

SL(6)487 – The Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2024

Background and Purpose

The Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2024 (“the Order”) amends the list of devolved Welsh authorities in Schedule 9A to the Government of Wales Act 2006 (“GOWA”).

The Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) establishes the Commission for Tertiary Education and Research and provides for the dissolution of the Higher Education Funding Council for Wales.

Section 157A(5) GOWA provides that His Majesty may by Order in Council amend the list in Schedule 9A by adding or removing an entry.

In consequence of the 2022 Act, the Order inserts a new entry into Schedule 9A GOWA for “The Commission for Tertiary Education and Research or Comisiwn Addysg Drydyddol ac Ymchwil” and omits the existing entry for “The Higher Education Funding Council for Wales or Cyngor Cyllido Addysg Uwch Cymru”.

Procedure

Draft Affirmative

A draft of the Order has been laid before the Senedd and the UK Parliament. No recommendation may be made to His Majesty in Council to make the Order unless the draft is approved by a resolution of the Senedd and each House of Parliament.

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

The Order is in English only. According to paragraph 2.1 of the Explanatory Memorandum:

The Order in Council is UK Government legislation, consequently the draft Order is being laid in English only.

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



The italic headnote at the top of the Order provides that the draft is laid before Parliament under section 157A(6) of GOWA for approval by resolution of each House of Parliament.

The Welsh Government is asked why the headnote does not also refer to the draft being laid before the Senedd.

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.

A draft of the Order was laid before the UK Parliament on 21 May 2024.

Following the Prime Minister's announcement that a general election would be held on 4 July 2024, the UK Parliament was prorogued on 24 May 2024 before being dissolved on 30 May 2024. Neither House had approved the draft Order before dissolution.

The Welsh Government is therefore asked to provide an update on the future of the draft Order, and an indication of when it may be considered by a future UK Parliament. The Committee acknowledges that such an update may not be possible until after the general election.

Welsh Government response

A Welsh Government response is required to the second and third reporting points only.

Legal Advisers

Legislation, Justice and Constitution Committee

4 June 2024

