

REGULATORY APPRAISAL

CONSTITUTIONAL LAW

DEVOLUTION, WALES

THE NATIONAL ASSEMBLY FOR WALES (DATE OF FIRST MEETING OF THE ASSEMBLY CONSTITUTED BY THE GOVERNMENT OF WALES ACT 2006) ORDER 2007

Purpose and intended effect of the measure

1. Paragraph 3 of Schedule 11 to the Government of Wales Act 2006 (GOWA 2006) provides that the first meeting of the new Assembly must be held on a date specified by an Order made by the current Assembly (i.e. that constituted by the Government of Wales Act 1998) and that the meeting must be within the period of 7 days beginning immediately after the day of the poll for the May 2007 Assembly elections. This means that the meeting must be held on or before Thursday, 10 May 2007. This Order specifies that Wednesday, 9 May 2007 will be the date of the first meeting of the Assembly following the 2007 elections.

Risk Assessment

2. This Order is required to specify the date of the first meeting of the new Assembly, at which the Presiding Officer and Deputy Presiding Officer will be appointed. If the Order is not made, no date will be set for the first meeting of the new Assembly. This would cause problems in terms of proceeding with the business of the new Assembly. The clear expectation in GOWA 2006 is that the current Assembly will pass an Order to specify the date of the first meeting. Without such an Order, it is not clear how and when the first meeting of the new Assembly could be called, with obvious repercussions for new Assembly business. If this Order was not made by the current Assembly, the Secretary of State for Wales could make an Order in relation to specifying the date of the first meeting.

Options

Option 1: Do Nothing

3. If this Order is not made, it will not be clear when the new Assembly will meet for the first time, or even how a meeting could be called. Therefore, it may not be possible to progress Assembly business for some time. However, if this Order was not made by the current Assembly, the Secretary of State for Wales could make an Order in relation to specifying the date of the first meeting.

Option 2: Make the legislation

4. This Order specifies that Wednesday, 9 May 2007 will be the date of the first meeting of the Assembly following the 2007 elections. Making the Order is the most effective, and perhaps, only means of ensuring that the new Assembly's Plenary business can proceed following the 2007 elections.

Benefits

5. This Order, if it is made, will provide clarity for Assembly Members, Assembly staff and the public as to when the first meeting will take place, and allow staff to prepare for that meeting.

Costs

6. There are no costs to the Assembly or to others as a result of making this Order as it merely provides for the date of the first meeting.

Consultation

With Stakeholders

7. The First Minister consulted Party Leaders, by e-mail on 8 December 2006, in relation to the date that should be specified as the date of the first meeting of the new Assembly, and all Party Leaders have agreed that the date of the first meeting should be 9 May 2007. The First Minister wrote to the Presiding Officer, copied to the Chair of the Business Committee, on 11 January 2007, and has asked for his view before the Business Committee meeting on 23 January 2007. No comments have been received from the Presiding Officer to date

With Subject Committee

8. This Order has not been notified to any Subject committee because it does not affect any policy area for which the Assembly is responsible, and is, therefore, not of direct interest to any of the subject committees. However, the Business Committee has been kept informed of developments in relation to the Order and, as mentioned in paragraph 7 above, Party Leaders and the Presiding Officer have been consulted. Business Committee have discussed the issue of the date of the first meeting of the new Assembly at a number of their meetings, including on 10 and 17 October 2006 and 17 January 2007.

Summary

9. This Order needs to be made to specify the date of the first meeting of the new Assembly. Making the Order is the most effective, and perhaps only, means of ensuring that the new Assembly's plenary business can proceed following the 2007 elections.