



Constitutional and Legislative Affairs Committee

Report: CLA(4)-08-11 : 17 October 2011

The Committee reports to the Assembly as follows:

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA46 - The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011

Procedure: Negative.

Date made: 3 October 2011

Date laid: 4 October 2011

Coming into force date: 1 April 2012

The Committee agreed the Report under S.O.21.3 on this statutory instrument, which is attached as Annex 1.

Committee Correspondence

CLA20 - The Beef and Pig Carcase Classification (Wales) Regulations 2011

The Committee noted the Minister's response to the Chair's letter dated 23 September 2011.

CLA31 - The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) Order 2011

The Committee noted the Minister's response to the Chair's letter dated 27 September 2011. The Committee agreed that the Chair should respond to the Minister asking that the Committee be informed in writing if the powers under Article 5 are used again in future.

CLA42 - The Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011

The Committee noted the Minister's response to the Chair's letter dated 5 October 2011.

CLA19 - The Head Teachers' Qualifications and Registration (Wales) (Amendment) Regulations 2011

The Committee noted the Minister's response to the Chair's letter dated 27 September 2011.

CLA17 - The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2011

The Committee noted the Minister's response to the Chair's letter dated 27 September 2011.

Other Business

Committee Inquiries: Inquiry into the Granting of Powers to Welsh Ministers in UK Laws

The Committee took oral evidence from David Davies MP, Chair, Welsh Affairs Committee and Paul Evans, Clerk of the Table Office, House of Commons.

Resolution to Meet in Private

In accordance with Standing Order 17.42(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence submitted thus far on the Inquiry into the Granting of Powers to Welsh Ministers in UK Laws.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

17 October 2011

Annex 1

Constitutional and Legislative Affairs Committee

(CLA(4)-08-11)

CLA46

Constitutional and Legislative Affairs Committee Report

Title: The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011

Procedure: Negative

These Regulations prescribe the standard daily amounts which may be recovered by the Welsh Ministers for each day on which—

- (a) a local inquiry sits or the person appointed to hold the local inquiry is otherwise engaged on work connected with it; or
- (b) the person appointed to undertake a qualifying inquiry or, as the case may be, a qualifying procedure is engaged on work connected with the qualifying inquiry or qualifying procedure.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

Regulatory Impact Assessment

The Explanatory Memorandum says that a Regulatory Impact Assessment (RIA) is “Not required as the revision of the Regulation is to make increases in statutory fees.” However, when these fees were updated last (in 2007) an RIA was provided.

Calculation of New Fee Levels

There is no information in the Explanatory Memorandum to explain how the increases in fees have been calculated, the total amount of extra income that it is estimated will be raised as a result and the impact this will have on local authority and Welsh Government budgets and funding as a result.

Committee Consideration

The Committee is concerned at the lack of explanation for the above matters contained in the Explanatory Memorandum and at the lack of a

Regulatory Impact Assessment. The Committee is of the view that when subordinate legislation imposes new or increased fees or charges on public or private bodies or individuals this should be accompanied by a self-contained explanation of how the fees or charges have been calculated and their wider impact on the bodies or people the changes affect. The Committee agrees that the information provided in the Explanatory Memorandum is inadequate for this purpose.

The Committee agreed that this raises a matter of public policy likely to be of interest to the Assembly and agreed to draw the matter to the attention of the Assembly through a report under Standing Order 21.3(ii).

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

17 October 2011