

**Constitutional and Legislative Affairs Committee**  
**Statutory Instruments with Clear Reports**  
**16 June 2014**

**CLA406 – The Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2014**

**Procedure: Negative**

The Removal and Disposal of Vehicles Regulations 1986 (“the 1986 Regulations”) allow civil enforcement officers to remove vehicles which have been permitted to remain at rest on a road in a civil enforcement area in Wales. The 1986 Regulations (as amended by the 2008 Statutory Instruments) refer to the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 and the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008, which have since been revoked and replaced.

These Regulations are intended to further amend the 1986 Regulations to refer to the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

**CLA407 – The Education (Consultation on School Term Dates) (Wales) Regulations 2014**

**Procedure: Negative**

These Regulations provide the detail on the consultation which the Welsh Ministers are to undertake prior to exercising their power of direction to ‘set’ school term dates for maintained schools in Wales.

## **CLA408 – The Plant Health (Miscellaneous Amendments) (Wales) Regulations 2014**

### **Procedure: Negative**

These Regulations make amendments to plant health legislation applying in Wales.

Regulation 2 amends the Potatoes Originating in Egypt (Wales) Regulations 2004 (S.I. 2004/2245) (W.209) to enforce Commission Implementing Decision 2011/787/EU, which concerns emergency measures which may be taken against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards potatoes originating in Egypt.

Regulation 3 provides for an information gateway between Her Majesty's Revenue and Customs (HMRC) and the Welsh Ministers for the purposes of the Plant Health (Wales) Order 2006 (S.I. 2006/1643) (W.158) and for an offence in relation to wrongful disclosure of information.

Regulation 4 makes amendments to the Plant Health (Wales) Order 2006 to enforce Decision 1/2010 of the Joint Committee on Agriculture (2011/83/EU), which relates to plant health controls on trade in plant material with Switzerland.

## **CLA409 – The Higher Education Funding Council for Wales (Supplementary Functions) Order 2014**

### **Procedure: Negative**

Section 69(5) of the Further and Higher Education Act 1992 provides that the Welsh Ministers may, by order, confer or impose on the Higher Education Funding Council for Wales ('HEFCW') such supplementary functions relating to the provision of education as they think fit.

This Order confers supplementary functions on HEFCW. The functions conferred by this Order are functions exercisable by the Welsh Ministers in

regulations made under section 22 of the Teaching and Higher Education Act 1998.

The functions conferred on HEFCW by article 2 of this Order relate to the payment of the new fee grant to institutions delivering higher education (and the recovery of overpayments of such grant) and requesting and receiving information connected to the payment of the new fee grant. These functions apply in respect of students starting designated higher education courses on or after 1 September 2014.

#### **CLA410 – The Local Government (Wales) Measure 2009 (Amendment) Order 2014**

##### **Procedure: Affirmative**

Part 2 of the Local Government (Wales) Measure 2009 (“the Measure”) introduces a system of community planning in Wales. Section 38(1) of the Measure provides a list of public bodies which are referred to as ‘community planning partners’ under Part 2 of the Measure. These bodies are required to participate in community planning. This list includes police authorities.

In accordance with the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”), police authorities were abolished and replaced with Police and Crime Commissioners. To reflect the change made by the 2011 Act, article 2 of this Order removes police authorities from the list of community planning partners in the Measure and replaces them with Police and Crime Commissioners.

#### **CLA411 – The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014**

##### **Procedure: Negative**

These Regulations amend the Local Authorities (Standing Orders) (Wales) Regulations 2006 to reflect provisions in the Local Government (Wales) Measure 2011 and concerning the process of appointing, dismissing and conducting disciplinary investigations of certain officers of authorities.

## **CLA412 – The Town and Country Planning (Non-material changes and Correction of Errors) (Wales) Order 2014**

### **Procedure: Affirmative**

This Order makes provision in relation to Wales which corresponds to section 96A of the Town and Country Planning Act 1990. The Order also makes supplementary provision in section 96A in relation to Wales. Section 96A(4) provides that a local planning authority can only make a non-material change to a planning permission if an application is made by or for a person with an interest in the land concerned. Article 2 inserts subsection (10) which states when a person has “an interest in the land”.

Article 3 makes provision which has effect corresponding to section 184 of the Planning Act 2008. Section 184 removed the requirement in section 56 of the Planning and Compulsory Purchase Act 2004 in relation to England, that the appropriate consent must be obtained to an error in a decision document being corrected. The amendments in article 3 remove the requirement to obtain consent to the correction of errors in decision documents in relation to Wales.

## **CLA413 – The Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014**

### **Procedure: Affirmative**

These Regulations provide for the payment of fees to local planning authorities in Wales in respect of applications for non-material changes to planning permission made under section 96A of the Town and Country Planning Act 1990. These Regulations also make provision for exemptions from those fees in certain circumstances.