

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

DRAFT STATUTORY INSTRUMENTS

2010 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The National Assembly for Wales (Legislative Competence)
(Culture and Other Fields) Order 2010**

Made - - - - - *[]*

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the day of 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(a), 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 section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:—

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2010 and it comes into force on the day after the day on which it is made.

Amendments to Schedule 5 to the Government of Wales Act 2006

2.—(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

(2) In field 2 (ancient monuments and historic buildings), insert—

(a) 2006 c.32.

“Matter 2.1

The functions of local authorities in the support, improvement and promotion of the appreciation by the public of archaeological remains, ancient monuments, buildings and places of historical or architectural interest, and historic wrecks.

In this matter “local authorities” means the councils of counties and county boroughs in Wales.”.

- (3) In field 3 (culture), insert—

“Matter 3.1

The functions of local authorities in the support, improvement and promotion of arts and crafts, museums and galleries, libraries, archives and historical records, and cultural activities and projects.

This matter does not include licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.

In this matter “local authorities” means the councils of counties and county boroughs in Wales.”.

- (4) In field 16 (sport and recreation)—

- (a) after matter 16.3(a) insert—

“Matter 16.4

The functions of local authorities in the support, improvement and promotion of sport and recreational activities.

This matter does not include licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.”;

- (b) under the heading “*Interpretation of this field*”, after the definition of “highway” insert “local authorities” means the councils of counties and county boroughs in Wales.”.

3.—(1) Part 2 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

- (2) At the appropriate place insert—

“Culture (field 3 of Part 1)

- (1) Public lending right.
(2) Classification of films, and video recordings.”.

- (3) At the appropriate place insert—

“Sport and recreation (field 16 of Part 1)

- (1) Betting, gaming and lotteries.”.

Name
Clerk of the Privy Council

(a) Matter 16.1 was inserted in Field 16 by the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008 (S.I. 2008 No. 3132). Matters 16.2 and 16.3 were inserted by section 310 of the Marine and Coastal Access Act 2009 (c. 23).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Government of Wales Act 2006 (“the 2006 Act”). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as “Assembly Measures”). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act (as amended by this Order).

Article 2 inserts the following into Part 1 of Schedule 5 to the 2006 Act—

- (a) matter 2.1 into field 2 (ancient monuments and historic buildings);
- (b) matter 3.1 into field 3 (culture);
- (c) matter 16.4 into field 16 (sport and recreation)

Matter 2.1 is about functions of local authorities in supporting, improving and promoting the appreciation by the public of archaeological remains, ancient monuments, buildings and places of historical or architectural interest, and historic wrecks.

Matter 3.1 is about functions of local authorities in supporting, improving and promoting arts and crafts, museums and galleries, libraries, archives and historic records, and cultural activities and projects.

This matter does not include licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.

Matter 16.4 is about functions of local authorities in supporting, improving and promoting sport and recreational activities.

This matter does not include licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.

Article 3 inserts provisions that modify Part 2 of Schedule 5 to the 2006 Act. The provisions insert exceptions into Part 2 that will apply to all matters in Part 1 of Schedule 5. The exceptions are—

- Public lending right
- Classification of films, and video recordings
- Betting, gaming and lotteries.

A full regulatory impact assessment has not been prepared for this Order since the effect of this Order is only to confer competence on the National Assembly for Wales to legislate.