

LEGISLATIVE CONSENT MEMORANDUM

ENTERPRISE AND REGULATORY REFORM BILL – ABOLITION OF THE AGRICULTURAL WAGES BOARD FOR ENGLAND AND WALES

Supplementary Legislative Consent Motion

1. “To propose that the National Assembly for Wales, in accordance with Standing Order 29.6 agrees that the provisions of the Enterprise and Regulatory Reform Bill which relate to the abolition of the Agricultural Wages Board for England and Wales, in so far as they fall within the legislative competence of the National Assembly, should be considered by the UK Parliament.”

Background

2. The Legislative Consent Motion at paragraph 1 above has been tabled by Alun Davies AM, Deputy Minister for Agriculture, Fisheries, Food and European Programmes, under Standing Order 29.6 of the Standing Orders (“SO”) of the National Assembly for Wales (the “National Assembly”). This Legislative Consent Memorandum is laid under SO29.2. SO29 prescribes that a Legislative Consent Motion must be tabled, and a Legislative Consent Memorandum laid before the National Assembly if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within the legislative competence of the National Assembly or has a negative impact on that competence

3. The Enterprise and Regulatory Reform Bill (the “Bill”) was introduced in the House of Commons on 23 May 2012. The Bill can be found at:

[Bill documents – Enterprise and Regulatory Reform Bill 2012-13 – UK Parliament](#)

Summary of the Bill and its Policy Objectives

4. The Bill is sponsored by the Department of Business, Innovation and Skills (“BIS”). The main purpose of the Bill is to encourage long term growth and simplify regulation. The Bill aims to;

- overhaul the employment tribunal system, and transform the dispute resolution landscape;
- improve the effectiveness and efficiency of competition enforcement and the competitiveness of markets, by strengthening the regime and improving the speed and predictability for business;
- set the purposes of the UK Green Investment Bank and ensure its independence;
- strengthen the framework for setting directors’ pay by introducing binding votes;

- extend the Primary Authority scheme, reduce inspection burdens on business and strengthen the legal framework for sunset clauses on regulation;
- repeal unnecessary legislation, cutting the burden on business and citizens.

Provisions in this Bill for which consent is sought

5. The relevant provision contained in the Bill is an amendment tabled on 19 December 2012 in the House of Lords. The amendment can be found at:

[List of amendments to be moved in Grand Committee – Enterprise and Regulatory Reform Bill 2012-13 – UK Parliament](#)

6. If the amendment is passed the Agricultural Wages Board for England and Wales (“AWB”) will be abolished and agricultural workers in England and Wales will become subject to the National Minimum Wage Act 1998

7. The Bill extends to Wales.

8. It is the view of the Welsh Government that the provision referred to in paragraphs 5 and 6 falls within the Assembly’s legislative competence as set out in paragraph 1 (Agriculture, forestry, animals, plants and rural development) of Part 1 of Schedule 7 to the Government of Wales Act 2006.

Implications of utilising this Bill to make the relevant provision

9. It is the view of the Welsh Government that this Bill is not the appropriate vehicle for making provision abolishing the AWB. The provisions of the Public Bodies Act 2011 (“PBA”) were negotiated and agreed to ensure that the interests of the Welsh Ministers and National Assembly for Wales were safeguarded when cross-border public bodies were proposed for abolition through a PBA Order. The use of this Bill circumvents the consent requirements of the PBA, and as such we consider that the relevant amendment should be withdrawn, at least insofar as it relates to Wales.

10. The Welsh Government believes that the only proper and appropriate way to take forward the abolition of the AWB would be through the statutory procedures outlined in the Public Bodies Act 2011. We have made clear that the Welsh Government wishes to retain the functions of the AWB in Wales, and that this can be achieved through a PBA Order alongside the abolition of the AWB in England.

11. Further information on the Welsh Government view on this issue is available in my written statement to Members dated 21 December 2012:

<http://wales.gov.uk/about/cabinet/cabinetstatements/2012/awb/?lang=en>

Financial implications

12. There are no financial implications rising directly from the abolition of the Agricultural Wages Board for England and Wales.

Alun Davies AM

**Deputy Minister for Agriculture, Fisheries, Food and European
Programmes**

January 2013