions of key words and expressions used in Part

- 30
- (1) This section defines key words and expressions for the purposes of this Part.
 - (2) References to an enactment are to an enactment comprised in—
 - (a) an Assembly Act;
 - (b) an Assembly Measure;
 - (c) an Act of the Parliament of the United Kingdom;

(d) subordinate legislation.

(3) “Subordinate legislation” means regulations, orders, rules, Orders in Council, schemes, warrants, byelaws and other instruments made or to be made under (unless the contrary intention appears) –

(a) an Assembly Act;

(b) an Assembly Measure;

(c) an Act of the Parliament of the United Kingdom.

(4) “Welsh subordinate instrument” means an instrument (whether or not that instrument is a statutory instrument) consisting of subordinate legislation –

(a) made under an Assembly Act or Assembly Measure (by the Welsh Ministers or any other person);

(b) made under an Act of the Parliament of the United Kingdom by the Welsh Ministers, other than subordinate legislation made jointly with a Minister of the Crown or any other person.

(5) In this section –

“Assembly Act” (“*Deddf Cynulliad*”) includes an Assembly Act to which this Part does not apply;

“Welsh Ministers” (“*Gwenidogion Cymru*”) includes any member of the Welsh Government on whom a power or duty to make subordinate legislation has been conferred or imposed;

“Minister of the Crown” (“*Gweinidog y Goron*”) means the holder of an office in Her Majesty's Government in the United Kingdom.

Meaning of words and expressions used in legislation

5 Definitions of words and expressions

(1) Words and expressions listed in Schedule 1 are to be interpreted according to that Schedule where they appear in an Assembly Act or a Welsh subordinate instrument.

(2) The Welsh Ministers may by regulations amend Schedule 1 to –

(a) insert new definitions of words or expressions;

(b) remove definitions of words or expressions;

(c) amend definitions of words or expressions.

6 Words in the singular include the plural and vice versa

In an Assembly Act or a Welsh subordinate instrument –

(a) words in the singular include the plural, and

(b) words in the plural include the singular.

7 Words denoting a gender are not limited to that gender

In an Assembly Act or a Welsh subordinate instrument, words denoting a gender are not to be read as limited to that gender.

8 Variations of a word or expression due to grammar etc.

Where a word or expression in an Assembly Act or a Welsh subordinate instrument is given a meaning by an enactment, other parts of speech and grammatical forms or modifications of the word or expression are to be interpreted in accordance with that meaning.

9 References to periods of time

Where a period of time is described in an Assembly Act or a Welsh subordinate instrument as –

(a) beginning or ending on a particular day, or

(b) as running from or to a particular day,
that day is included in the period.

10 References to time of day

A reference to the time of day in an Assembly Act or a Welsh subordinate instrument is, unless otherwise provided, a reference to Greenwich mean time; but this is subject to section 3 of the Summer Time Act 1972 (c. 6) (points of time during the period of summer time).

11 References to the Sovereign

A reference to the Sovereign in an Assembly Act or a Welsh subordinate instrument is to be read as a reference to the Sovereign for the time being.

12 Measurement of distance

In the measurement of any distance for the purposes of an Assembly Act or a Welsh subordinate instrument, that distance is to be measured in a straight line on a horizontal plane.

Service of documents by post or electronically

13 Service of documents by post or electronically

(1) Where an Assembly Act or a Welsh subordinate instrument authorises or requires that a document be served on a person by post (whether the expression “serve”, “give”, “send” or any other expression is used), the document is served by properly addressing, pre-paying and posting a letter containing the document to that person.

(2) Where an Assembly Act or a Welsh subordinate instrument authorises or requires that a document be served on a person electronically (whether the expression “serve”, “give”, “send” or any other expression is used), the document is served –

(a) in the case of service by email, by properly addressing and sending to that person an email –

(i) consisting of or containing the document, or

(ii) to which the document is attached in an electronic form which is capable of being accessed by that person;

- (b) in the case of service using another method of electronic communication, by sending the document to the person on whom it is being served in an electronic form which is capable of being accessed and retained by that person.

14 Day on which service is deemed to be effected

Where a document is served by post or electronically under an Assembly Act or a Welsh subordinate instrument, service is deemed to be effected, unless the contrary is proved –

- (a) in the case of a document served by post, on the day on which the letter containing the document would be delivered in the ordinary course of post;
- (b) in the case of a document served electronically, on the day on which the electronic communication is sent.

Powers and duties

15 Continuity of powers and duties

- (1) A power conferred by an Assembly Act or a Welsh subordinate instrument may be exercised on more than one occasion and from time to time.
- (2) A duty imposed by an Assembly Act or a Welsh subordinate instrument is continuous and must be discharged as occasion requires.
- (3) Where a power is conferred or duty is imposed by an Assembly Act or a Welsh subordinate instrument on the holder of an office, it is to be exercised or discharged by the holder for the time being of the office.

16 Anticipatory exercise of a power or discharge of a duty that is not in force

- (1) References in this section to a power or duty are to a power or duty –
- (a) conferred or imposed by a provision in an Assembly Act which comes into force –
- (i) other than by order or regulations, and
- (ii) more than one day after the day on which the Act receives Royal Assent;
- (b) conferred or imposed by a provision in a Welsh subordinate instrument which does not come into force immediately on the instrument being made.
- (2) The power or duty may be exercised or discharged (and any instrument made under the power or duty may come into force) during the period –
- (a) beginning when the Assembly Act receives Royal Assent or the Welsh subordinate instrument is made, and
- (b) ending when the provision conferring the power or imposing the duty comes into force.
- (3) But during that period the power or duty may be exercised or discharged only so far as is necessary or expedient for the purpose of giving full effect to –
- (a) the Assembly Act or Welsh subordinate instrument conferring or imposing the power or duty, or

(b) a provision in that Act or instrument,
at or after the time when the Act, instrument or provision comes into force.

(4) Where a provision in an Assembly Act or a Welsh subordinate instrument which is not in force –

(a) is incidental or supplementary to a power or duty exercised or discharged in accordance with this section, and

(b) comes into force other than by order or regulations,

that provision is to be treated as being in force so far as is necessary for the exercise or discharge of the power or duty in accordance with this section.

(5) The exercise or discharge of a power or duty in accordance with this section is subject to any conditions or limitations imposed by the Assembly Act or Welsh subordinate instrument conferring or imposing the power or duty (whether or not the provision imposing the condition or limitation is in force).

17 Inclusion of sunset provisions and review provisions in subordinate legislation

(1) A power or duty to make subordinate legislation conferred or imposed by an Assembly Act may be exercised or discharged so that the subordinate legislation includes a review provision or a sunset provision (or both).

(2) In this section –

(a) “review provision” means a provision requiring the person who made the subordinate legislation to review the effectiveness of that legislation, or of any Welsh subordinate instrument which it amends, within a specified period or at the end of a specified period;

(b) “sunset provision” means a provision for the subordinate legislation, or any Welsh subordinate instrument which it amends, to cease to have effect at the end of a specified day or specified period;

(c) “specified” means specified in the subordinate legislation.

(3) A review provision may, among other things, require a review of whether the objectives of the subordinate legislation to which it applies remain appropriate and, if so, whether they could be achieved in another way.

(4) Subordinate legislation containing a review provision or a sunset provision may provide that the provision applies generally or only in relation to specified provisions of subordinate legislation or specified cases or circumstances.

(5) Subordinate legislation containing a review provision or a sunset provision may make transitional, consequential, incidental or supplementary provision or savings in connection with the review provision or sunset provision.

18 Revoking, amending and re-enacting subordinate legislation

(1) A power to make subordinate legislation conferred by an Assembly Act may be exercised to amend, revoke, or re-enact any subordinate legislation made under it.

- (2) A duty to make subordinate legislation imposed by an Assembly Act includes a power (exercisable in the same manner and subject to the same conditions or limitations as the duty) which may be exercised to amend, re-enact, or revoke and replace, any subordinate legislation made in the discharge of the duty (or in the exercise of the power provided by this subsection).

19 Amendment of subordinate legislation by an Assembly Act

The amendment, revocation or re-enactment of subordinate legislation by an Assembly Act does not limit or otherwise affect the power or duty under which the subordinate legislation was made.

Varying and withdrawing directions

20 Varying and withdrawing directions

- (1) A power to give directions conferred by an Assembly Act or a Welsh subordinate instrument may be exercised to vary or withdraw any directions given under it.
- (2) A duty to give directions imposed by such an Act or instrument includes a power (exercisable in the same manner and subject to the same conditions or limitations as the duty) to vary or substitute any directions given in the discharge of the duty.

References in legislation to other legislation

21 References to portions of legislation

- (1) Where an Assembly Act or a Welsh subordinate instrument –
- (a) describes or refers to a portion of an enactment, and
 - (b) does so by referring to words, sections or other parts of the enactment from or to which (or from and to which) the portion extends,
- the portion includes the words, sections or other parts referred to.
- (2) In subsection (1) “enactment” includes an enactment comprised in, or in an instrument made under –
- (a) an Act of the Scottish Parliament;
 - (b) Northern Ireland legislation.

22 References to legislation are to the legislation as amended

- (1) Where –
- (a) an Assembly Act or a Welsh subordinate instrument (“A”) contains a reference to an enactment (“B”), and
 - (b) before, on or after the coming into force of A, B is amended, extended or applied by another enactment (including A),

the reference in A to B is a reference to B as amended, extended or applied.

- (2) In subsection (1) “enactment” includes an enactment comprised in, or in an instrument made under –
- (a) an Act of the Scottish Parliament;
 - (b) Northern Ireland legislation.

23 References to EU instruments

Where –

- (a) an Assembly Act or a Welsh subordinate instrument contains a reference to an EU instrument, and
- (b) the EU instrument is amended, extended or applied by another EU instrument before the day on which the Assembly Act is passed or the Welsh subordinate instrument is made,

the reference is a reference to the EU instrument as amended, extended or applied.

24 Edition of Assembly Act or Assembly Measure referred to

- (1) Subsection (2) applies where an Assembly Act or Welsh subordinate instrument contains a reference to –
- (a) an Assembly Act or Assembly Measure, or
 - (b) a provision or group of provisions in an Assembly Act or Assembly Measure.
- (2) The reference is a reference to the certified copy of the Assembly Act, or to the Assembly Measure as approved –
- (a) published by the Queen’s Printer, or
 - (b) published under the superintendence or authority of Her Majesty’s Stationery Office.
- (3) In paragraphs (a) and (b) of subsection (1), and in subsection (2), the references to an Assembly Act include an Assembly Act to which this Part does not apply.

25 Edition of Act of the Parliament of the United Kingdom referred to

- (1) Subsection (2) applies where an Assembly Act or Welsh subordinate instrument contains a reference to –
- (a) an Act of the Parliament of the United Kingdom, by year, statute, session or chapter, or
 - (b) a provision or group of provisions in an Act of the Parliament of the United Kingdom.
- (2) Subject to subsections (3) and (4), the reference is a reference to the Act as enacted –
- (a) published by the Queen’s Printer, or
 - (b) published under the superintendence or authority of Her Majesty’s Stationery Office.

- (3) Where the reference mentioned in subsection (1) is to an Act included in a revised edition of the statutes printed by authority, the reference is a reference to that edition.
- (4) Where the reference mentioned in subsection (1) is to an Act included in the edition prepared under the direction of the Record Commission and subsection (3) does not apply to the Act, the reference is a reference to that edition.

Duplication of criminal offences

26 Duplicated offences

- (1) Where an act or omission is an offence under an Assembly Act or Welsh subordinate instrument (“A”) and is also an offence –
- (a) under an Assembly Act or Welsh subordinate instrument other than A,
 - (b) at common law, or
 - (c) under an Assembly Act or Welsh subordinate instrument other than A and at common law,

a person is liable to be prosecuted and punished under either or any of those Acts or instruments or at common law, but cannot be punished more than once for the same offence.

- (2) Subsection (1) does not apply where an act or omission is an offence under an Assembly Act or Welsh subordinate instrument and under any other legislation to which section 18 of the Interpretation Act 1978 (c. 30) applies (whether or not the act or omission is also an offence at common law).

Application to the Crown

27 Application of Assembly Acts and Welsh subordinate instruments to the Crown

An Assembly Act or Welsh subordinate instrument binds the Crown, except in so far as the Act or instrument expressly provides otherwise.

Coming into force of legislation

28 Time of coming into force

Where –

- (a) an Assembly Act or Welsh subordinate instrument, or
- (b) a provision in an Assembly Act or Welsh subordinate instrument,

comes into force on a day provided for in an enactment (other than section 29), the Act, instrument or provision comes into force at the beginning of that day.

29 Day on which an Assembly Act comes into force

Where the coming into force of an Assembly Act, or a provision in an Assembly Act, is not provided for in an enactment (other than this section), the Act or provision comes into force at the beginning of the day after the day on which the Act receives Royal Assent.

30 Orders and regulations bringing legislation into force

An order or regulations appointing the day on which—

- (a) an Assembly Act comes into force, or
- (b) a provision of an Assembly Act comes into force,

may appoint different days for different purposes.

Repeal, revocation and re-enactment of legislation

31 Repeals and revocations do not revive things previously repealed or revoked

Where—

- (a) an Assembly Act or Welsh subordinate instrument (“A”) repeals or revokes any enactment (“B”), and
- (b) B previously repealed or revoked any other enactment (“C”),

the repeal or revocation of B does not revive C, unless A expressly provides for the revival of C.

32 General savings

Where an Assembly Act or Welsh subordinate instrument repeals or revokes any enactment, the repeal or revocation does not—

- (a) revive any other thing (including any rule of law) that is not in force or existing at the time at which the repeal or revocation takes effect;
- (b) affect the previous operation of the enactment or anything done or suffered under the enactment;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under the enactment;
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repeal or revocation had not occurred.

33 Re-enactment

(1) Where an enactment (“A”) is—

- (a) repealed or revoked by an Assembly Act or Welsh subordinate instrument, and
- (b) re-enacted (with or without modification) by an Assembly Act or Welsh subordinate instrument,

any reference in any other enactment to A is to be read as (or as including) a reference to the enactment which is the re-enactment of A (“B”).

- (2) In so far as any subordinate legislation made under A, or having effect as if it were made under A could have been made under B, it is to have effect as if made under B.
- 5 (3) In so far as anything done or having effect as if it were done under A could have been done under B, it is to have effect as if done under B.
- (4) In subsection (1) the reference to “any other enactment” includes any deed or other instrument or document.

34 Referring to an Assembly Act by its short title after repeal

10 An Assembly Act may continue to be referred to by the short title conferred on it by an enactment despite the repeal of that enactment.

Supplementary provision

35 Interpretation of Part

- (1) In this Part –

15 “Assembly Act” (“*Deddf Cynulliad*”) means an Act of the National Assembly for Wales (and includes this Act);

“Assembly Measure” (“*Mesur Cynulliad*”) means a Measure of the National Assembly for Wales;

20 “Northern Ireland legislation” (“*deddfwriaeth Gogledd Iwerddon*”) has the same meaning as in the Interpretation Act 1978 (c. 30) (see section 24(5) of that Act).

- (2) For the purposes of this Part –

- (a) repealing or revoking an enactment includes –

(i) changing the effect of the enactment by substituting the enactment (or a portion of the enactment),

25 (ii) limiting the effect of the enactment, and

(iii) providing for the enactment to cease to have effect;

- (b) the expiry of a temporary Assembly Act or Welsh subordinate instrument is to be treated –

30 (i) in the case of a temporary Assembly Act, as a repeal by an Assembly Act or Welsh subordinate instrument;

(ii) in the case of a temporary Welsh subordinate instrument, as a revocation by an Assembly Act or Welsh subordinate instrument.

36 Interpretation Act 1978

Schedule 2 provides for the amendment of the Interpretation Act 1978 (c. 30).

PART 3**MISCELLANEOUS PROVISION****37 Power to make additional provision to give full effect to this Act**

5 (1) If the Welsh Ministers consider it necessary or expedient for the purpose of giving full effect to any provision of this Act, or in consequence of any such provision, they may by regulations make –

(a) any supplemental, incidental, or consequential provision, and

(b) any transitory, transitional or saving provision.

10 (2) Regulations under subsection (1) may amend, repeal, revoke or modify any enactment (including a provision of this Act).

38 Regulations made under this Act

(1) A power to make regulations under this Act is exercisable by statutory instrument.

15 (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales –

(a) regulations under section 5(2);

(b) regulations under section 37(1) which amend, repeal or modify any provision of an Act or Measure of the National Assembly for Wales or of an Act of the Parliament of the United Kingdom.

20 (3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance a resolution of the National Assembly for Wales.

39 Coming into force of this Act

(1) This Part comes into force on the day after the day on which this Act receives Royal Assent.

25 (2) Part 1 comes into force two months after the day on which this Act receives Royal Assent.

(3) Part 2 comes into force on a day appointed by an order made by the Welsh Ministers.

(4) An order under subsection (3) –

(a) must be made by statutory instrument;

(b) may include transitory, transitional or saving provision;

30 (c) may amend section 3 and Schedule 2 to replace references to the day on which Part 2 comes into force with references to the date appointed by the order;

(d) may appoint different days for different purposes.

40 Short title

The short title of this Act is the Legislation (Wales) Act 2020.

SCHEDULE 1
(Introduced by section 5)

DEFINITIONS OF WORDS AND EXPRESSIONS

5	Bank of England (<i>Banc Lloegr</i>)	“Bank of England” means, as the context requires – (a) the Governor and Company of the Bank of England, or (b) the bank of the Governor and Company of the Bank of England
10	Counsel General (<i>Cwnsler Cyffredinol</i>)	“Counsel General” means the Counsel General to the Welsh Government, appointed under section 49 of the Government of Wales Act 2006 (c. 32)
15	county court (<i>llys sirol</i>)	“county court” means – (a) in relation to England and Wales, the county court established under section A1 of the County Courts Act 1984 (c. 28); (b) in relation to Northern Ireland, a court held for a division under the County Courts (Northern Ireland) Order 1980 (No. 397 (N.I. 3))
20		
25	Court of Appeal (<i>Llys Apêl</i>)	“Court of Appeal” means – (a) in relation to England and Wales, Her Majesty's Court of Appeal in England and Wales; (b) in relation to Northern Ireland, Her Majesty's Court of Appeal in Northern Ireland

<p>5</p> <p>Crown Court (<i>Llys y Goron</i>)</p>	<p>“Crown Court” means –</p> <p>(a) in relation to England and Wales, the Crown Court originally constituted by section 4 of the Courts Act 1971 (c. 23) (that section was subsequently repealed by the Senior Courts Act 1981 (c. 54));</p> <p>(b) in relation to Northern Ireland, the Crown Court constituted by section 4 of the Judicature (Northern Ireland) Act 1978 (c. 23)</p>
<p>10</p> <p>EEA agreement (<i>cytundeb yr AEE</i>)</p>	<p>“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time</p>
<p>15</p> <p>EEA state (<i>gwladwriaeth yr AEE</i>)</p>	<p>“EEA state”, in relation to any time, means –</p> <p>(a) a state which at that time is a member State, or</p> <p>(b) any other state which at that time is a party to the EEA agreement</p>
<p>20</p> <p>England (<i>Lloegr</i>)</p>	<p>“England” has the meaning given by Schedule 1 to the Interpretation Act 1978 (c. 30)</p>
<p>25</p> <p>the EU (<i>yr UE</i>), the Treaties (<i>y Cytuniadau</i>), the EU Treaties (<i>Cytuniadau'r UE</i>), EU instrument (<i>offeryn gan yr UE</i>), and other expressions defined by section 1 of and 30 Schedule 1 to the European Communities Act 1972</p>	<p>“the EU”, “the Treaties”, “the EU Treaties”, “EU instrument” and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 (c. 68) have the meanings given by that Act</p>
<p>financial year (<i>blwyddyn ariannol</i>)</p>	<p>“financial year” means a year ending with 31 March</p>

	First Minister (<i>Prif Weinidog</i>)	“First Minister” is to be interpreted in accordance with section 46 of the Government of Wales Act 2006 (c. 32) (and see section 45(2) of that Act, which provides that references to the Welsh Ministers include the First Minister)
5	Her Majesty's Revenue and Customs (<i>Cyllid a Thollau Ei Mawrhydi</i>)	“Her Majesty's Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005 (c. 11)
10	High Court (<i>Uchel Lys</i>)	“High Court” means – (a) in relation to England and Wales, Her Majesty's High Court of Justice in England and Wales; (b) in relation to Northern Ireland, Her Majesty's High Court of Justice in Northern Ireland
15	indictable offence (<i>trosedd dditiadwy</i>)	“indictable offence” means an offence which, if committed by an adult, is triable on indictment exclusively or triable either way; and the effect (if any) of section 22 of the Magistrates' Courts Act 1980 (c. 43) (certain offences to be tried summarily if value involved is small) on the mode of trial is to be ignored in construing this definition
20	land (<i>tir</i>)	“land” includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land
25	Lord Chancellor (<i>Arglwydd Ganghellor</i>)	“Lord Chancellor” means the Lord High Chancellor of Great Britain
30	magistrates' court (<i>llys ynadon</i>)	“magistrates' court” has the meaning given – (a) in relation to England and Wales, by section 148 of the Magistrates' Courts Act 1980; (b) in relation to Northern Ireland, by Article 2(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (No. 1675 (N.I. 26))

	month (<i>mis</i>)	“month” means a calendar month
5	National Assembly for Wales (<i>Cynulliad Cenedlaethol Cymru</i>)	“National Assembly for Wales” means the Assembly for Wales established under section 1 of the Government of Wales Act 2006 (c. 32)
10	National Assembly for Wales Commission (<i>Comisiwn Cynulliad Cenedlaethol Cymru</i>)	“National Assembly for Wales Commission” means the Commission established under section 27 of the Government of Wales Act 2006
	oath (<i>llw</i>), affidavit (<i>affidafid</i>), and swear (<i>tyngu llw</i>)	“oath” and “affidavit” include affirmation and declaration; and “swear” includes affirm and declare
15	offence triable either way (<i>trosedd neillffordd</i>)	“offence triable either way” means an offence, other than an offence triable on indictment only by virtue of Part 5 of the Criminal Justice Act 1988 (c. 33), which if committed by an adult is triable either on indictment or summarily; and the effect (if any) of section 22 of the Magistrates’ Courts Act 1980 (c. 43) (certain offences to be tried summarily if value involved is small) on the mode of trial is to be ignored in construing this definition
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	person (<i>person</i>)	“person” includes a body of persons corporate or unincorporate
25	the Privy Council (<i>y Cyfrin Gyngor</i>)	“the Privy Council” means the Lords and others of Her Majesty’s Most Honourable Privy Council
	rules of court (<i>rheolau llys</i>)	“rules of court” in relation to any court means rules made by the authority having power to make rules or orders regulating the practice and procedure of that court
30	Secretary of State (<i>Ysgrifennydd Gwladol</i>)	“Secretary of State” means one of Her Majesty’s Principal Secretaries of State

	Senior Courts (<i>Uwchlysoedd</i>)	“Senior Courts” means the Senior Courts of England and Wales (see section 1 of the Senior Courts Act 1981 (c. 54))
5	sent for trial (<i>anfôn i sefyll prawf</i>)	“sent for trial” means sent by a magistrates’ court to the Crown Court for trial pursuant to section 51 or 51A of the Crime and Disorder Act 1998 (c. 37)
10	standard scale (<i>graddfa safonol</i>)	“standard scale”, with reference to a fine or penalty for an offence triable only summarily, is to be interpreted in accordance with section 37 of the Criminal Justice Act 1982 (c. 48) and section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
	statutory declaration (<i>datganiad statudol</i>)	“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835 (c. 62)
15	summary offence (<i>trosedd ddiannod</i>)	“summary offence” means an offence which, if committed by an adult, is triable only summarily; and the effect (if any) of section 22 of the Magistrates’ Courts Act 1980 (c. 43) (certain offences to be tried summarily if value involved is small) on the mode of trial is to be ignored in construing this definition
20	Supreme Court (<i>Goruchaf Lys</i>)	“Supreme Court” means the Supreme Court of the United Kingdom (see section 23 of the Constitutional Reform Act 2005 (c. 4))
	the Treasury (<i>y Trysorlys</i>)	“the Treasury” means the Commissioners of Her Majesty’s Treasury
	United Kingdom (<i>y Deyrnas Unedig</i>)	“United Kingdom” means Great Britain and Northern Ireland
25	Wales (<i>Cymru</i>)	“Wales” has the same meaning as in the Government of Wales Act 2006 (c. 32) (see section 158 of that Act)
	Welsh Government (<i>Llywodraeth Cymru</i>)	“Welsh Government” is to be interpreted in accordance with section 45(1) of the Government of Wales Act 2006

	Welsh Ministers (<i>Gweinidogion Cymru</i>)	“Welsh Ministers” is to be interpreted in accordance with section 48 of the Government of Wales Act 2006 (c. 32) (and see section 45(2) of that Act, which provides that references to the Welsh Ministers include the First Minister)
5	Welsh Revenue Authority (<i>Awdurdod Cyllid Cymru</i>)	“Welsh Revenue Authority” means the authority established under section 2 of the Tax Collection and Management (Wales) Act 2016 (anaw 6)
	Welsh Tribunal (<i>Tribiwnlys Cymru</i>)	“Welsh Tribunal” has the meaning given in section 59(1) of the Wales Act 2017 (c. 4)
10	working day (<i>diwrnod gwaith</i>)	“working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80)
15	writing (<i>ysgrifennu</i>)	“writing” includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form, and expressions referring to writing are to be interpreted accordingly

SCHEDULE 2
(Introduced by section 36)

AMENDMENT OF THE INTERPRETATION ACT 1978

5 For section 23B of the Interpretation Act 1978 (c. 30) (application of Act to Measures and Acts of the National Assembly for Wales etc.) substitute –

“23B Application to Welsh law existing before Part 2 of the Legislation (Wales) Act 2020 comes into force

(1) The provisions of this Act apply to –

- 10 (a) a Measure of the National Assembly for Wales (an “Assembly Measure”), and
- (b) an Act of the National Assembly for Wales which received Royal Assent before the day on which Part 2 of the Legislation (Wales) Act 2020 (interpretation of Welsh legislation) comes
- 15 into force (an “Assembly Act”),

as they apply to an Act, save that sections 1 to 3 do not apply to an Assembly Measure or Assembly Act (and section 4(b) does not apply to an Assembly Measure).

(2) The provisions of this Act also apply to an instrument –

- 20 (a) made under an Assembly Measure or Assembly Act, and
- (b) made before the day on which Part 2 of the Legislation (Wales) Act 2020 comes into force,

as they apply to other subordinate legislation.

(3) The provisions of this Act apply to an instrument made under an Act of Parliament by the Welsh Ministers only if the instrument was made before the day on which Part 2 of the Legislation (Wales) Act 2020 comes into force.

(4) In the application of this Act to an Assembly Measure or Assembly Act, references to the passing of an Act or an enactment are to be read as references to the enactment of the Assembly Measure or Assembly Act.

23C Operation of this Act in relation to Welsh law

(1) In this Act, references to an enactment include an enactment comprised in –

- 35 (a) a Measure of the National Assembly for Wales;
- (b) an Act of the National Assembly for Wales (regardless of when the Act received Royal Assent);

(c) an instrument made under such an Act or Measure (whenever made);

(d) an instrument made under an Act of Parliament by the Welsh Ministers (whenever made),

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but the reference in section 16(2) to a temporary enactment does not include an enactment comprised in legislation to which Part 2 of the Legislation (Wales) Act 2020 applies (see section 3 of that Act).

(2) Section 11 does not apply in relation to an instrument to which Part 2 of the Legislation (Wales) Act 2020 applies.

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(3) In section 17(2)(b), the reference to subordinate legislation includes an instrument to which Part 2 of the Legislation (Wales) Act 2020 applies.

(4) In section 18, the reference to an act or omission which constitutes an offence under two or more Acts includes an act or omission which constitutes an offence under—

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(a) any legislation to which Part 2 of the Legislation (Wales) Act 2020 applies, and

(b) any legislation to which section 18 applies,

whether or not the act or omission is also an offence at common law; and the second reference in section 18 to “Acts” is to be read accordingly.

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(5) In section 19(1), references to “another Act” include—

(a) any Measure of the National Assembly for Wales, and

(b) any Act of the National Assembly for Wales (regardless of when the Act received Royal Assent),

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and the reference in paragraph (c) to “Acts” is to be read accordingly.

(6) Nothing in the Legislation (Wales) Act 2020 affects the operation of sections 12 to 14A in relation to a power or duty to make an instrument to which Part 2 of the Legislation (Wales) Act 2020 applies.”