STATUTORY INSTRUMENTS

2000 No.991

CONSTITUTIONAL LAW

DEVOLUTION, WALES

The National Assembly for Wales (Transfer of Property etc.) Order 2000

Made	*8th March 2000*
Laid before Parliament	*10th March 2000*
Coming into force	*31st March 2000*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 25 of the Government of Wales Act 1998(**a**), hereby makes the following Order:

Citation, commencement and interpretation

1.-(1) This Order may be cited as the National Assembly for Wales (Transfer of Property etc.) Order 2000 and shall come into force on 31st March 2000.

(2) In this Order -

"the Assembly" means the National Assembly for Wales; and

"relevant section 41 arrangement" means an arrangement entered into by the Secretary of State for Wales and the Assembly under section 41 of the Government of Wales Act 1998 (agency arrangements and provision of services) in so far as that arrangement makes provision in relation to any of the functions of the Secretary of State for Wales to which article 2 of this Order applies.

Application of this Order

2.-(1) This Order applies to any function of the Secretary of State for Wales that is exercisable by him concurrently with the Assembly by virtue of:-

(a) articles 2(b) and (c) and 3 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999(**b**); or

(b) articles 2(2) and (3) and 8 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 2000(**c**).

(2) In the preceding paragraph, references to "any function of the Secretary of State for Wales" includes any function vested in the Secretary of State for Wales as a Minister of the Crown or as a Secretary of State as well as any function vested in him as the Secretary of State for Wales.

(a) 1998 c.38.

(b) S.I. 1999/672 which is amended by S.I. 2000/253.

(c) S.I. 2000/253.

Transfer of property, rights, liabilities etc. from the Secretary of State to the Assembly

3.-(1) Subject to article 4 of this Order, there shall be transferred to and vest in the Assembly all property, rights and liabilities to which the Secretary of State for Wales is entitled or subject, at the coming into force of this Order, in connection with the exercise before that date of any of his functions to which article 2 of this Order applies.

(2) There may be continued by or in relation to the Assembly anything (including legal proceedings) which relates to any property, rights or liabilities transferred by paragraph (1), and which is in the process of being done by or in relation to the Secretary of State for Wales immediately before the coming into force of this Order.

(3) Anything which was done by the Secretary of State for Wales for the purpose of or in connection with any property, rights or liabilities transferred by paragraph (1), and which is in effect immediately before the coming into force of this Order shall have effect as if done by the Assembly.

(4) The Assembly shall be substituted for the Secretary of State for Wales in any instruments, contracts or legal proceedings which relate to any property, rights or liabilities transferred by paragraph (1), and which are made or commenced before the coming into force of this Order.

Excepted Property

4. Article 3 shall not apply to -

(a) any documentary or electronic records; or

(b) any rights and liabilities of the Secretary of State for Wales that he has as principal in relation to the Assembly as his agent under a relevant section 41 arrangement.

Paul Murphy
Secretary of State for Wales

8th March 2000

EXPLANATORY NOTE

(This note is not part of the Order)

Section 25 of the Government of Wales Act 1998 empowers the Secretary of State to transfer specific property, rights and liabilities of a Minister of the Crown to the National Assembly for Wales ("the Assembly").

In the Order, the Secretary of State of Wales transfers (with certain exceptions) to the Assembly all his property, rights and liabilities on the 31st March 2000 (when this Order comes into force) in respect of any of his functions which he can exercise concurrently with the National Assembly for Wales by virtue of articles 2(b) and (c) and 3 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and articles 2(2) and (3) and 8 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). Property excepted from transfer are any records of the Secretary of State for Wales and any rights and liabilities he has in relation to the Assembly as his agent under any arrangement entered into by them under section 41 of the Government of Wales Act 1998 (agency arrangements and provision of services) in respect of the functions that he can exercise concurrently with the Assembly.

The Order is in addition to the general transfer to the Assembly of property, rights, liabilities etc. of Ministers of the Crown in connection with functions transferred to the Assembly by "Transfer of Functions" Orders under section 22 of the Government of Wales Act. That general transfer was effected by virtue of section 23 of that Act.

STATUTORY INSTRUMENTS

2000 No.991

CONSTITUTIONAL LAW

DEVOLUTION, WALES

The National Assembly for Wales (Transfer of Property etc.) Order 2000

© Crown copyright 2000

Printed and Published in the UK by the Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament.

ISBN 0-11-090083-9

£1.50

WO6118 07/00 ON