

# Constitutional and Legislative Affairs Committee

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Meeting Venue:  
**Committee Room 3 – Senedd**

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Meeting date:  
**2 November 2015**

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Meeting time:  
**14.30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

**Gareth Williams**  
Committee Clerk  
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## Agenda

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**1 Introduction, apologies, substitutions and declarations of interest**

**2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3 (Pages 1 – 2)**

**CLA(4)–26–15 – Paper 1 – Statutory Instruments with Clear Reports**

**CLA591 – The Education (Pupil Referral Units) (Application of Enactments) (Wales) (Amendment) Regulations 2015**

Negative procedure; Date made: 12 October 2015; Date laid: 15 October 2015;  
Coming into force date: 6 November 2015

**CLA592 – The Well-being of Future Generations (Wales) Act 2015 (Consequential Provisions) Regulations 2015**

Affirmative procedure; Date made: not stated; Date laid: 20 October 2015; Coming into force date: not stated.

### **CLA593 – The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2015**

Negative procedure; Date made: 16 October 2015; Date laid: 20 October 2015; Coming into force date: 10 November 2015

### **3 Paper(s) to note (Pages 3 – 8)**

**CLA(4)–26–15 – Paper 2** – Correspondence from the Secretary of State for Wales, the Rt Hon Stephen Crabb MP for the attention of the Chair of the Constitutional and Legislative Affairs Committee, David Melding AM

**CLA(4)–26–15 – Paper 3** – Correspondence from the Presiding Officer about the Business Committee's legacy work

**CLA(4)–26–15 – Paper 4** – Correspondence from Lord Boswell of Aynho, Chair of the House of Lords European Union Committee about the recent evidence session.

### **4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

(ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed

### **Legal Briefing on the draft Wales Bill (Pages 9 – 26)**

**CLA(4)–26–15 – Paper 5** – Legal Briefing

**Consideration of the Committee's work on the UK Government's EU reform agenda (Pages 27 – 48)**

**CLA(4)–26–15 – Paper 6** – Consideration of the Committee's work on the UK Government's EU reform agenda

**Draft report: Public Health (Wales) Bill (Pages 49 – 77)**

**CLA(4)-26-15 – Paper 7 – Draft Report**

**Draft report: Tax Collection and Management (Wales) Bill (Pages 78 – 91)**

**CLA(4)-26-15 – Paper 8 – Draft Report**

**Statutory Instruments with Clear Reports**

2 November 2015

**CLA591 - The Education (Pupil Referral Units) (Application of Enactments) (Wales) (Amendment) Regulations 2015**

**Procedure: Negative**

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The intention of the Education (School Development Plans) (Wales) Regulations 2014 is to place a statutory responsibility regarding strategic planning upon all maintained schools including pupil referral units and nurseries. Regulation 10 erroneously referred to “The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007” instead of “The Education (School Development Plans) (Wales) Regulations 2014”. These Regulations correct that error.

**CLA592 - The Well-being of Future Generations (Wales) Act 2015 (Consequential Provisions) Regulations 2015**

**Procedure: Affirmative**

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These Regulations make consequential provisions in relation to the Well-being of Future Generations (Wales) Act 2015 (“the Act”).

Regulation 3 makes provision in relation to section 15 of the Act which defines the reporting period for the Auditor General for Wales’s examinations. This section is due to come into force less than one year before the next ordinary general election to the National Assembly for Wales. Consequentially, there may be doubt as to when the first reporting period described in subsection (6) of section 15 is to begin. This regulation therefore modifies section 15(6)(a) to make it clear that the first reporting period under this section begins one month before the next election (in practice this will be 5 April 2016).

Regulation 4 makes provision in relation to the Future Generations Commissioner for Wales (“the Commissioner”) in respect of the estimates of income and expenses for the financial year 2016-2017. Paragraph 19 of Schedule 2 to the Act provides that for each financial year other than the first, the Commissioner must prepare an estimate of the income and expenses of the Commissioner and the Commissioner’s staff. The Commissioner is required pursuant to paragraph 19(2) of Schedule 2 to the Act, to submit the estimate to the Welsh Ministers at least five months before the beginning of the financial year to which it relates.

Given the timeframe for the appointment of the Commissioner, the Regulations make consequential provision modifying paragraph 19(2) of Schedule 2 to the Act so that, for financial year 2016-2017 only,



the Commissioner must submit the estimate three months after the Commissioner is appointed by the Welsh Ministers.

## CLA593 - The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2015

### Procedure: Negative

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These Regulations amend the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005, which make provision under section 98 of the Adoption and Children Act 2002 for the purpose of assisting persons adopted before 30 December 2005 to obtain information about their adoption and to facilitate contact between those persons and their birth relatives.



# Agenda Item 3



Wales Office  
Swyddfa Cymru

**Rt Hon Stephen Crabb MP**  
Secretary of State for Wales

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David Melding AM  
Chair Constitutional and Legislative Affairs  
Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Ref: 457Sub 15

 October 2015

*Dear David,*

## **DRAFT WALES BILL**

I enclose a copy of the Draft Wales Bill Command Paper. This draft Bill sets out in detail how the UK Government plans to deliver the St David's Day commitments to create a stronger, clearer and fairer devolution settlement for Wales that will stand the test of time.

The draft Bill includes a reserved powers model, forming the basis of a new devolution settlement for Wales and providing a clear boundary between reserved and devolved powers. It also devolves further powers to the National Assembly over energy, transport and local government and Assembly elections.

I look forward to giving evidence to the Committee next month.

*Kind regards,* 

**Rt Hon Stephen Crabb MP**  
Secretary of State for Wales

7 October 2015

Dear Chair,

The Business Committee has decided to produce a legacy report and is gathering views on the work it has carried out over the past five years including the structures it has put in place, the procedural reforms it has introduced, and its ways of working. The final report will help inform the successor committee in making a number of key decisions at the start of the Fifth Assembly.

The Committee is consulting on the **questions set out in Annex A to this letter**. You will be aware that I have already established a Chairs Forum to consider many of these issues from a committee perspective, and to report to me by the end of the year. That Chairs Forum's report will feed into the Business Committee's own legacy report, but I wanted to give your committee the additional opportunity through this consultation of raising any specific issues related to your committee's work that you may want to bring to the Business Committee's attention.

The Committee is also consulting with external stakeholders, with a closing date for submissions of **13 November 2015**. We will be meeting in early December to consider the evidence gathered, and so ask that you make any submissions in time for them to be considered at that meeting.

If you wish to submit evidence, please send an electronic copy of your submission to [SeneddBusiness@Assembly.Wales](mailto:SeneddBusiness@Assembly.Wales). Alternatively, you can write to: Committee Clerk, Business Committee, National Assembly for Wales, Cardiff Bay, CF99 1NA.

### Disclosure of information

You can find further details about how we will use your information at [www.assembly.wales/help/privacy/help-inquiry-privacy.htm](http://www.assembly.wales/help/privacy/help-inquiry-privacy.htm). Please ensure that you have considered these details carefully before submitting information to the Committee. A hard copy of this policy can be requested by contacting the Clerk.



*Rosemary Butler*

**Dame Rosemary Butler AM**

Chair, Business Committee

**Annex A**

**The terms of reference for the inquiry:**



During the current Assembly, the Presiding Officer and Business Committee have introduced a number of procedural reforms, including changing the deadlines for tabling Oral Assembly Questions, introducing regular Individual Member Debates, and leaders' and spokespeople's questions.

- What impact have these changes had in enabling Members to represent their constituents and hold the government to account?

For the first time, the committee structure of the Fourth Assembly, combined policy and legislative scrutiny within the same committees.

- How effective has this approach been and how have committees achieved a balance between their policy, financial and legislative scrutiny?
- What changes could be made to committee size and structure in future to make them more effective?

The Business Committee is responsible for setting the Assembly timetable, including scheduling committee meetings. Currently, Plenary meets on Tuesday and Wednesday afternoons, with committees meeting mostly on Tuesday and Wednesday mornings, and Thursdays.

- Does the current Assembly timetable, including the structure of the working week and committee/Plenary slots provide the correct balance in terms of the use of the Assembly's time, allowing it to effectively perform its functions of making laws, representing the people of Wales, and holding the government to account?

The Business Committee is responsible for establishing timetables for committees to consider Bills, and LCMs, in line with Standing Orders.



- Do the current processes for timetabling legislation – including Bills and LCMs – allow for proper scrutiny and engagement by Members and stakeholders? Could it be made more effective?

Unlike its equivalents in many other legislatures, the Assembly's Business Committee combines the role of scheduling Assembly business with that of a 'procedures committee' responsible for considering and proposing changes to the Assembly's Standing Orders and procedures.

- What are the advantages and disadvantages of this dual role, and is there a case for reviewing it?





# HOUSE OF LORDS

European Union Committee

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26 October 2015

David Melding AM  
Chair of the Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff CF99 1NA  
Wales

Dear Mr Melding *David,*

I am writing to extend my warm thanks to you and, through you, to the staff of the National Assembly, who made our visit to Cardiff on 19 October such a success. A huge amount of work went into organisation, at all levels, from catering to broadcasting, and the outcome, in my view, amply demonstrated the benefits that close collaboration between our committees—and, more generally, between London and Cardiff—can deliver.

On a more political note, I would like to thank you and your colleagues on the Constitutional and Legal Affairs Committee for your frank and thoughtful answers to our questions. It was clear from our discussions in Cardiff that there is concern over the level of consultation on the Government's proposals for EU reform, and over the extent to which Welsh views and interests are reflected in those proposals. I hope our report will go some way to redressing the balance.

Lord Boswell of Aynho  
Chairman of the European Union Committee

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# Agenda Item 4.4

By virtue of paragraph(s) vi of Standing Order 17.42

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