

Legislative Committee New Remits

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New Framework

Definitely scope for an extended role for the Committee because:

- Committee no longer constrained by section 58 of GOWA which sets out its powers and which were considered by WAG only to relate to the legality and not merits of subordinate legislation
- Assembly now free to give wide/wider powers to the Legislation Committee including consideration of Merits

Sources of Wales Legislation

*“Developing principles for primary legislation for Wales”, July 2005, Institute of Welsh Affairs submission to the Presiding Officer’s Committee Scrutinising the Wales Office White Paper *Better Governance for Wales*. The sources listed by Professor Patchett as amended by us are:*

- Wales-only Acts of the UK Parliament;
- provisions in Acts of the UK Parliament applying to Wales specifically;
- Acts of the UK Parliament applying to England and Wales as a single jurisdiction;
- Orders in Council approved by Parliament;
- subordinate legislation made by the Assembly under Acts or under Assembly Measures or exceptionally under Whitehall subordinate legislation;
- subordinate legislation made by Whitehall specifically for Wales;
- Subordinate legislation made by Whitehall for England and Wales as a single jurisdiction;
- Measures made by the Assembly under Orders in Council modifying or supplementing existing legislation or making new provisions;
- subordinate legislation made by the Assembly Government under provisions of Acts; and
- subordinate legislation made by the Assembly Government as delegate under Assembly Measures.

Scrutiny Role of the Assembly

- Ideally the Assembly or a Committee should scrutinise all Wales legislation but practically it seems impossible

What Plenary Assembly scrutiny is appropriate?

The Assembly (in Plenary) will need to consider
(Merits and Law):

- **WAG legislation:** A limited number of general SIs which have to be discussed and voted on by the Assembly
 - Any other general SIs if a motion is put by an AM
- **Assembly legislation:**
 - Draft Orders in Council and Measures
- No other subordinate legislation has to be considered by the Assembly or Committee (although COULD be important legislation)

Role of a new Legislation Committee

- It is suggested that the Committee needs to consider all legislation which will be placed before the Assembly in plenary
- Does such consideration includes merits as well as law?
- What time will be available for the Committee to consider any other legislation?