



Constitutional and Legislative Affairs Committee

Report: CLA(4)-07-12 : 23 April 2012

The Committee reports to the Assembly as follows:

Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA123 – The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 9 March 2012.

Date laid: 14 March 2012.

Coming in to force date: 9 April 2012

CLA126 – The National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012

Procedure: Negative.

Date made: 14 March 2012.

Date laid: 16 March 2012.

Coming in to force date: 9 April 2012

CLA127 – The Land Compensation Development (Wales) Order 2012

Procedure: Negative.

Date made: 15 March 2012.

Date laid: 16 March 2012.

Coming in to force date: 6 April 2012

CLA131 – The Fire and Rescue Services (National Framework) (Wales) Order 2012

Procedure: Negative

Date made: 24 March 2012.

Date laid: 27 March 2012.

Coming in to force date: 20 April 2012

CLA133 – The Firefighters' Pension Scheme (Wales) (Contributions) (Amendment) Order 2012

Procedure: Negative

Date made: 28 March 2012.
Date laid: 29 March 2012.
Coming into force date: 1 April 2012

CLA134 – The Firefighters’ Pension (Wales) Scheme (Contributions) (Amendment) Order 2012

Procedure: Negative
Date made: 28 March 2012.
Date laid: 29 March 2012.
Coming into force date: 1 April 2012

Affirmative Resolution Instruments

None

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA124 – The Controlled Waste (England and Wales) Regulations 2012

Procedure: Negative.
Date made: 12 March 2012.
Date laid before Parliament: 15 March 2012
Date laid before the National Assembly for Wales: 15 March 2012
Coming into force date: 6 April 2012

The Committee agreed the Report under S.O.21.2 and S.O.21.3 on this statutory instrument, which is attached as Annex 1.

Other Business

Committee Correspondence

Consultation on a Separate Legal Jurisdiction for Wales

The Committee noted the Counsel General’s invitation to respond to the Welsh Government’s consultation on a Separate Legal Jurisdiction for Wales, which was launched 27 March 2012.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

23 April 2012

Annex 1

Constitutional and Legislative Affairs Committee

(CLA(4)–08–12)

CLA124

Constitutional and Legislative Affairs Committee Report

Title: The Controlled Waste (England and Wales) Regulations 2012

Procedure: Negative

This instrument revokes and replaces the Controlled Waste Regulations 1992, and is made on a composite basis with the Department for Environment, Food and Rural Affairs. It classifies waste as household, industrial or commercial waste, and also lists the types of waste for which local authorities may make a charge for collection and disposal. The instrument enables local authorities (as waste collection authorities under the Environmental Protection Act 1990) to charge under section 45 of that Act for the disposal of waste arising from a wider range of non-domestic premises than the 1992 Regulations permitted; it also consolidates previous amendments, and includes some amended and updated definitions and classifications to improve the clarity of the Regulations and bring them into line with other recent legislation. It also provides that certain litter and refuse is to be treated under Part 2 of the Environmental Protection Act 1990 in the same way as waste collected under section 45 of the Act.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 (ix) in respect of this draft instrument – that it is not made in both English and Welsh.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 (ii) in respect of this draft instrument – that it gives rise to issues of public policy likely to be of interest to the Assembly.

The Regulations will allow local authorities to charge for the collection and disposal of waste arising from non-domestic properties (except for charity shops selling donated goods and ‘re-use’ organisations to the extent that the waste came from domestic property, and village halls used for public meetings) whereas now they only charge for collection. It also enables litter collected on premises occupied by

establishments to be charged in the same way as other non – hazardous waste generated on the site.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

23 April 2012