

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol Constitutional and Legislative Affairs Committee

Rt Hon Carwyn Jones AM  
First Minister  
Welsh Government  
5th Floor  
Tŷ Hywel  
Cardiff Bay

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



2 July 2013

Dear First Minister

### Commencement Orders

It is a consistent theme of our scrutiny of delegated powers to make subordinate legislation that such legislation should be subject to an appropriate degree of scrutiny by the Assembly.

The Constitutional and Legislative Affairs Committee considered two Commencement Orders at its meeting on 24 June 2013, namely *The Housing and Regeneration Act 2008 (Commencement No.3 and Transitional, Transitory and Saving Provisions) (Wales) Order 2013* and *The Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013*.

It is not our normal practice to consider commencement orders as they are not subject to any procedure.

However, recently as part of our scrutiny of commencement provisions in Bills, we have noticed that some Bills permit a commencement order to be used to include, for example, incidental, supplementary, consequential, transitory or transitional provisions. We consider that such provisions should not be contained within commencement orders, to ensure that they are subject to a proper level of scrutiny.

We have made a number of recommendations in our reports on the scrutiny of Bills to deal with this issue and will continue to do so.

Bae Caerdydd  
Caerdydd  
CF99 1NA

Cardiff Bay  
Cardiff  
CF99 1NA

Ffôn / Tel: 029 2089 8019  
E-bost / Email: [ruth.hatton@wales.gov.uk](mailto:ruth.hatton@wales.gov.uk)

It is for these reasons that we considered the 2 orders above, as they do more than simply commence provisions.

As a consequence of our consideration of these orders, the committee asked that I write to seek your views on the use of commencement orders to include non-commencement provisions.

I would be grateful if you could consider these points and let the Committee have your response in due course.

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 that extends to the right.

**David Melding AM**  
**Chair**