

## SCHEDULES

### SCHEDULE 2

#### CORRESPONDING POWERS INVOLVING DEVOLVED AUTHORITIES

##### PART 1

###### DEALING WITH DEFICIENCIES ARISING FROM WITHDRAWAL

###### *Meaning of devolved competence: Part 1*

- 9 (1) A provision is within the devolved competence of the Welsh Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (ignoring section 108A(2)(e) of the Government of Wales Act 2006 so far as relating to EU law and retained EU law but including any provision that could be made only with the consent of a Minister of the Crown), or
  - (b) it meets the conditions in sub-paragraph (2).
- (2) The conditions are—
- (a) the provision—
    - (i) amends or revokes subordinate legislation made before exit day by the Welsh Ministers acting alone or the National Assembly for Wales constituted by the Government of Wales Act 1998, or
    - (ii) makes supplementary, incidental, consequential, transitional, transitory or saving provision in connection with any such amendment or revocation,
  - (b) the subject-matter of the provision does not go beyond the subject-matter of the subordinate legislation concerned,
  - (c) the provision only forms part of the law of England and Wales,
  - (d) the provision does not confer or remove functions exercisable otherwise than in relation to Wales or the Welsh zone, and
  - (e) the provision does not modify any enactment so far as the enactment cannot, by virtue of paragraph 5, 6 or 7 of Schedule 7B to the Government of Wales Act 2006, be modified by an Act of the National Assembly for Wales.