Draft Order laid before Parliament under section 58(4)(a) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

The Welsh Ministers (Transfer of Functions) (No. 2) Order 2008

Made - - - - *[ ] 2008*

Coming into force - -

At the Court at Buckingham Palace, the day of 200[ ]

Present,

The Queen's Most Excellent Majesty in Council

This Order is made by Her Majesty in Council in exercise of the powers conferred upon Her by section 58 of, and paragraph 2 of Schedule 4 to, the Government of Wales Act 2006(**a**).

In accordance with section 58(4) of that Act a draft of this Order was—

(a) laid before, and approved by resolution of, each House of Parliament; and

(b) approved by the Welsh Ministers.

Accordingly, Her Majesty, by and with the advice of Her Privy Council, makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Welsh Ministers (Transfer of Functions) (No. 2) Order 2008.

(2) This Order shall come into force on 1st April 2009.

Transfer of Functions

2. Functions under section 47 of the Prison Act 1952(**b**) in relation to education, training and libraries are, so far as exercisable in relation to Wales, transferred to the Welsh Ministers.

(**a**) 2006 c.32.
(**b**) 1952 c.52.

Transfer of property, rights and liabilities – exception

3. The provisions of paragraph 1(1) of Schedule 4 to the Government of Wales Act 2006 do not apply to any documentary or electronic records to which a Minister of the Crown is entitled at the coming into force of this Order, in connection with any function exercisable by the Minister which is transferred by this Order.

Name

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 58 of, and paragraph 2 of Schedule 4 to, the Government of Wales Act 2006 (c.32) and comes into force on 1st April 2009.

This Order provides for certain functions under the Prison Act 1952 (c.52) ("the 1952 Act") to be transferred to the Welsh Ministers.

Article 3 excludes the transfer to the Welsh Ministers of documentary or electronic records connected with functions included in this Order, which would otherwise take place by operation of paragraph 1 of Schedule 4 to the Government of Wales Act 2006.

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