

National Assembly for Wales

Constitutional and Legislative Affairs Committee

Statutory Instruments with Clear Reports

14 September 2015

CLA558 - The Building (Amendment) (Wales) Regulations 2015

Procedure: Negative

These Regulations amend the Building Regulations 2010 (S.I.2010/2214) ('the 2010 Regulations') in relation to Wales. They substitute the table in Schedule 3 (Self-certification schemes and exemptions from requirement to give building notice or deposit full plans) to the 2010 Regulations with a revised and updated table. They also amend regulation 43(4) (pressure testing) of the 2010 Regulations in relation to bodies who may certify compliance with that regulation.

CLA559 - The Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015

Procedure: Negative

These Regulations make provision in respect of directions under section 11 of the Higher Education (Wales) Act 2015 and the issue and review of those notices and directions specified in section 41(1) of the same Act.

CLA560 - The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

Procedure: Negative

These Regulations prescribe the qualifying courses and qualifying persons for the purposes of section 5 of the Higher Education (Wales) Act 2015, which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses each academic year. Fee limits are the maximum amount which a qualifying person will have to pay an institution for undertaking a qualifying course.



CLA561 - The Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015

Procedure: Negative

These Regulations establish an adult's ordinary residence where that adult is living in accommodation of a specified type. The Regulations provide that care home accommodation is accommodation of a specified type for the purpose of section 194(1) of the Social Services and Well-being Act 2014.

The effect of the Regulations is that where an adult is accommodated in care home accommodation, and the adult has care and support needs which can only be met by living in this kind of accommodation, that adult is treated as ordinarily resident in the local authority area where the adult was ordinarily resident before moving into the care home.

Members may wish to note that CLA568 makes provision for resolving dispute between local authorities about the ordinary residence of an adult.

CLA562 - The Education (Student Support) (Wales) (Amendment) Regulations 2015

Procedure: Negative

These Regulations amend the Education (Student Support) (Wales) Regulations 2015 which provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2015.

CLA563 - The Honey (Wales) Regulations 2015

Procedure: Negative

These Regulations implement Council Directive 2001/110 EC relating to honey (the Honey Directive). The Regulations regulate the use of names such as 'honey', 'blossom honey', 'nectar honey', 'filtered honey' and 'baker's honey'. The Regulations also specify compositional requirements for certain types of honey. For example, the sum of the fructose and glucose content in blossom honey must not be less than 60g per 100g. The Regulations also impose additional labelling requirements, for example, the country of origin must be stated on labels.

The Regulations impose a duty on food authorities to enforce the Regulations and give enforcement powers to those food authorities.



CLA564 - The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2015

Procedure: Negative

This Order revokes and replaces with amendments the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2014 (S.I. 2014/694) and allows the use of a number of boilers and stoves capable of smokeless operation within smoke control areas. The use of boilers / stoves is subject to strict conditions.

CLA565 - The Country of Origin of Certain Meats (Wales) Regulations 2015

Procedure: Negative

These Regulations enable the enforcement of, and provide penalties for, non-compliance with the requirements of EU law relating to the indication of the country of origin or place of provenance of certain meats.

These Regulations give food authorities (i.e. county councils and county borough councils) and port health authorities' relevant powers of enforcement in relation to Wales.

CLA566 - The Government of Maintained Schools (Change of Category) (Wales) Regulations 2015

Procedure: Negative

These Regulations make provision in respect of dealing with the making of a new instrument of government for a school that will be changing its category in accordance with a proposal made under the Schools Standards and Organisation (Wales) Act 2013.

CLA567 - The Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2015

Procedure: Negative

These Regulations revoke and replace with amendments the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2014 (S.I. 2014/684 (W. 74)) ("the 2014 Regulations").

These Regulations specify all fuels which are currently authorised for use in smoke control areas in Wales for the purposes of section 20 of the Clean Air Act 1993. All the fuels that were listed in the Schedule to



the 2014 Regulations immediately prior to the coming into force of these Regulations continue to be authorised fuels. Nine additional fuels are authorised for the first time.

CLA568 - The Care and Support (Disputes about Ordinary Residence etc) (Wales) Regulations 2015

Procedure: Negative

These Regulations make provision about the resolution of disputes between local authorities about where a person is ordinarily resident in Wales for the purposes of the Social Services and Well-being Act 2014, including disputes between sending and receiving authorities in relation to portability of care and support and those which may arise in relation to the temporary duty of a local authority in the event of the failure of a residential care provider.

By virtue of section 117(4) of the Mental Health Act 1983, these Regulations apply to disputes between local authorities relating to mental health after care services.

CLA569 -The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015

Procedure: Negative

These Regulations amend The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (SI 2005/2839) to simplify certain aspects of the local development plan process. In particular, these Regulations:

- remove the statutory requirement to advertise consultation stages in the local press;
- allow local planning authorities to make revisions to the local development plan where the issues involved are not of sufficient significance to warrant the full procedure, without going through the full revision process;
- eliminate the need to consult on alternative sites following the deposit consultation; and
- make minor and consequential amendments.

CLA570 -The Planning (Hazardous Substances) (Wales) Regulations 2015

Procedure: Negative

These Regulations consolidate, with amendments, the Planning (Hazardous Substances) Regulations 1992 and subsequent amending instruments insofar as they apply to Wales. They also include provision relating to the period for determination of procedure under sections 20 and 21 of the Planning



(Hazardous Substances) Act 1990. They also implement the land-use aspects of Directive 2012/18EU of the European Parliament and the Council on the control of major accident hazards involving dangerous substances.

CLA571 -The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015

Procedure: Negative

This Order amends the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014. It gives legal effect to a document titled "Curriculum for Wales: Foundation Phase Framework", which sets out the revised desirable outcomes and educational programmes for the Areas of Learning.

The Order also introduces assessment arrangements that must be carried out by practitioners in relation to each pupil in the reception class of the Foundation Phase. Article 7 set out that this assessment should be carried out within 6 weeks of a child first attending as a pupil in a Reception class in a maintained school or as soon as reasonably practicable after that if, for exceptional reasons, it was not possible for it be carried out in that period.

Article 8 of this Order sets out the assessment arrangements that must be carried out by a practitioner in relation to each pupil in the final year of the Foundation Phase. Article 9 places a duty on the practitioner to complete a record of attainment of the assessment.

CLA572 - The Education (Inspection of Nursery Education) (Wales) Regulations 2015

Procedure: Negative

These Regulations largely replicate the Education (Inspection of Nursery Education) (Wales) Regulations 1999 ("the 1999 Regulations"). However, these Regulations do increase the time period prescribed for when the completion of an inspection report to 45 working days from the date on which the inspection began. The 1999 Regulations are revoked (regulation 1(3)).

These Regulations prescribe the period within which a report of an inspection of nursery education under Schedule 26 to the School Standards and Framework Act 1998 must be made; the authorities and persons to whom a copy of the report must be sent; and the intervals at which nursery education is to be inspected under that Schedule (regulations 3 and 4).



CLA573 - The National Health Service (Optical Charges and Payments) (Amendment) (Wales) (No.2) Regulations 2015

Procedure: Negative

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 by providing for an increase in the NHS sight test fees by 1% with effect from 1 April 2015.

The retrospective effect of the Regulations is permissible under section 76(9) of the National Health Service (Wales) Act 2006.

CLA574 - The Education (National Curriculum) (Attainment targets and Programmes of Study) (Wales) (Amendment) Order 2015

Procedure: Negative

This Order gives legal effect to the new Programmes of Study for Mathematics, English, Welsh and Welsh Second Language in the National Curriculum in Wales.

This statutory instrument amends the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008.

