

SL(6)447 – The Government of Wales Act 2006 **(Budget Motions and Designated Bodies)** **(Amendment) Order 2024**

Background and Purpose

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 purpose of such designation is so that information relating to the resources expected to be used by those bodies can be included within a Budget motion of the Senedd.

The effect of this Order, according to its Explanatory Note, is that 4 additional bodies are designated, the names of some designated bodies are changed, and the company numbers for 10 previously designated bodies are now included.

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 two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

While the Explanatory Note indicates that the effect of this Order is to designate an additional 4 bodies, it appears to designate the following 5 new bodies:

1. Children’s Commissioner for Wales;
2. FWC IFW Debt GP Limited;
3. FWC SWIF Debt GP Limited;
4. NE Commercial Property (GP) Limited; and
5. The Citizens Voice Body for Health and Social Care, Wales.



The Government is therefore asked to clarify whether the above bodies are additional designations in relation to the Welsh Ministers for the purposes of section 126A of the Government of Wales Act 2006.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In the Schedule to this Order, in the Welsh text, the body “Transport for Wales” is referred to as “Trafnidiaeth Cymru” followed by the same company number as found in the English text. This is in contrast to the reference in that Schedule to “Transport for Wales Rail Ltd”, which is referred to by the English name alone in both language texts followed by the same company number.

However, the details found for “Transport for Wales” on the register of Companies House do not include a Welsh language name for the company. In this regard, it does not appear that the Welsh language name “Trafnidiaeth Cymru” was formally registered with Companies House when the name of this company was changed in April 2016, even though it is known by that trading name in Welsh.

The Government is therefore asked to confirm whether the designated body should have been listed as “Transport for Wales” in the Welsh text of the Schedule in the same manner as “Transport for Wales Rail Ltd” (which also only has an English language name on the register of Companies House) given that this is the general approach when referring to registered company names in the Welsh text of legislation.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

In the new Schedule to this Order, the list of designated bodies includes “**Her** Majesty’s Chief Inspector of Education and Training in Wales”, with the associated footnote stating that the reference to this body is construed as “**His** Majesty’s Chief Inspector of Education and Training in Wales” due to the effect of sections 10 and 23 of the Interpretation Act 1978.

The Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2023 (“the **2023 Order**”) inserted a reference to “Her Majesty’s Chief Inspection of Education and Training in Wales” into the 2018 Order. In its [report](#) on the 2023 Order, the Committee expressed its view that, following the death of Her Late Majesty The Queen and her succession by King Charles III, it appears that “**His** Majesty’s Chief Inspector of Education and Training in Wales should be inserted instead. In response to that report, the Government stated that the reference was “correctly inserted”.



The Committee notes that the “His Majesty” formulation when referring to this body has since been used in other Welsh legislation, specifically in a list of contracting authorities found in Schedule 1 to the Social Partnership and Public Procurement (Wales) Act 2023, and in other references found in the Explanatory Notes of S.I. 2024/27 (W. 10) and S.I. 2023/919 (W. 144).

The Government is therefore asked to explain the continued reference to “Her Majesty” in the Schedule to this Order.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

29 January 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee