

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NO. 3)**

**DEREGULATION BILL: AMENDMENTS IN RELATION TO FARRIERS AND
HOME-SCHOOL AGREEMENTS**

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.
2. The Deregulation Bill (the “Bill”) was introduced in the House of Commons on 23 January 2014. The Bill can be found at:

<http://services.parliament.uk/bills/2013-14/deregulation.html>

Summary of the Bill and its Policy Objectives

3. The Bill is sponsored by the Cabinet Office. The UK Government’s policy objectives for the Bill are to remove or reduce unnecessary regulatory burdens that hinder or cost money to businesses, individuals, public services or the taxpayer.
4. The Bill includes measures relating to general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The bill also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth. In addition, the Bill will repeal legislation that is no longer of practical use.

Provisions in the Bill for which consent is sought

Farriers

5. The consent of the Assembly is sought to the amendment to the Deregulation Bill, tabled on 7 May 2014 which makes amendments to Part 1 of Schedule 1 to the Farriers (Registration) Act 1975 (“the 1975 Act”). The 1975 Act provides for the constitution and operation of the Farriers Registration Council (“FRC”).
6. Part 1 of Schedule 1 to the 1975 Act provides for the constitution of the FRC and specifies the number of members that will make up that body. Paragraph 1(f) of Schedule 1 to the 1975 Act enables a number of bodies to appoint a member to the FRC and those bodies currently include the Council for Small Industries in Rural Areas (CoSIRA). CoSIRA is a body which no longer exists.

7. A consultation exercise about the reform and governance, structure and operation of the FRC issued by Defra between November and December 2013 (that consultation related to England, Scotland and Wales) included a question about replacing CoSIRA as one of the bodies to appoint members to the FRC with Lantra (the UK's Sector Skills Council for Land Based and Environmental Industries) or LANDEX (Land Based Colleges Aspiring to Excellence).
8. The consultation summary published identified Lantra as the most appropriate successor to replace CoSIRA as a body to appoint members to the FRC.
9. When the Deregulation Bill was first introduced, it included provision which enabled the Secretary of State for the Environment, Food and Rural Affairs to appoint a member to the FRC in place of CoSIRA. An amendment to that provision of the Deregulation Bill has now been introduced which will substitute Lantra for the Secretary of State. Once the proposed amendments to the 1975 Act are in force, therefore, Lantra will be able to appoint a member to the FRC.
10. Another of the bodies currently named in paragraph 1(f) of Schedule 1 to the 1975 Act (as a body which can appoint a member to the FRC) is the Jockey Club (which also no longer exists). The further amendment introduced to the 1975 Act by the Deregulation Bill updates that reference to "The Jockey Club" with a reference to "The British Horseracing Authority".
11. The Bill extends to Wales. The UK Government intends to make the necessary amendments via the Deregulation Bill in relation to England and, with the Assembly's consent, extend those amendments to Wales
12. There are no proposals at this time to amend the 1975 Act in a way which provides the Welsh Ministers with functions under that Act in relation to Wales.
13. It is the view of the Welsh Government that (in so far as these provisions relate to Wales) these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to :
 - Agriculture and Animal Health and Welfare under paragraph 1 of Part 1 of Schedule 7 to the Government of Wales Act 2006; and
 - Education, vocational, social and physical training, Promotion of advancement and application of knowledge under paragraph 5 of Part 1 of Schedule 7 to the Government of Wales Act 2006.

School Standards and Framework Act 1998 - Home School Agreements

14. The consent of the Assembly is sought to the amendment to the Deregulation Bill, tabled on 7 May 2014 which repeals sections 110 and 111 of the Schools Standards and Framework Act 1998 for Wales. Those amendments to the 1998 Act require schools to have a Home School Agreement with parents and pupils.
15. Currently, all maintained schools have a duty to adopt a home-school agreement ("HSA") and associated parental declaration. The governing body must also take reasonable steps to secure that the parental declaration is signed by parents and must from time to time review the HSA. Before adopting the HSA and the parental declaration, or revising that agreement, the governing body must consult parents. Home-school agreements have been difficult to enforce in practice, particularly in ensuring that the parental declaration is signed by all parents. The current process of consulting parents, drawing up and monitoring HSAs and obtaining parental signatures is burdensome for schools. Schools are required to take reasonable steps to ensure that parents of registered pupils sign the declaration. That places an administrative burden on schools, because duplicate copies of the HSA are often sent to parents in order to obtain a signature. Furthermore, HSAs are not enforceable. Parents are not legally required to sign them, and there are no sanctions for failing to comply with them.
16. The Deregulation Bill will remove these legislative requirements. Instead, schools would work with parents in a way that suits the circumstances of the school, its pupils and their parents rather than through a prescribed mechanism. The effect of the amendment will be to reduce the burden on schools and increase their flexibility to engage with parents in a way that best suits circumstances rather than through a prescriptive approach.
17. On that basis it is considered that the home school agreement provisions being revoked by the amendment in the Deregulation Bill are no longer needed and, consequently, the proposed revocations should apply in relation to Wales.
18. The Bill clause on 'Schools: reduction of burdens' introduces the schedule of the same name. 'The amendment to The Home-school agreements' part of the Schedule amends sections 110 and 111 of the School Standards and Framework Act 1998 which require the governing bodies of certain schools to adopt home school agreements and associated parental declarations. The Bill currently provides for the requirement under sections 110 and 111 to cease to apply in England. The new amendment tabled to the Deregulation Bill will now provide a requirement for the amendment to cease to apply in both England and *Wales*, and provides for consequential changes to other legislation.

19. The proposed repeal of sections 110 and 111 of the School Standards and Framework Act 1998 (together with the necessary consequential amendments) set out in the Deregulation Bill extend to Wales as well as England; subject to the consent of the National Assembly for Wales.
20. The Deregulation Bill provision described above simply repeals sub-section 110 and 111 of the School Standards and Framework Act 1998 (and makes the necessary consequential amendments). This Bill provision does not, consequently, provide any powers for the Welsh Ministers to make subordinate legislation.
21. It is the view of the Welsh Government that (in so far as these provisions relate to Wales) these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to the education and training subject under paragraph 5 of Part 1, Schedule 7 to the Government of Wales Act 2006.

Advantages of utilising this Bill rather than Assembly legislation

22. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales. The proposed amendments are technical and non-contentious. In addition, the inter-connected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for the Bill provisions for both to be taken forward at the same time in the same legislative instrument.

Financial implications

23. There are no financial implications for the Welsh Government.

Alun Davies AM
Minister for Natural Resources and Food
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