

## Constitutional and Legislative Affairs Committee

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Meeting Venue:  
**Committee Room 1 – Senedd**

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Meeting date:  
**7 November 2011**

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Meeting time:  
**14:30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

**Steve George**  
Committee Clerk  
029 2089 8242  
[CLA.Committee@wales.gov.uk](mailto:CLA.Committee@wales.gov.uk)

**Olga Lewis**  
Deputy Committee Clerk  
029 2089 8154

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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**

##### Negative Resolution Instruments

None

##### Affirmative Resolution Instruments

None

#### **3. Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3**

##### Negative Resolution Instruments

None

##### Affirmative Resolution Instruments

None

#### **4. Committee Correspondence**

**CLA43 – The Animal By-Products (Enforcement) (No. 2) (Wales) Regulations 2011** (Pages 1 – 2)

CLA(4)-10-11(p1) – Letter from the Chair to the Minister dated 14 October 2011

CLA(4)-10-11(p2) – The Minister’s response dated 28 October 2011

**CLA31 – The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011** (Pages 3 – 8)

CLA32 – The National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011

CLA(4)-08-11(p3) – Letter from the Chair to the Minister dated 27 September 2011

CLA(4)-08-11(p4) – The Minister’s response dated 4 October 2011

CLA(4)-10-11(p3) – Letter from the Chair to the Minister dated 19 October 2011

CLA(4)-10-11(p4) – The Minister’s response dated 31 October 2011

**5. Absence of Welsh Versions of Statutory Instruments made jointly with UK Ministers** (Pages 9 – 14)

CLA(4)-10-11(p5) – Letter from the Chair to the Deputy Minister for Agriculture, Food, Fisheries and European Programmes dated 5 October 2011

CLA(4)-10-11(p5) – Annex (CLA38 – The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011)

CLA(4)-10-11(p6) – The First Minister’s letter dated 1 November 2011

**6. Committee Inquiries: Inquiry into the Granting of Powers to Welsh Ministers in UK Laws** (Pages 15 – 16)

**Mr Richard Parry**, Reader in social policy, School of Social and Political Science, University of Edinburgh

CLA(4)-10-11(p7) – CLA GP10 – MR Richard Parry

**7. Date of the next meeting** (Pages 17 – 18)

Paper to Note :

CLA(4)-09-11 – Report of the meeting 31 October 2011

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

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.

**9. Consideration of the evidence submitted to Inquiry to date**

**Transcript**

View the [meeting transcript](#).

**Y Pwyllgor Materion  
Cyfansoddiadol a  
Deddfwriaethol**



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## **Constitutional and Legislative Affairs Committee**

John Griffiths AM  
Minister for Environment and  
Sustainable Development  
Welsh Government  
5<sup>th</sup> Floor, Tŷ Hywel  
Cardiff Bay, CF99 1NA

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

14 October 2011

Dear Minister

### **CLA43 - The Animal By-Products (Enforcement) (No. 2) (Wales) Regulations 2011**

The Constitutional and Legislative Affairs Committee considered the above Statutory Instrument at its meeting on 10 October 2011 and agreed that I should bring to your attention the Committee's report made under Standing Order 21.3 on the merits of the Instrument.

The Committee agreed to invite the Assembly to pay special attention to this Instrument on the grounds "that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly" (Standing Order 21.3(ii)).

The Committee's report was laid in the Table Office on 12 October 2011 and is attached for information. I would be grateful if you could consider the report and let the Committee have your response in due course.

I am copying this report to the First Minister for information and have also arranged for the report and this letter to be drawn to the attention of Assembly Members.

Yours sincerely

**David Melding AM**  
Chair, Constitutional and Legislative Affairs Committee

John Griffiths AC / AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JG/06589/11

David Melding AM  
Chair - Constitutional & Legislative Affairs Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

28 October 2011

committeebusiness@Wales.gsi.gov.uk

Dear David,

Thank you for your letter of 14 October about The Constitutional and Legislative Affairs Committee's report on the Animal By-Products (Enforcement) (No.2) (Wales) Regulations 2011.

I am grateful for the Committee's acknowledgement that the updated, bilingual regulations have addressed their previous concerns.

Best wishes  
John

**John Griffiths AC / AM**  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: John.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

**Y Pwyllgor Materion  
Cyfansoddiadol a  
Deddfwriaethol**



## **Constitutional and Legislative Affairs Committee**

**Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales**

Leighton Andrews AM  
Minister for Education and Skills  
Welsh Government  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

27 September 2011

Dear Minister

**CLA31 - The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011**

**And;**

**CLA32 - The National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011**

The Constitutional and Legislative Affairs Committee considered the above Statutory Instruments at its meeting on 19 September 2011 and agreed that I should bring to your attention the Committee's reports made under Standing Order 21.3 on the merits of the Instruments.

The Committee agreed to invite the Assembly to pay special attention to these Instruments on the grounds that they are "of political or legal importance or give rise to issues of public policy likely to be of interest to the Assembly" (Standing Order 21.3(ii)).

The Committee's reports were laid in the Table Office on 23 September 2011 and is attached for information. I would be grateful if you could consider the report and let the Committee have your response in due course.

You will note that the Committee concluded that article 5 of the Order contains an unusual provision that allows the Welsh Ministers to make further provision about the Order without the need to make an amending Order that would be subject to Assembly scrutiny. The Committee would be grateful for clarification on whether Ministers have any current intention to use the powers under article 5 and, if the power is used in future, whether you would consider keeping Assembly Members informed by publishing a written statement on the matter.

I am copying this report to the First Minister for information and have also arranged for the report and this letter to be drawn to the attention of Assembly Members.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail on the final letter.

**David Melding AM**  
Chair, Constitutional and Legislative Affairs Committee



Eich cyf/Your ref CLA31  
Ein cyf/Our ref LA/06014/11

David Melding AM  
Chair - Constitutional and Legislative Affairs Committee

[committeebusiness@Wales.gsi.gov.uk](mailto:committeebusiness@Wales.gsi.gov.uk)

4 October 2011

*David*

**CLA31 – the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011**

**And;**

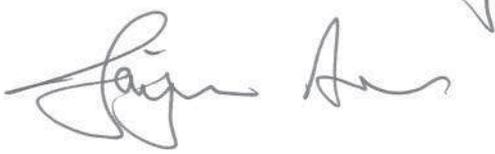
**CLA32 – the National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011**

Thank you for your letter of 27 September when you provided the Constitutional and Legislative Affairs Committee reports on the above Statutory Instruments.

I note that the Committee agrees that the power in article 5 of the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011 and in the National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011 is within the scope of section 108(11) of the Education Act 2002. I also note that the inclusion of the article 5 power in an order setting out assessment arrangements for the National Curriculum is not unusual. For example, this power is included in the National Curriculum (Key stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915) and also the National Curriculum (Key stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1393). Indeed, earlier orders (now revoked) made under the Education Reform Act 1988 and the Education Act 1996 setting out the assessment arrangements for the Key Stages in the National Curriculum also contained this provision. I am not aware that the inclusion of this power in such orders has not been subject to similar comment previously.

I note you state that whilst the use of the power is not unusual, you consider the power is itself unusual and therefore important. Whilst I agree the power is important and not that common, I would draw your attention to the fact that there is similar power for the Secretary of State to make such provision in section 87(11) and (12) of the Education Act 2002. In light of the above I consider the use of the power in the Order to be appropriate.

I do not currently have any plans to make use of the powers under article 5, but any future provision made under the power will be published on the internet.

Yours sincerely  


**Leighton Andrews AC / AM**  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

**Y Pwyllgor Materion  
Cyfansoddiadol a  
Deddfwriaethol**



**Constitutional and Legislative  
Affairs Committee**

Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

Leighton Andrews AM  
Minister for Education and Skills  
Welsh Government  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

19 October 2011

Dear Minister

**CLA31 - The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011**

**CLA32 - The National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011**

Thank you for your reply of 4 October to my letter of 27 September. The Constitutional and Legislative Affairs Committee considered your letter at its meeting on 17 October.

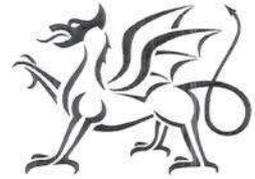
The Committee was grateful for your clarification that Ministers do not have any current intention to use the powers under article 5 and noted that any future provisions made using this power will be published on the internet. However, Committee Members also noted that this falls somewhat short of informing Assembly Members in a written statement as I suggested in my original letter.

The Committee agreed that I should ask you to ensure that, if this power is used, Ministers will write to the Chair of the Constitutional and Legislative Affairs Committee to inform him or her of its use. I hope you will be able to agree that this is neither an onerous nor an unreasonable request.

Yours sincerely

**David Melding AM**  
Chair, Constitutional and Legislative Affairs Committee

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref CLA31 - CLA32  
Ein cyf/Our ref LA/06202/11

David Melding AM  
Chair - Constitutional & Legislative Affairs Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
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committeebusiness@Wales.gsi.gov.uk

31 October 2011

*Dear David*

**CLA31 – the National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011**

And;

**CLA32 – the National Curriculum (End of Foundation Phase Assessment Arrangements and Revocation of the First Key Stage Assessment Arrangements) (Wales) Order 2011**

Thank you for your letter of 19 October.

In my reply to your letter of 27 September I confirmed that I currently have no plans to use the powers under article 5 of the above Statutory Instruments and any further provision would be published on the internet.

I anticipate that any provision proposed under article 5 of the above statutory instruments would be the subject of consultation and consequently would appear on the Welsh Government internet site for public scrutiny. Through that consultation process the Constitutional and Legislative Affairs Committee would be free to consider and comment upon any proposed use of the provision. I, therefore, feel that it is unnecessary for me to write separately to the Chair of the Committee to inform him or her of its proposed use.

*Yours sincerely*

**Leighton Andrews AC / AM**  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

Bae Caerdydd • Cardiff Bay  
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CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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**Y Pwyllgor Materion  
Cyfansoddiadol a  
Deddfwriaethol**

## **Constitutional and Legislative Affairs Committee**

Alun Davies AM  
Deputy Minister for Agriculture,  
Fisheries, Food & European Programmes  
Welsh Government  
Floor 5, Tŷ Hywel  
Cardiff Bay, CF99 1NA

5 October 2011

Dear Alun

### **CLA38 - The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011**

The Committee considered the above Statutory Instrument at its meeting on 3 October 2011. A copy of our report on the regulations, along with the Welsh Government response, is attached for information.

The Committee was very grateful for the undertaking given in the Government's response that a Welsh translation of instruments made jointly with the UK Parliament would be provided where possible in future. The Committee agreed that this was a welcome step forward. However, Committee Members noted that a Welsh translation would have no legal standing and would not address the fundamental issue that instruments made in English only do not comply with the Assembly's standing orders. The Committee will, therefore, continue to be required to report on such instruments under Standing Order 21.2 (ix).

The Committee was also grateful for the undertaking that in future Explanatory Memorandums for such instruments would be addressed to the relevant Assembly Committee and would include at least a Welsh Government perspective on the instrument in question. This is also a very welcome step forward.

The Committee asked me to clarify two further points with you. Firstly, are the undertakings given in this case made on behalf of all the Welsh Ministers? Secondly, has any assessment been made of the impact of these particular regulations on Wales alone and, if so, would you be able to publish the assessment for the public record?

Yours sincerely

**David Melding AM**  
Chair, Constitutional and Legislative Affairs Committee

## **Constitutional and Legislative Affairs Committee Report**

**CLA38**

**Title: The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011**

**Procedure:** Negative

These Regulations provide for the implementation and enforcement of Council Regulation (EC) No 708/2007, concerning use of alien and locally absent species in aquaculture.

### **Technical Scrutiny**

Under Standing Orders 21.2 the Assembly is invited to pay special attention to the following instrument:–

These Regulations have been produced in the English language only. Furthermore, no explanation has been provided as to why these Regulations have not been produced bilingually. This appears to be because “this explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.” No attempt has therefore been made to have regard to Assembly procedures and practices in the Memorandum.

(Standing Order 21.2 (ix) that it is not made or to be made in both English and Welsh).

### **Merits Scrutiny**

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

**David Melding AM**

Chair, Constitutional and Legislative Affairs Committee

**3 October 2011**

**The Government has responded as follows:**

**The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011**

The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011 are composite Regulations which will apply to England and Wales and are subject to negative resolution procedure in both the National Assembly for Wales and in Parliament. Accordingly, it is not considered reasonably practicable for this Instrument to be made or laid bilingually. It is

my preference that, in future, a Welsh language translation of such composite instruments should be made available by the Welsh Government after the relevant instrument has been made, balanced against the most efficient use of resources to deliver Welsh Government policy objectives.

The Explanatory Memorandum which has been laid in connection with these Regulations is in the format adopted prior to the recent change in Standing Orders which enables the Constitutional and Legislative Affairs Committee to consider items also subject to a Parliamentary procedure. Under previous Standing Orders, the Welsh Ministers would lay such an Explanatory Memorandum on a voluntary basis to assist Members in considering the subordinate legislation concerned. I accept that this format is no longer appropriate and will ensure that staff are aware that a) either the involvement of the Welsh Government in the production of the Explanatory Memorandum should be made explicit or a separate Explanatory Memorandum relating to Wales should be prepared in relation to such composite instruments; and b) Explanatory Memorandums must be addressed to the relevant Assembly Committee in future.



Ein cyf/Our ref: MB/FM/5937/11

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

| November 2011

Dear David

The Assembly's Standing Orders require the Constitutional and Legislative Affairs Committee to report on any instrument which is not in the Welsh language. The removal of the provision prohibiting your Committee's reporting on instruments also subject to a Parliamentary procedure means that, under the new Standing Orders any composite or joint instrument will also attract a report on those grounds.

Your Committee has reported on those grounds in respect of instruments also subject to a Parliamentary procedure on four occasions and I thought it would be helpful if I explained the Welsh Government's position with regard to the making of statutory instruments which are also subject to a Parliamentary procedure in order to inform the Committee's future consideration of such instruments.

I would firstly seek to assure you that where Welsh Ministers have the power to make subordinate legislation for Wales the presumption will be that, unless there are good reasons to do otherwise, that power will be exercised via a Wales-only Statutory Instrument, and that that instrument will be bilingual unless the criteria in the Welsh Ministers' Welsh Language Scheme under section 78 of the Government of Wales Act 2006 dictates otherwise

However, there are occasions where making instruments on a composite basis with the relevant UK Minister is the most appropriate approach. This may be, for example:

where separate England and Wales instruments would each have a cross-border effect that might lead to confusion for those affected;

for reasons of expediency, e.g. to facilitate the avoidance of infraction when transposing EU obligations in order to avoid infraction;

in cases of emergency where instruments must be brought into force very quickly;

or in cases where, because of the nature of the provision made by the instrument, the legislation is more accessible if made on an England and Wales basis.

As you are aware the UK Parliament will not scrutinise general statutory instruments in languages other than in English.

While the Government is committed to the making of legislation for Wales on a bilingual basis we also need to consider on occasion the option of making composite instruments where this represents the best use of limited and often stretched resources. For these reasons the presumption should also be that we will not produce retrospective Welsh translations which cannot have the force of law.

I hope that this letter clarifies the Government's position on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Jones', with a stylized flourish at the end.

**CARWYN JONES**

# Agenda Item 6

## EVIDENCE TO CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE ON THE GRANTING OF POWERS TO WELSH MINISTERS IN UK LAWS

**Richard Parry**, Reader in Social Policy, School of Social and Political Studies,  
University of Edinburgh

1. The UK Public Bodies Bill raises questions for the National Assembly about how Welsh ministers would use powers they are being given by the UK Parliament. My purpose here is to provide a Scottish perspective, especially on the use by ministers of similar powers on the reorganization of public bodies in the Public Services Reform (Scotland) Act 2010.

2. The committee's investigation seems to me to relate to two areas of concern:

- i) the way that the definitive separation of executive and legislature in the Government of Wales Act 2006 and confirmed in the March 2011 referendum might lead ministers to behave in a 'heavy' manner, asserting executive prerogatives in relation to Assembly scrutiny;
- ii) the role of 'quango' bodies that are not departments under the direct control of ministers or local authorities, but have more arm's length governance structures, usually appointed boards. These are of particular sensitivity in Wales because devolution was meant to promote rationalisation and accountability in the 'quango state'.

3. The Public Bodies Bill has substantial content about Welsh bodies, and it might seem that the UK Parliament is granting powers directly to Welsh ministers and so implicitly bypassing the Assembly. It is more plausible to see the Bill as clearing up the legislative legacy of bodies that are cross-border or were specified in UK statute. The powers given to Welsh ministers are to make orders in respect of the bodies, and so the question becomes the way that these orders are scrutinized in the National Assembly. This is where Wales intersects with - and is free to embrace or resist - a UK policy agenda promoting a simplified approach to changing the structure and operation of quangos.

4. Under pressure to accelerate public sector reform, there is a UK legislative trend to withdraw the reshaping and direction of quangos from the arena of primary legislation. The Public Service Reform (Scotland) Act 2010 allowed the Scottish Government to approach rationalize quangos in some areas and have extensive rights to intervene in the business of those that remain. Section 14 allows quangos (as listed in schedule 5) to be abolished by order and the list of bodies includes the great majority of quangos targeted in the Scottish Government's *Simplifying Government* strategy.

5. These powers were part of a wider 'catch-all' provision (section 14 (1)) allowing ministers, in respect of bodies listed in schedule 5 to 'by order make any provisions which they consider would improve the exercise of public functions', having regard to efficiency, effectiveness and economy. Clause 8 of the UK Public Bodies Bill echoes this wording, adding 'securing appropriate

accountability' and it also recurs in clause 17 in relation to Welsh minister's order-making powers in the Bill. The 3 Es have economics definitions – economy is doing the same things more cheaply; efficiency is about producing more outputs with the same or fewer inputs; effectiveness is about the way that inputs, outputs produce desired outcomes. All public policy should 'have regard' to these considerations and it is difficult to see how ministers can be held to account about the propriety of their interventions under this wording. Safeguards in section 16 of the Scottish Act, including that the use of powers must be 'proportionate to the policy objective', are hard to evaluate and apply.

6. The key concept is 'by order' and here the debate shifts to the scrutiny of such secondary legislation. Here we can draw on Scottish experience. The first two orders made under the Act were the Public Services Reform (General Teaching Council) Order 2011 and the Public Services Reform (Agricultural Holdings (Scotland) Order 2011. These were considered thoroughly by the Subordinate Legislation Committee in its 58th report (2010) and its 19<sup>th</sup> report (2011), under a 'super-affirmative' procedure in which a draft order was tabled for consultation. Detailed questions were put to and answered by the Scottish Government. The Committee expressed reservations that the General Teaching Council order allowing the GTC to make rules about teacher qualification was an *ultra vires* law-making function. The Education, Lifelong Learning and Culture committee took oral evidence from the Minister on 2 March 2011, and, with some continuing reservations, recommended approval; the order was passed by resolution of the Scottish Parliament without plenary debate.

7. The Committee is also interested in Legislative Consent Orders. This is less an area of my own expertise but my perception of the Scottish Parliament's approach is that it was realised early on that the distinction between devolved and reserved functions was less clear-cut than might be thought and that there need be no qualms about letting Westminster legislation pick up usually small and consequential matters. But, unusually, at the moment two controversial legislative consent issues are in progress – on the Scotland Bill and the Welfare Reform Bill. In their report on the Scottish Government's legislative consent memorandum on the Welfare Reform Bill (27<sup>th</sup> report, 2011 session 3) the Subordinate Legislation Committee note that the power to make consequential provision in relation to the introduction of Universal Credit would be exercised by negative procedure in Scotland but by affirmative procedure in Wales.

10. The wider issue is about the use of secondary legislation in these matters. Wales has already been a pioneer in discussing how quango activity is to be brought under democratic control. Order-making power in Scotland and the UK has become a lesser stratum of democratic scrutiny, and despite well-working procedures in the Scottish Parliament there remains concern that the Government can have its way too easily on the reconstruction of public authorities. The Committee's present investigation is well-placed to investigate how this issue might play out in Wales.

26 October 2011

# Agenda Item 7

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



## **Constitutional and Legislative Affairs Committee**

**Report: CLA(4)-09-11 : 31 October 2011**

**The Committee reports to the Assembly as follows:**

**Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

### **Negative Resolution Instruments**

**CLA47 – The Marketing of Fresh Horticultural Produce (Wales) (Amendment) Regulations 2011**

**Procedure:** Negative.

**Date made:** 18 October 2011

**Date laid:** 18 October 2011

**Coming into force date:** 8 November 2011

### **Other Business**

#### **Legislative Consent Motion: Education Bill**

The Committee considered Supplementary Legislative Consent Memorandum for amendments to the Education Bill, tabled by the Minister for Education and Skills Leighton Andrews AM. The Committee noted that the Legislative Consent Motion was issued for amendments to the Education Bill that would give power to Welsh Ministers to legislate in respect of significant financial issues, but as the Bill itself has gone through the Westminster Parliament already, there is not enough time to scrutinise the amendments properly in the National Assembly. The Committee decided that the Chair should write to the Minister for Education and Skills to draw his attention to this situation and to stress that in future early notification is essential. The Committee has also decided to bring the letter to the attention of the Plenary at the earliest opportunity.

#### **Committee Correspondence**

**CLA36 – The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011**

The Committee noted the Minister's response to the Chair's letter dated 27 September 2011 on the merits of The Wildlife and Countryside Act

1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011.

### **CLA37 – The Single Use Carrier Bags Charge (Wales) (Amendment) Regulations 2011**

The Committee considered the Minister's response to the Chair's letter dated 27 September 2011, which expressed concern that the Regulations were laid very close to coming into force date for what is such a significant new policy and informed the Minister about the Committee's report on the merits of The Single Use Carrier Bags Charge (Wales) (Amendment) Regulations 2011.

### **Committee Inquiries: Inquiry into the Granting of Powers to Welsh Ministers in UK Laws**

The Committee took oral evidence from Alan Trench, Honorary Senior Research Fellow, the Constitution Unit, University College London.

### **Resolution to Meet in Private**

In accordance with Standing Order 17.42(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence submitted thus far on the Inquiry into the Granting of Powers to Welsh Ministers in UK Laws.

**David Melding AM**

Chair, Constitutional and Legislative Affairs Committee

**31 October 2011**