

Cabinet's Proposals for Primary Legislation, 2005-06

Statement to Plenary

1. Standing Order 33.11 requires the Cabinet annually to put to plenary its proposals for Westminster primary legislation. The proposals will be debated on 16 March.

Proposals

Commissioner for Older People (Wales) Bill

2. The Bill would establish a new Commissioner, who would safeguard and promote the best interests of older people in Wales. The Commissioner would be enabled to assist older people to enforce their rights, empowering them to reach their full potential as active citizens. The Assembly would be able to refer matters to the Commissioner for his/her consideration, but could not require the Commissioner to act on such referrals or limit his/her ability to act in relation to such referrals. The Commissioner would have a range of functions including to promote awareness of matters relating to the best interests of older people; to take such steps as he/she considered appropriate with a view to encouraging good practice in the treatment of older people; and to keep under review the adequacy and effectiveness of law and practice relating to the welfare of older people and the adequacy and effectiveness of services provided for older people by the relevant authorities. The Commissioner would be able to take on individual cases, and could support individuals in taking court action in certain circumstances. General powers would include discretion to undertake research, to issue and publish information and guidance, to conduct investigations and to make representations concerning the best interests of older people.

The Bill would enable the Assembly to fund the Commissioner and the Commissioner's office. There would be likely to be an initial one-off cost of £0.5m to set up the office, and thereafter annual running costs of the order of £1.5m each year.

Government of Wales Bill

3. Further to the Assembly's resolution of 6 October 2004, the Bill would abolish the "corporate body" status of the Assembly and establish a constitutional structure for Wales on traditional Whitehall/Westminster lines, creating a Welsh executive distinct from the Assembly but accountable to it; implement changes to the Additional Member System of election to the Assembly to deal with unsatisfactory features of the present arrangements; and provide for enhanced legislative powers for the Assembly.

There could be some limited financial implications for the Assembly arising from this Bill, these flowing both from splitting the Assembly into its executive and legislative components and from possible additional staffing requirements relating to the exercise of enhanced legislative powers.

Housing (Suspension of Right to Buy) (Wales) Bill

4. The Bill would enable the National Assembly to designate areas of housing pressure where the Right to Buy (RTB) could be suspended. The Housing Act 1985 permits landlords disposing of properties in rural areas to impose a covenant limiting the freedom of the purchaser (and his successors in title) to re-sell the property. In 2003 the Assembly made an Order extending the list of rural areas where covenants on re-sale may be imposed. The Assembly has also used other secondary legislation powers to reduce the maximum discount allowed under the RTB to £16,000 in all parts of Wales. However, there is no provision in the Act allowing the RTB to be suspended in areas of 'housing pressure'. Primary legislation is therefore required to introduce a power of this nature.

There would be no significant financial implications for the Assembly in this proposal. Where the RTB was suspended, landlords (mainly local authorities but also some registered social landlords) would not receive any sale receipts, but would continue to receive rents. Hence the financial outcome for them should be broadly neutral.

Local Government (Town and Community Councils) (Wales) Bill

5. The Bill would implement those recommendations of the Aberystwyth research study on the role and functions of community and town councils which require amendments to legislation. The purpose of the Bill would be to enable local councils in Wales to deliver a wider range of services and actions locally, increase the effectiveness of their representational role and ability to work in partnership with other bodies, and enable the Welsh Assembly Government directly to fund local councils' activities. The Bill would among other things repeal the provision in the Local Government Act in 1972 enabling community councils to be disbanded; provide a power enabling the Assembly to introduce an accreditation procedure for individual or groups of local councils (local councils would be required to meet certain minimum standards before taking on additional functions); provide powers to amend the list of functions on which local councils have a statutory right to be consulted; require principal authorities to review their community areas every 4 years and submit a report to the Assembly and to the Local Government Boundary Commission; and give local councils a new power to enable them to promote or improve the economic, social and environmental well-being of their areas.

There would be some limited financial implications for the Assembly from this Bill, the most significant of which would be the provision by the Assembly of direct grant assistance to councils. Local councils' increased service responsibilities would be undertaken with the agreement of, and funding from, their county or county borough councils. The increased localisation of service

provision should result in an increase in the range and quality of local services.

Tourism Accommodation (Registration) (Wales) Bill

6. The Bill would, by amending or repealing part or all of Section 17 of the Development of Tourism Act 1969, create a new enabling power for the Assembly to establish a tourist accommodation registration scheme in Wales. It would also include the power to make subordinate legislation setting out the basis upon which accommodation is to be registered. Accommodation registered under the scheme would be subject to periodic inspection. The registration and inspection arrangements would be designed to ensure that minimum standards in the provision of tourist accommodation are met and maintained. The Minister for Economic Development and Transport presented the detailed proposals for this Bill to the Economic Development and Transport Committee on 25 February 2004 and the matter was debated on plenary on 3 March 2004. The motion was carried.

The scheme can be designed to be self-financing, but there may be start up costs. Detailed decisions on these issues will be for consideration by the Assembly Government in drawing up subordinate legislation once the primary legislation is in place.

Welsh Language Schemes Regulator (Wales) Bill

7. The Bill would establish a Dyfarnydd or regulator to take over certain functions relating to the regulation of Welsh Language Schemes under the Welsh Language Act 1993. Regulatory and adjudicatory functions under the Act are currently split between the Welsh Language Board and the National Assembly for Wales (delegated to the Welsh Assembly Government).

The Assembly Government has announced its intention to merge the Welsh Language Board with the Assembly Government by 1 April 2007. This will mean that regulatory and adjudicatory functions contained in the Welsh Language Act 1993 will rest with the same body – the Assembly Government. In order to provide a balance and to maintain a voice which is independent of Government, the Assembly Government wishes, following the merger, to establish an independent office of Dyfarnydd. Work is in hand to define the precise role of the Dyfarnydd, and the office's interaction with the Assembly Government.

It is likely that the Bill would place a duty on the Assembly to fund the Dyfarnydd and the office of the Dyfarnydd. As the exact role of the Dyfarnydd is yet to be defined, it is too early to be able to provide estimates of costs. However, it is expected that the Dyfarnydd will have a small office to provide administrative support, and costs are likely to be modest.



Notes:

The Public Services Ombudsman (Wales) Bill and the Transport (Wales) Bill are both currently before Parliament. Should either or both not proceed to Royal Assent before the current Parliament is dissolved, the Cabinet will wish to press for them to be included in the legislative programme for the first session of the new Parliament.

The Cabinet is also aware of Julie Morgan MP's Private Member's Bill on smoking in public places. This proposal originated in a motion put down by back bench Assembly Members which was endorsed by the Assembly in January 2003. The Assembly Government strongly endorses Ms Morgan's Bill. Should it fail to become law, the Cabinet will take up with the Secretary of State the issue of separate provisions for Wales in any forthcoming England and Wales Bill dealing with the matter.