

Subordinate Legislation Committee

Report (SLC(3) 13-09)

Date: 18 May 2009

Time: 16.00

Venue: Committee Room 3, Senedd

Contents

The Committee met on 18 May 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, Joyce Watson AM, David Melding AM. Apologies were received from Alun Davies AM. The Chair thanked Mark Isherwood AM for his contribution to the Committee's work and welcomed David Melding AM (who replaced Mr Isherwood) to the Committee.

The Committee reports to the Assembly as follows:

Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2

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

SLC284 - The National Health Service (Charges) (Amendments Relating to Pandemic Influenza) (Wales) Regulations 2009

Negative procedure. Date made 7 May 2009. Date laid 7 May 2009. Coming into force date 8 May 2009

Other Business

Proposed Education (Wales) Measure

The Committee considered the Proposed Education (Wales) Measure, which was laid on 27 April 2009. The Members noted that the proposed Measure contains extensive powers for subordinate legislation to be made by Welsh Ministers. The Committee decided to scrutinise the draft Measure under SO 15.6 (ii) ("the appropriateness of provisions in proposed Assembly Measures...that grant powers to make subordinate legislation to the Welsh Ministers...") and invite the Minister for Children, Education, Lifelong Learning and Skills Jane Hutt AM to give evidence to the Committee. The Committee also agreed to write to the Law Society to seek their comments on the delegated powers provisions in the proposed Measure. The Members noted that Legislation Committee 3 will be receiving evidence from the Special Educational Needs for Tribunal Wales on 21 May 2009 and requested the transcript of this meeting be made available to them.

Future Consideration of Bills

The Members considered a paper on the current Bills before Parliament and the appropriateness of these Bills for scrutiny under in relation to the delegation to Welsh Ministers of powers to make subordinate legislation (under Standing Order 15.6 (ii) the Committee may consider and report on "the appropriateness of provisions in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers"). It was decided that the Committee would consider the Equality Bill and Marine and Coastal Access Bill. Consideration of the draft Floods and Water Bill will follow. The Members asked the Legal Advisers and Clerks to suggest the timetable for the scrutiny of the Bills.

Agenda Item 5 - Apprenticeships, Skills, Children and Learning Bill: consideration of the Draft Report

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to consider the Committee's report on the Apprenticeships, Skills, Children and Learning Bill

Janet Ryder AM

Chair, Subordinate Legislation Committee

18 May 2009