

Subordinate Legislation Committee

Agenda (SLC (3)-11-09)

Date: 27 April 2009

Time: 16.00-18.00

Venue: Committee Room 3, Senedd

Item 1: Introduction, Apologies, Substitutions and Declarations of Interest

Item 2: Instruments and draft instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2

Item 2.1: Draft instruments subject to approval pursuant to a resolution of the Assembly (Affirmative Procedure)

SLC267 - The Traffic Management Permit Scheme (Wales)

Affirmative Procedure. Date made...2009. Date laid ... 2009. Coming into force date ...2009.

These Regulations make provision with respect to the content, preparation, submission, approval, operation, variation and revocation of permit schemes, being schemes designed to control the carrying out of certain street works and works for road purposes in certain streets within a certain area.

SLC268 - The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (Wales) Regulations 2009

Affirmative Procedure. Date made...2009. Date laid ... 2009. Coming into force date 1 June 2009.

These Regulations provide for the payment of charges to highway authorities where certain street works, executed by undertakers in maintainable highways, are unreasonably prolonged.

Item 2.2: Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC269 - The Local Health Boards (Establishment and Dissolution) (Wales) Order 2009

Negative procedure. Date made 24 March 2009. Date laid 25 March 2009. Coming into force date 1 June 2009

The Order dissolves all the Local Health Boards (LHBs) in Wales, save for Powys Teaching Local Health Board, and establishes six new LHBs that will be known as Aneurin Bevan Local Health Board, Cwm Taf Local Health Board, Cardiff and Vale University Local Health Board, Abertawe Bro Morgannwg University Local Health Board, Hywel Dda Local Health Board, and Betsi Cadwaladr University Local Health Board.

The six LHBs will be established in shadow form on 1 June 2009, and be fully operational from 1 October 2009.

SLC270 - The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

Negative procedure. Date made 24 March 2009. Date laid 25 March 2009. Coming into force date 1 June 2009

These Regulations revoke the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2003 and the Local Health Boards (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2007. They make provision for the constitution and membership of Local Health Boards in Wales, including their procedures and administrative arrangements.

SLC271 - The Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009

Negative procedure. Date made 24 March 2009. Date laid 26 March 2009. Coming into force date 23 April 2009

The Order varies Schedule 4 ("the Schedule") of the Wildlife and Countryside Act 1981 ("the Act") which lists the birds that if kept in captivity must be ringed and registered in accordance with Section 7 of the Act. The Order removes a number of species from the Schedule and will also remove the requirement for hybrids of all species listed in the Schedule to be registered. No new species will be added to the Schedule.

SLC273 - The Education (Admission of Looked After Children) (Wales) Regulations 2009

Negative procedure. Date made 31 March 2009. Date laid 1 April 2009. Coming into force date 22 April 2009

These Regulations prescribe the actions to be taken and the circumstances in which an admission authority for a maintained school must give priority in their admission arrangements to a "relevant looked after child" (a child who is looked after by a Welsh local authority within the meaning of section 22 of the Children Act 1989 at the time of their application and who will still be so looked after at the time when he or she is admitted to school).

SLC275 - The Education Maintenance Allowances (Wales) (Revocation) Regulations 2009

Negative procedure. Date made 30 March 2009. Date laid 1 April 2009. Coming into force date 24 April 2009

These Regulations revoke the Education Maintenance Allowances (Wales) Regulations 2007 (S.I. 2007/2311) ("the 2007 Regulations"). The 2007 Regulations provided the basis for the Education Maintenance Allowances (Wales) Scheme during academic year 2007/2008. For academic year 2008/2009 a modified scheme has operated and continues to operate under a different statutory basis.

SLC276 - The Education (Infant Class Sizes) (Wales) (Amendment) Regulations 2009

Negative procedure. Date made 31 March 2009. Date laid 1 April 2009. Coming into force date 22 April 2009

The Education (Infant Class Sizes) (Wales) Regulations 1998 ("the 1998 Regulations") restrict to 30 the maximum number of pupils in an infant class while an ordinary teaching session is conducted by a school teacher. However, certain types of children ("excepted pupils") can be discounted for the purposes of ascertaining whether or not the limit of 30 is exceeded. The amendments made by these Regulations to the 1998 Regulations are intended to modify some of the current categories of "excepted pupils" and add three further categories, including the addition of looked after children who are admitted to schools outside a normal admission round; and pupils admitted outside the normal admission round for whom education at a school of a particular religious character is desired.

SLC277 - The Merthyr Tydfil and Powys (Areas) Order 2009

Negative procedure. Date made 5 April 2009. Date laid 7 April 2009. Coming into force date in accordance with article 1

This Order gives effect to recommendations made by the Local Government Boundary Commission for Wales to change part of the existing county boundary between Merthyr Tydfil County Borough Council and Powys County Council. It also amends the community boundary between Talybont-on-Usk and Llangynidr in the County of Powys with consequential changes to electoral division boundaries.

SLC278 - The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

Negative procedure. Date made 11 April 2009. Date laid 15 April 2009. Coming into force date 6 May 2009

The Regulations implement Directive 2004/35, and impose obligations on operators of economic activities requiring them to prevent, limit or remediate environmental damage. The Regulations apply only to the more serious damage as defined.

Item 3: Instruments and Draft instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2

Item 3.1: Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC272 - The Eggs and Chicks (Wales) Regulations 2009

Negative procedure. Date made 25 March 2009. Date laid 27 March 2009. Coming into force date 17 April 2009

The Regulations implement EC marketing standards relating to the production, marketing and grading of eggs, and will enable enforcement in Wales of both existing and new Community legislation relating to eggs for hatching and consumption, and to farmyard poultry chicks.

SLC274 - The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009

Negative procedure. Date made 31 March 2009. Date laid 1 April 2009. Coming into force date 22 April 2009

These Regulations amend the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 ("the 2005 Regulations"). The 2005 Regulations prescribe matters relating to appeals brought against a decision to refuse a child admission to a school. Two amendments are being made. The first is minor which is intended to clarify the matters that should be taken into account by an appeal panel when considering appeals against decisions made on the basis of infant class size legislation. The second substitutes a new Schedule 2 in the 2005 Regulations, which makes provision for appeals in cases where decisions are made about children entering the sixth form, or receiving education after they have ceased to be of compulsory school age. The new Schedule removes reference to the Council on Tribunals which has been replaced by the Administrative Justice and Tribunals Council.

Item 4: Consideration of Apprenticeships, Skills, Children and Learning Bill

SLC (3)-10-2009(p1): Apprenticeships, Skills, Children and Learning Bill and Explanatory Notes:

<http://services.parliament.uk/bills/2008-09/apprenticeshipsskillschildrenandlearning.html>

SLC (3)-11-2009(p1): Legal Advisers' Report

Papers to note:

SLC (3)-10-2009(p2): The Chair's letter to the Minister for Children, Education, Lifelong Learning and Skills Jane Hutt AM

SLC (3)-10-2009(p3): The Minister's reply to the Chair

SLC (3)-10-2009(p4): Memorandum by the Department for Children, Schools and Families and Department for Innovation, Universities and Skills to the House of Lords Delegated Powers and Regulatory Reform Committee

SLC (3)-10-2009(p5): Enterprise and Learning Committee's interim response to the Apprenticeships, Skills, Children and Learning Bill

SLC (3)-11-2009(p2): Enterprise and Learning Committee's Report (laid on Thursday 26 March 2009)

Item 5: Proposed Children and Families (Wales) Measure

SLC(3)-11-09(p3): Proposed Children and Families (Wales) Measure

SLC(3)-11-09(p4): Explanatory Memorandum to the Proposed Children and Families (Wales) Measure

SLC(3)-11-09(p6): Legal Advisers' Report - Note on Subordinate Legislation Provisions

SLC(3)-11-09(p7): The Minister's letter to the Chair of the Legislation Committee No.2 Val Lloyd AM regarding the potential need for additional provisions in the Measure

Item 6: Proposed Local Government (Wales) Measure 200-: Update

SLC(3)-11-09(p5): Legal Advisers' Report

SLC(3)-24-2008(p1) - SLC Legal Advisers' Report on The Proposed Local Government (Wales) Measure 200-

SLC(3)-24-2008(p2) - The Proposed Local Government (Wales) Measure 200-

SLC(3)-24-2008(p3) - Explanatory Memorandum to The Proposed Local Government (Wales) Measure 200-

SLC(3)-01-2009(p1) - Subordinate Legislation Committee's Report on The Proposed Local Government (Wales) Measure 200-

The Committee will be invited to resolve to exclude the public from the remainder of the meeting in accordance with Standing Order 10.37(vi):

A Committee may resolve to exclude the public from a meeting or any part of a meeting where:

(vi) the Committee is deliberating on the conclusions or recommendations of a report it proposes to publish

Item 7: Enhancing the Scrutiny of Subordinate Legislation: Inquiry into the scrutiny of subordinate legislation and delegated powers - consideration of the Final Report

SLC(3)-06-09 (p1) - Final Report: Subordinate Legislation Committee Inquiry

Item 8: Any Other Business

Item 9: Date of the Next Meeting