

Enterprise and Learning Committee

Wales Office

Inquiry into the Legislative Competence Order process relating to the Highways and Transport Legislative Competence Order.

Purpose

The purpose of this paper is to provide the Enterprise and Learning Committee (ELC) with written evidence to assist with its inquiry into the process relating to the Highways and Transport Legislative Competence Order (LCO).

Overview

This paper summarises the experiences of the Wales Office of the process and passage of this LCO so far.

Wales Office Role in the LCO Process

The Wales Office, through the Secretary of State for Wales, is responsible for presenting draft Legislative Competence Orders to Parliament and facilitating the passage of these draft Orders through the legislative scrutiny process. The Wales Office is also responsible for monitoring and facilitating discussions between the Welsh Assembly Government and other UK Government Departments to ensure that the case for the legislative competence that the Assembly Government is seeking is clearly made and within the scope of the Government of Wales Act 2006.

Highways and Transport LCO

We welcome this first Order in Council to be initiated by a Committee of the National Assembly. The Wales Office required confirmation that the Welsh Assembly Government supports the proposal and this confirmation was not given until the Deputy First Minister in a letter to the Secretary of State for Transport dated 16 July 2010. There has been a long and constructive period of discussion between the Project Group (consisting of WAG, Wales Office and other interested UK Government Departments) about the wording of this proposed LCO, which has led to a draft LCO being a more concise product that outlines the broad policy intentions of the Welsh Assembly Government and the rationale for the scope of the powers it is seeking.

Whilst an agreement has been reached at official level, we understand that the Cabinet of the Welsh Assembly Government have been asked to formally agree the draft proposed Order. Until this has been received, the Wales Office, and the UK Government, can not proceed to take this LCO through the next stage of the process and legislative scrutiny. However, we look forward to expediting the proposed LCO once we receive a request to do so from the Welsh Assembly Government.