

SL(6)312 – The Government of Wales Act 2006 **(Budget Motions and Designated Bodies)** **(Amendment) Order 2023**

Background and Purpose

The Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2023 ("this Order") amends the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018 (the "2018 Order"), which designates bodies in relation to the Welsh Ministers. The effect of the this Order is to insert four further bodies into the list of designated bodies contained within the Schedule to the 2018 Order. The purpose of such designation is so that information relating to the resources expected to be used by such bodies can be included within a Budget motion.

The Welsh Ministers have consulted with HM Treasury on the bodies to be designated within this Order, in accordance with the Government of Wales Act 2006.

Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In article 2(2), "**Her** Majesty's Chief Inspector of Education and Training in Wales" is inserted in the list of designated bodies in the Schedule to the 2018 Order.

Following the death of the Queen and her succession by Charles III it is appears that "**His** Majesty's Chief Inspector of Education and Training in Wales" should be inserted instead.

Although the legal name "Her Majesty's Chief Inspector of Education and Training in Wales" was given to the role by section 73(1) of the Education and Skills Act 2000, section 10 of the Interpretation Act 1978 notes "In any Act a reference to the Sovereign reigning at the time of the passing of the Act is to be construed, unless the contrary intention appears, as a reference to the Sovereign for the time being."



Furthermore, Owen Evans is described as “His Majesty’s Chief Inspector of Education and Training in Wales” on Estyn’s website.

2. Standing Order 21.2 (vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In article 2(2), in the Welsh language version, the bodies have not been listed correctly in alphabetical order. “Cyngor y Gweithlu Addysg” should come before “Cymwysterau Cymru” because the letter “ng” comes before the letter “m” in the Welsh alphabet. As a result the description of the amendment which notes that the bodies are to be inserted at the “appropriate place” is unclear.

Merits Scrutiny

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

Welsh Government response

Technical Scrutiny point 1:

The statutory name of the body, namely “Her Majesty’s Chief Inspector of Education and Training in Wales”, as provided for in section 73(1) of the Learning and Skills Act 2000, is correctly inserted to the list of designated bodies in the Schedule to the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018. Under sections 10 and 23 of the Interpretation Act 1978, the reference to this statutory body is construed as “His Majesty’s Chief Inspector of Education and Training in Wales”.

Technical Scrutiny point 2:

Article 2(2) of the Order uses the plural “at the appropriate places insert” and “yn y lleoedd priodol mewnosoder”. As the Schedule to the 2018 Order is an alphabetical list, the four bodies listed within the 2023 Order will be inserted alphabetically into the 2018 Order, regardless of their appearance within the 2023 Order. The insertion is therefore clear.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 30 January 2023 and reports to the Senedd in line with the reporting points above.

