

National Assembly for Wales
Constitutional and Legislative Affairs Committee
Statutory Instruments with Clear Reports
11 January 2016

CLA624 -The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (No.2) Regulations 2015

Procedure: Negative

These Regulations amend the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 (SI 2009/995 as amended) which continue to implement Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage. Further, these Regulations make only technical amendments to update legislative references.

CLA633 -The Agricultural Holdings (Units of Production) (Wales) (No. 3) Order 2015

Procedure: Negative

This Order prescribes units of production for the assessment of the productive capacity of agricultural land situated in Wales. It also sets out the amount which is to be regarded as the net annual income from each such unit for the year 12 September 2015 to 11 September 2016 for certain purposes of the Agricultural Holdings Act 1986

CLA634 -The Fire and Rescue Services (National Framework) (Wales) (Revision) (No. 2) Order 2015

Procedure: Negative

This Order revokes the Fire and Rescue Services (National Framework) (Wales) (Revision) Order 2015 (S.I. 2015/1931 (W. 289)) and re-enacts its provisions in order to correct an error which was identified in the original Order.

Section 21 of the Fire and Rescue Services Act 2004 (“the Act”) requires the Welsh Ministers to prepare a Fire and Rescue National Framework, which must set out priorities and objectives for fire and rescue authorities in Wales and which may provide guidance to fire and rescue authorities in connection with



the discharge of any of their functions. Fire and rescue authorities must have regard to the framework in carrying out their functions.

Article 3 of this Order substitutes the Fire and Rescue National Framework for Wales 2016 (“the Framework”) for the Fire and Rescue National Framework for Wales 2012.

CLA635 -The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015

Procedure: Negative

This Order revokes and replaces the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009 (S.I. 2009/3364 (W. 296)). It makes provision for the administration and enforcement in Wales of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No.1782/2003 and Directives 92/102/EEC and 64/432/EEC).

CLA636 -The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2015

Procedure: Negative

This instrument amends the Nitrate Pollution Prevention (Wales) Regulations 2013 and the Conservation of Habitats and Species Regulations 2010.

The instrument implements, in Wales, Commission Decision (2013/781/EU) (“the Decision”). The Decision grants a derogation from Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (“the Nitrates Directive”), in relation to the maximum amount of nitrogen from livestock manure that can be applied on individual farms in Nitrate Vulnerable Zones, providing certain conditions are met.



CLA639 - The Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015

Procedure: Negative

These Regulations are made under Sections 12A (4) and (5) and 12B (5) and (6) of the Local Government Finance Act 1992. Further, these Regulations prescribe the classes of dwelling in relation to which a billing authority may not make a determination to apply a higher amount of council tax on long-term empty homes and/or second homes.

CLA640 - The Specified Crustaceans (Prohibition on Fishing, Landing, Sale and Carriage) (Wales) Order 2015

Procedure: Negative

This Order makes provision regarding fishing for, landing, sale, exposure or offer for sale, possession for the purposes of sale and carriage of specified crustaceans in Wales and the Welsh zone.

This Order revokes, replaces and remakes with amendments the provisions of:

- the Undersized Crabs Order 1986 (S.I. 1986/497),
- the Undersized Velvet Crabs Order 1989 (S.I. 1989/919),
- the Undersized Crabs (Variation) Order 1989 (S.I. 1989/2443),
- the Undersized Lobsters Order 1993 (S.I. 1993/1178),
- the Lobster and Crawfish (Prohibition of Fishing and Landing) Order 2000 (S.I. 2000/874),
- the Lobster and Crawfish (Prohibition of Fishing and Landing) (Wales) Order 2002 (S.I. 2002/676 (W. 73)) and
- the Undersized Spider Crabs (Wales) Order 2002 (S.I. 2002/1897 (W. 198)).

Paragraphs 7-9 of the Explanatory Memorandum explain the exemptions for foreign fishing boats.



CLA622 -The Education Workforce Council (Registration Fees) (Wales) Regulations 2016

Procedure: Affirmative

These Regulations prescribe the fee payable in connection with registration in the register established and maintained by the Education Workforce Council from 1 April 2016 and revoke the Education Workforce Council (Registration Fees) (Wales) Regulations 2015.

CLA626 -The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016

Procedure: Affirmative

These regulations amend the Council Tax Reduction Schemes Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 with effect from 1 April 2016 in relation to the calculation of a person's entitlement to a reduction under the Council Tax Reduction Scheme and to the subsequent level of reduction.

CLA627 -The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016

Procedure: Affirmative

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 ("the 2015 Regulations").

Regulation 2 makes provision for fees payable in respect of requests for pre-application services made to local planning authorities().

Regulation 3 makes minor amendments to regulations 8(3), 9(3) and 15 of the 2015 Regulations in relation to applications for approval of reserved matters. These amendments are consequential to amendments to be made to articles 22 and 23 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Regulation 4 provides for reduced fees to be payable for applications under section 73 of the Town and Country Planning Act 1990 when an earlier application under section 96A(4) of that Act has been refused, partially refused or not determined within the relevant period. Regulation 5 makes provision for



fees payable in respect of amendments to applications for major development submitted before the local planning authority has determined the application.

CLA628 -The Developments of National Significance (Fees) (Wales) Regulations 2016

Procedure: Affirmative

These Regulations provide for the payment of fees in respect of—

- pre-application services provided by the Welsh Ministers and local planning authorities under the Developments of National Significance (Wales) Regulations 2016 (regulations 3 and 4);
- notifications of proposed applications under section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”) (regulation 5);
- applications under section 62D of the 1990 Act, including fees for local impact reports required in relation to such applications by section 62I of the 1990 Act (regulations 6 to 12).

They also prescribe the circumstances in which—

- part of initial fees paid to the Welsh Ministers in respect of applications under section 62D of the 1990 Act are refunded (regulation 7); and
- fees paid to the Welsh Ministers for local impact reports are remitted to local planning authorities or refunded to applicants (regulations 8 and 9).

CLA629 -The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016

Procedure: Affirmative

These Regulations specify the criteria for development which is of national significance for the purposes of section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”).

Regulation 3 specifies the types of development which could be of national significance: generating stations; underground gas storage facilities; facilities for liquid natural gas; gas reception facilities; airports; railways; rail freight interchanges; dams and reservoirs; transfer of water resources; waste water treatment plants and hazardous waste facilities.



Regulations 4-14 set out the applicable criteria in relation to each type of development. These Regulations also prescribe consents for the purposes of the 1990 Act and make consequential amendments. The prescribed consents are “secondary consents” for the purposes of sections 62E to 62G of that Act (regulation 15 and Schedule 1).

The effect of being prescribed by these Regulations is that the consent can be considered by the Welsh Ministers alongside an application made to them for planning permission for development of national significance.

CLA630 -The Child Minding and Day Care Exceptions (Wales) (Amendment) Order 2016

Procedure: Affirmative

This Order made under section 19(4) of the Children and Families (Wales) Measure 2010 (‘the Measure 2010’) amends the Child Minding and Day Care Exceptions (Wales) Order 2010 (SI 2010/2839).

The Order extends the circumstances in which a person whose activity would otherwise fall within the definition of “child minding” or “day care for children” is excepted from it and who is therefore, not required to register under Part 2 of the Measure 2010.

CLA631 - The Regulation of Child Minding and Day Care (Wales) Order 2016

Procedure: Affirmative

This Order amends section 19(4) of the Children and Families (Wales) Measure 2010 to extend the registration requirement to persons who act as a child minder or a day care provider for children under the age of 12.

This Order also makes transitional provision to:

- ensure that existing registered providers are automatically treated on and after 1 April 2016 as registered to care for children under the age of twelve;
- allow the Welsh Ministers until 31 August 2016 to determine variation application received before the 1 April 2016 from registered providers.



CLA632 -The Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016

Procedure: Affirmative

For the purposes of the Reservoirs Act 1975, these Regulations provide for:

- specified things (such as certain mines, lagoons and canals) not to be treated as large raised reservoirs
- a right of appeal against designations of large raised reservoirs as high-risk reservoirs
- a right of appeal against notices given by the Natural Resources Body for Wales either to appoint an engineer or to carry a recommendation of an engineer into effect
- the timings of reservoir inspections

CLA638 - The Welsh Language Standards (No.2) Regulations 2016

Procedure: Affirmative

The Welsh Language (Wales) Measure 2011 (“the Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language (“standards”). These replace the system of Welsh language schemes provided for by the Welsh Language Act 1993.

Section 26 of the Measure enables the Welsh Ministers to specify standards, and section 39 enables them to provide that a standard is specifically applicable to a person by authorising the Welsh Language Commissioner (“the Commissioner”) to give a notice to that person requiring compliance with the standard (a “compliance notice”).

These Regulations specify standards in relation to the conduct of 32 bodies listed in Schedule 6 to the Regulations (which are referred to in the Regulations as “bodies”). The Regulations also authorise (subject to certain exceptions set out in regulation 3(2)) the Commissioner to give a compliance notice to those bodies, in relation to standards specified by the Regulations. |

