



National Assembly for **Wales**
Cynulliad Cenedlaethol **Cymru**

Bills under consideration by Assembly Committees, February 2006

Abstract

This paper provides an overview of the content and progress, through Parliament and the Assembly, of bills being considered by Assembly Committees.

It details the powers conferred by each bill and the extent to which they deliver the Government's commitment in the White Paper – *Better Governance for Wales* – to provide the Assembly, with immediate effect, with wider and more permissive powers. A version of the paper goes to the Business Committee and to the Panel of Chairs each month.

February 2006



Bills under consideration by Assembly Committees, February 2006

Members Research Service

February 2006

Paper number: 06/006

© Crown copyright 2006

Contents

Introduction.....	1
Key Points	1
Bills Remitted to Assembly Committees.....	3
Other Bills being considered by Assembly Committees	22
Other Bills Currently Before Parliament.....	23

Bills under consideration by Assembly Committees, February 2006

Introduction

This paper provides an overview of the content and progress, through Parliament and the Assembly, of Bills being considered by Assembly Committees.

It details the powers conferred by each bill and the extent to which they deliver the Government's commitment in the White Paper – *Better Governance for Wales* – to provide the Assembly, with immediate effect, with 'wider and more permissive powers'. A version of the paper goes to the Business Committee and to the Panel of Chairs each month.

Key Points

The *Better Governance for Wales* White Paper stated the UK Government's intention 'immediately, in drafting primary legislation relating to Wales, to delegate to the Assembly maximum discretion in making its own provisions, using its secondary legislative powers.'¹ The UK Government's response to the recommendations of the Welsh Affairs Committee report on the White Paper indicates that it "would expect the Explanatory Notes to Bills to explain where clauses relating to Wales are of a framework nature".

- The only bill to date to have been described as containing a 'framework provision' is the **NHS Redress Bill**. It provides to the Assembly as broad a power as it can be given within its current powers, and indeed is as broad as could be expected under measure-making powers.
- Part I of the **Health Bill** makes provision for the control of smoking. It sets out a detailed framework within which "the appropriate national authority" (i.e. the Secretary of State in relation to England and the National Assembly in relation to Wales) must operate. Although the bill contains extensive regulation-making powers, they are the equivalent of the Secretary of State's powers and so do not constitute 'framework powers'.
- Part 2 of the **Health Bill** relates to healthcare associated infections. The Minister for Health and Social Services has indicated that he considers that Wales already has sufficient powers to maintain and improve healthcare standards in the NHS in Wales. The Assembly Government, therefore, did not seek a Welsh component to this part of the Bill.
- Clause 10 of the **Animal Welfare Bill** is virtually a framework provision in the way it is drafted, in that it provides that: "the appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible". However, although it is widely drafted, clause 10 will not qualify as a "framework" provision for the purposes of the White Paper as the Bill makes identical provision in relation to England with the same wide power to make regulations being given to the Secretary of State. In other words, although clause 10 is widely constructed, it does not go further in relation to Wales

¹ *Better Governance for Wales*, Cm 6582. June 2005, para 1.24



than it does in relation to England. The Minister for Environment, Planning and Countryside has indicated that, given the breadth of this power and input that individuals and organisations in Wales have had to its development, he does not consider framework powers are required to cover the matters in the Bill.

- One of the effects of the **Legislative and Regulatory Reform Bill** will be to eliminate the need to produce cross referencing SIs whenever European Directives are amended. It will reduce, therefore, the volume of mundane and non-controversial subordinate legislation that the Assembly must make.
- The **Commons Bill** does not contain any 'Wales only' clauses; however, it would grant the National Assembly for Wales a Henry VIII power to amend pre-existing and/or concurrent primary legislation for specified purposes related to Part 1 of the Bill. In relation to the operation of Part 3 of the Bill in Wales, it would authorise the National Assembly to amend any relevant local Act. As these powers are conferred on the other 'relevant authorities', these could not be described as 'framework' provisions.



Bills Remitted to Assembly Committees

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Animal Welfare Bill (G)</p> <p>The Bill will aim to bring together and modernise most legislation concerning the welfare of animals under the control of man. An Animal Welfare Bill formed part of the UK Government's legislative programme for 2004-05 but was not introduced, although a Draft Bill was subject to pre-legislative scrutiny</p>	<ul style="list-style-type: none"> • 13/01/05 Commons: First Reading • 10/01/06 Commons: 2nd Reading and Programme Motion • 17/01/06 Commons: Standing Committee A: 1st day • 19/01/06 Commons: Standing Committee A: 2nd day • 24/01/06 Commons: Standing Committee A: 3rd day • 26/01/06 Commons: Standing Committee A: 4th day • Commons: 2nd reading: no date 	<p>Remitted to the Assembly's Environment Planning and Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 02/02/05 Draft Bill scrutinised by EPC Committee • 19/01/06 Committee receive a Stance Paper from the Welsh Assembly Government in meeting • 27/01/06 Report Laid before the Assembly

Key Clauses and other information

In respect of powers that would be delegated by the Bill, the National Assembly for Wales is regarded as the 'appropriate national authority' in Wales, thus the Bill would make all the regulation and order making powers exercisable by the National Assembly for Wales. The regulation and order making powers are laid out in clauses 10 to 15 of the Bill.

Clause 10 would give powers to make regulations regarding the welfare of animals and includes provisions to make regulations concerning matters such as licensing activities involving animals, the identification of animals, breeding animals and establishing bodies to advise on welfare of animals. It also gives powers to create offences in relation to breaching regulations and to set fees and charges for carrying out activities that are regulated. Clause 10 is virtually a framework provision in the way it is drafted, in that it provides that: "the appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible". However, although it is widely drafted, clause 10 will not qualify as a "framework" provision for the purposes of the Better Governance for Wales White Paper as the Animal Welfare Bill makes identical provision in relation to England with the same wide power to make regulations being given to the Secretary of State.

In other words, although clause 10 is widely constructed, it does not go further in relation to Wales than it does in relation to England. The Minister for Environment, Planning and Countryside has indicated to the EPC Committee that, given the breadth of this power and input that individuals and organisations in Wales have had to its development, he does not consider framework powers to be required to cover the matters in the Bill.



Bill	Parliamentary Stage	Assembly Stage
<p>Charities Bill [HL] (G)</p> <p>Although this is a non-devolved matter, the voluntary sector is included in the portfolio of the Minister for Social Justice and Regeneration. The Bill includes provision for the National Assembly for Wales to give financial assistance to charitable, benevolent or philanthropic institutions. A Charities Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 18/05/05 Lords: 1st reading • 07/06/05 Lords: 2nd reading • 28/06/05 Lords: Committee Stage 1st day • 12/07/05 Lords: Committee Stage 2nd day • 12/10/05 Lords: Report Stage • 18/10/05 Lords: Report Stage • 08/11/05 Lords: 3rd reading • 09/11/05 Commons: 1st reading 	<p>Remitted to the Assembly's Social Justice and Regeneration Committee on 21/06/05</p> <ul style="list-style-type: none"> • 29/09/04 Draft Bill scrutinised by SJR Committee • 28/09/05 Bill Scrutinised by SJR Committee • 06/10/05 Report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>This Bill is an England and Wales Bill with only one clause (71) giving the Assembly powers to give financial assistance to charitable organisations.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Childcare Bill (G)</p> <p>The Bill will place a new duty on local authorities to secure sufficient childcare and early childhood services (including information to parents)</p>	<ul style="list-style-type: none"> • 08/11/05 Commons: 1st Reading • 28/11/05 Commons: 2nd reading • 06/12/05 Commons: Standing Committee: 1st day • 08/12/05 Commons: Standing Committee: 2nd day • 13/12/05 Commons: Standing Committee: 3rd day • 15/12/05 Commons: Standing Committee: 4th day • 20/12/05 Commons: Standing Committee: 5th day 	<p>Remitted to Assembly's Education and Lifelong Learning Committee on 21/06/05</p> <ul style="list-style-type: none"> • 08/02/06 Scheduled for scrutiny by ELL Committee
<p><i>Key clauses and further information</i></p> <p>The main provisions for Wales are contained in Part 2 of the Bill. These are:</p> <ul style="list-style-type: none"> • The Bill places a duty on local authorities to secure sufficient provision of childcare to enable parents to work; • Local authorities may assist (including financially) those who are, or who wish to provide childcare, and may ensure that providers meet any conditions placed upon them by the local authority. Local authorities may charge for childcare; • The Assembly may, by regulation, require a local authority to assess the sufficiency of childcare; • Local authorities must establish and maintain service to provide parents with information, advice and assistance on childcare, facilities and services available to them as parents/prospective parents; • Clause 22 (4) allows the Assembly to amend by order, certain sections concerning matters to which a local authority must/may have regard to in determining whether childcare is sufficient. 		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Children and Adoption Bill [HL] (G)</p> <p>The Bill will give the courts more powers and provides a statutory framework for the suspension of inter-country adoptions. A Draft Child Contact and Inter-country Adoption Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 13/06/05 Lords: 1st reading • 29/06/05 Lords: Committee Stage 1st day • 11/10/05 Lords: Grand Committee 1st day • 12/10/05 Lords: Grand Committee 2nd day • 17/10/05 Lords: Grand Committee 3rd day • 08/11/05 Lords: Lords: Motion for approval • 14/11/05 Lords: Report Stage • 29/11/05 Lords: 3rd reading • 30/11/05 Commons: 1st reading 	<p>Remitted to Assembly's Social Justice & Regeneration Committee and Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 20/10/05 Bill considered by SJR Committee • 03/11/05 Bill considered by HSS Committee • 08/11/05 HSS Committee report laid before the Assembly • 14/11/05 SJR Committee report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The Bill does not contain any Wales only clauses. An amendment passed at Grand Committee Stage in the Lords would allow the National Assembly for Wales to charge prospective adopters, a power originally only granted to the Secretary of State to exercise on behalf of both England and Wales.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Commissioner for Older People (Wales) Bill [HL] (G)</p> <p>The Bill establishes an office of Commissioner for Older People in Wales that has powers and duties comparable to the Children's Commissioner in Wales. The role of the Commissioner is to safeguard and promote the interests of older people in Wales.</p> <p>An equivalent Draft Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 25/05/05 Lords: 1st reading • 14/06/05 Lords: 2nd reading • 18/10/05 Lords: Grand Committee 1st day • 26/10/05 Lords: Grand Committee 2nd day • 09/11/05 Lords: Report Stage • Lords: 3rd reading: no date 	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 25/05/05 Draft Bill Considered by HSS Committee • 11/06/05 Report on the Draft Bill laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The Bill was published on 25 May 2005, before the White Paper <i>Better Governance for Wales</i>. The Bill is essentially enabling, and provides the Assembly with broad powers to make regulations on matters including the establishment of the Commissioner and the scope and nature of the powers exercised by the Commissioner.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Commons Bill [HL] (G)</p> <p>The Bill will build on many of the proposals in the Common Land Policy Statement 2002, which was published jointly by the Department for Environment, Food and Rural Affairs (Defra) and the Assembly Government.</p>	<ul style="list-style-type: none"> • 27/06/05 Lords: 1st Reading • 20/07/05 Lords: 2nd Reading • 18/10/05 Lords: motion for approval • 25/10/05 Lords: Grand Committee: 1st day • 01/11/05 Lords: Grand Committee: 2nd day • 02/11/05 Lords: Grand Committee: 3rd day • 09/11/05 Lords: Grand Committee: 4th day • 14/11/05 Lords: Grand Committee: 5th day • 28/11/05 Lords: Report Stage 2nd day • 18/01/06 Lords: 3rd reading • 19/01/06 Commons: 1st reading 	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 22/09/05 Bill scrutinised by EPC Committee • 03/11/05 Bill scrutinised by EPC Committee; • 23/11/05 Bill scrutinised by EPC Committee
<p><i>Key clauses and further information</i></p> <p>The Bill does not contain any 'Wales only' clauses; however, in respect of powers that would be delegated by the Bill, the National Assembly for Wales is regarded as the 'appropriate national authority' in Wales. Executive and secondary legislative functions delegated to the National Assembly for Wales would include: powers to make regulations under Parts 1 (registration) and 2 (management); powers to make orders under Parts 1, 2 and 3 (protection of common land); and, power to commence in Wales all provisions in the Bill except clauses 9 and 49. Clause 49 would also grant the National Assembly for Wales a Henry VIII power to amend pre-existing and/or concurrent primary legislation for specified purposes related to Part 1 of the Bill. In relation to the operation of Part 3 of the Bill in Wales, clause 42 would authorise the National Assembly to amend any relevant local Act.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Education Bill (G)</p> <p>Key measures will include: greater independence for school governing bodies; allowing primary schools to become foundation schools by a simple vote of their governing body; measures to encourage new providers into the state system; new powers and flexibilities for Ofsted and for local authorities in tackling school failure and underperformance; and clauses that repeat the last parliamentary session's fallen School Transport Bill.</p>	<ul style="list-style-type: none"> 25/10/05 White Paper: Higher Standards : Better Schools for All published 	<p>Remitted to Assembly Education and Lifelong Learning Committee on 21/06/05</p>



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Equality Bill [HL] (G)</p> <p>The Bill implements measures outlined in the White Paper Fairness for All: A New Commission for Equality and Human Rights. It provides for the establishment of the Commission for Equality and Human Rights (CEHR), a single integrated body to underpin legislation on race, gender, disability, religion or belief, sexual orientation, the proposed legislation on age and human rights.</p> <p>The CEHR will establish a committee for Wales. The Commission will include a Commissioner for Wales.</p> <p>An Equality Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 18/05/05 Lords: 1st reading • 15/06/05 Lords: 2nd reading • 06/07/05 Lords: Committee Stage 1st day • 11/07/05 Lords: Committee Stage 2nd day • 13/07/05 Lords: Committee Stage 3rd day • 19/10/05 Lords: Report Stage • 09/11/05 Lords: 3rd reading • 11/11/05 Commons: 1st reading • 21/11/05 Commons: 2nd reading • 29/11/05 Commons: Standing Committee 1st day • 01/12/05 Commons: Standing Committee 2nd day • 06/12/05 Commons: Standing Committee 3rd day • 08/12/05 Commons: Standing Committee 4th day • 16/01/06 Commons: Remaining Stages • No date 	<p>Remitted to Assembly's Equality of Opportunity Committee on 21/06/05</p> <ul style="list-style-type: none"> • 30/06/05 Bill Scrutinised by EOP Committee • 07/05 Report Laid before the Assembly



Key Clauses and further information

The Bill contains no specific powers for the Assembly.

Schedule 1 to the Bill sets out provisions relating to the constitution of the CEHR, including; its members (the Commissioners) and their appointment criteria; regulation of its proceedings; its powers of delegation and the committees to which certain functions must be delegated; preparation of its annual report; its financial arrangements; and its status.

Paragraph 2 (2)(c) of Schedule 1 to the Bill states that

The Secretary of State shall ensure that the Commission includes ...

(c) a Commissioner appointed under paragraph 1(1), with the consent of the National Assembly for Wales, who knows about conditions in Wales.

Paragraphs 16 to 31 set out the requirements for the CEHR to establish a Scotland Committee and a Wales Committee. Each Committee shall be chaired by the relevant Commissioner with knowledge of conditions in Scotland or Wales. The Committees must be established before any of the general duties (clauses 8 to 13) come into force. The CEHR is obliged to consult the Scotland or Wales Committee before undertaking a function that, in its opinion, may affect people in Scotland and Wales respectively.

The Committees have delegated decision-making powers in respect of the activities listed in clause 14 in so far as the activities, in the opinion of the CEHR, affect Scotland and Wales. They will also have delegated power under clause 12(2)(c) and clause 12(2)(d) to provide advice to the devolved administrations in respect of law which, in the opinion of the CEHR, affects only Scotland or Wales respectively.

Paragraph 32 requires the CEHR to prepare and publish an annual report, including in relation to its activities in Scotland and Wales, and submit it to the Secretary of State. The Secretary of State must lay the annual report before Parliament. The annual report must also be sent to the Scottish Parliament and the National Assembly for Wales.



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Government of Wales Bill (G)</p> <p>The Bill will enhance the Assembly's powers and reform its structure and electoral system to create a more transparent and accountable body.</p>	<ul style="list-style-type: none"> • 15/06/05 White Paper, Better Governance for Wales published • 08/12/05 Commons: 1st Reading • 09/01/06 Commons: 2nd Reading and Programme Motion • 23/01/06 Commons: Committee Stage • 24/01/06 Commons: Committee Stage • 30/01/06 Commons: Committee Stage 	<ul style="list-style-type: none"> • 28/06/05 Assembly Committee on the White Paper established. The Committee met to gather evidence during June and July 2005. • 13/09/05 Report of the Committee on the White Paper published • 18/01/06 Assembly Committee on the Government of Wales Bill established
<p><i>Key clauses and further information</i></p> <p>This Bill relates solely to Wales. It recently completes committee stage in the House of Commons and is under consideration by the Committee on the Government of Wales Bill which was established by a motion in Plenary on 18 January 2006.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Health Bill (G)</p> <p>The Bill will aim to implement proposals set out in the Department of Health Public Health White Paper Choosing Health (November 2004). One of the key proposals in the Bill is to ban smoking in public places, apart from specifically exempt licensed premises.</p>	<ul style="list-style-type: none"> • 27/10/05 Commons: 1st reading • 29/11/05 Commons: 2nd reading • 06/12/05 Commons: Standing Committee 1st day • 08/12/06 Commons: Standing Committee 2nd day • 13/12/06 Commons: Standing Committee 3rd day • 15/12/05 Commons: Standing Committee 4th day • 20/12/05 Commons: Standing Committee 5th day • 10/01/06 Commons: Standing Committee 6th day • Commons: Remaining Stages: no date 	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 19/01/06 Bill Scrutinised by HSS Committee • 01/02/06 Report Laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>Unlike the NHS Redress Bill, the Health Bill does not contain framework powers. Part 1 of the Bill extends to England and Wales and relates to the banning of smoking in public places. It sets out a detailed framework within which "the appropriate national authority" (i.e. the Secretary of State in relation to England and the National Assembly in relation to Wales) must operate. There may be extensive regulation-making powers, but they are the equivalent of the Secretary of State's powers. They do not therefore constitute "framework powers". As health is a devolved issue, the Bill allows for different approach to be taken in Wales on the issue of whether there should be any exemptions to allow smoking in certain licensed premises.</p> <p>Part 2 of the Bill relates to healthcare associated infections. The Minister for Health and Social Services has indicated that he considers that Wales already has sufficient powers to maintain and improve healthcare standards in the NHS in Wales, which is why the Assembly Government did not seek a Welsh component to this part of the Bill.</p>		

Members' Research Service: Research Paper
Gwasanaeth Ymchwil yr Aelodau: Papur Ymchwil



Cynulliad National
 Cenedlaethol Assembly for
 Cymru Wales

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Marine Bill (draft)</p> <p>The Bill will provide a new framework for the seas, based on marine spatial planning.</p>	<p>No scheduled publication date</p>	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p>

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Mental Health Bill</p> <p>The Bill will introduce a new legal framework for the treatment of people with mental disorders without their consent, when this is necessary to protect them or others from harm. The Department of Health published a Draft Mental Health Bill in the 2003-04 Parliamentary session.</p> <p>The Government's response to the Report from the Joint Committee on the Draft Mental Health Bill, Session 2004-05 was published by the Department of Health on 13/06/2005 (Cm 6624)</p>	<p>No scheduled publication date</p>	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p>



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>National Lottery Bill (G)</p> <p>The Bill will make the distribution of Lottery money more strategic and set up the Big Lottery Fund as a single body with a new good cause and single set of simpler rules, to make it easier for potential applicants to access Lottery money. A National Lottery Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 24/05/05 Commons: 1st reading • 14/06/05 Commons: 2nd reading • 11/10/05 Programme Motion • 25/10/05 Commons: Standing Committee A: 1st day • 27/10/05 Commons: Standing Committee A: 2nd day • 01/11/05 Commons: Standing Committee A: 3rd day • 03/11/05 Commons: Standing Committee A: 4th day • 19/01/06 Commons: Remaining Stages • 20/01/06 Lords: 1st reading • 06/02/06 Lords: 2nd reading 	<p>Remitted to Assembly's Culture, Welsh Language & Sport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 29/09/05 Bill considered by CWLS Committee
<p><i>Key clauses and further information</i></p> <p>The main feature of the Bill is the formal establishment of the Big Lottery Fund. It includes provisions that will enable the Welsh Assembly Government to:</p> <ul style="list-style-type: none"> • set the outcomes and priorities that are to be addressed by the Big Lottery Fund's programmes in Wales (within an overall UK framework); • issue policy directions to the Big Lottery Fund, in respect of Wales; • agree the appointment of a Wales member to the UK Board (Schedule 2: Paragraph 1) ; and; • agree the appointment of members to the Wales committee (Schedule 2: Paragraph 7). 		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Natural Environment and Rural Communities Bill (G)</p> <p>The Bill is intended to implement key aspects of the Government's Rural Strategy published in July 2004. A Draft Natural Environment and Rural Communities Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 19/05/05 Commons: 1st reading • 06/06/05 Commons: 2nd reading • 21/06/05 - 05/07/05 Commons Standing Committee • 11/10/05 Commons: Committee - Remaining Stages • 12/10/05 Lords: 1st reading • 07/11/05 Lords: 2nd reading • 10/11/05 Lords: motion for approval • 15/11/05 Lords: motion for approval • 24/01/06 Lords: Committee Stage • 30/01/06 Lords: Committee Stage • 01/02/06 Lords: Committee Stage • 08/02/06 Lords: Committee Stage 	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 19/07/05 Bill scrutinised by EPC Committee • 22/09/05 Bill scrutinised by EPC Committee; amendment secured to the Bill • 23/09/05 Report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The principal purpose of the Bill is to implement key aspects of the UK Government's Rural Strategy for England, which was published in July 2004. In so doing it establishes two new agencies, Natural England and the Commission for Rural Communities (Part 1).</p> <p>In addition, the Bill introduces measures in Parts 2 to 10 which amend existing legislation affecting Wales in a range of policy areas including: nature conservation, wildlife, sites of special scientific interest, national parks, rights of way, and the reform of agricultural bodies. Many of these measures aim to streamline delivery and simplify the existing legislative framework.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>NHS Redress Bill [HL] (G)</p> <p>The Bill will introduce an NHS Redress Scheme intended to provide a speedy and appropriate response when something goes wrong and compensation where appropriate.</p>	<ul style="list-style-type: none"> • 12/10/05 Lords: 1st reading • 02/11/05 Lords: 2nd reading • 21/11/05 Lords: Grand Committee 1st day • 23/11/05 Lords: Grand Committee 2nd day • Report Stage: no date 	<p>Remitted to Assembly's Health & Social Services Committee</p> <ul style="list-style-type: none"> • 23/11/05 Bill to be considered by HSS Committee • 01/12/05 Report Laid before the Committee
<p><i>Key clauses and further information</i></p> <p>Clause 17 of the Bill comprises a broad framework power allowing the National Assembly for Wales to make regulations to determine arrangements for redress which are most relevant to the policies and plans for the health service in Wales. Clause 17 is the first framework clause to be brought before Parliament following the publication of the White Paper, <i>Better Governance for Wales</i>.</p> <p>The Chairman of the Constitution Committee asked the Minister for State, Lord Warner, for clarification about whether it is the Government's intention to adopt similar provisions in future bills concerning Wales.</p> <p>Lord Warner confirmed that it is the Government's intention, in appropriate cases, to adopt similar provisions in future Bills as a means of conferring broader legislative powers on the Assembly. However the precise approach to provisions for Wales will be considered carefully in relation to each Bill. If there is no identifiable need for different Bill provision in relation to Wales (for example if the provision envisaged for subordinate legislation in relation to both England and Wales gives sufficient flexibility) then broader framework provisions for Wales may not be required: Part 1 of the Health Bill is a case in point.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Legislative and Regulatory Reform Bill (G)</p> <p>The Bill aims to make it quicker and easier to tackle unnecessary or over-complicated regulation and help bring about a risk-based approach to regulation.</p> <p>The Bill is intended to help deliver a number of the wide-scale reforms announced in the Better Regulation Action Plan in May 2005. It will do this primarily by creating a wider law reform power than that in the Regulatory Reform Act 2001. By removing some of the restrictions and constraints contained in the 2001 Act, the Bill enables a greater number of reforms to be delivered by Regulatory Reform Order. This will allow the Government to deliver reform of outdated or over-complicated legislation more quickly, and enable the mergers of those regulators not currently covered by separate legislation.</p> <p>Also, the Bill will reduce the number of pieces of domestic legislation needed to implement an EU directive in the UK, and make new obligations more transparent and easier to understand for British organisations affected by them.</p>	<ul style="list-style-type: none"> • 11/01/06 Commons: 1st reading • Commons: 2nd reading: no date 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 03/06 Scheduled for scrutiny by ELL Committee



Key clauses and further information

The Bill applies in relation to Wales and includes provisions that relate specifically to the powers of the National Assembly for Wales ("the Assembly").

Part 1 of the Bill provides, at Clause 9, that the agreement of the Assembly is required for any order, proposed by a Minister of the Crown, that confers a function on the Assembly, or removes or modifies any function of the Assembly, or restates a provision conferring a function on the Assembly.

Where the agreement of the Assembly is not required under clause 9, a Minister of the Crown proposing to make an order under the power in Part 1 must consult the Assembly in accordance with clause 11 where the proposals, insofar as they apply to Wales, relate to any matter in relation to which the Assembly exercises functions.

In Part 2 of the Bill, clause 22 provides that a Minister may specify, by order, which regulatory functions (as defined in clause 23) are covered by the Principles and Code of Practice (clauses 19 and 20). However, a Minister may not specify a regulatory function that is exercisable only in or as regards Wales: instead the power is conferred on the Assembly and any such functions may be specified, by order, by the Assembly.

Part 3 of the Bill contains provisions dealing with legislation relating to the European Communities. Specifically, section 2(2) of the European Communities Act 1972 ("the 1972 Act") which enables the implementation of Community law which is not automatically part of UK law. Clause 26 of the Bill makes amendments to the 1972 Act and other enactments, so as to enable the power to make subordinate instruments under section 2(2) of the 1972 Act to be exercised not only by making regulations but also by making an order, rules or a scheme. Subsection (3) of clause 26 contains an amendment to the Government of Wales Act 1998 to reflect this. Subsection (6) provides that the powers of a Minister of the Crown to make an order to amend enactments or subordinate legislation referring to regulations made under section 2(2) of the ECA 1972, shall also be exercisable by the Assembly in those areas for which it has responsibility. This power is to be exercisable by statutory instrument (subsection (7)). This is the only clause in Part 3 that has separate provision in respect of Wales.

Clause 26 will assist the Assembly in its legislative role, as will Clause 24. Clause 24 makes provision about domestic legislation which refers to "Community instruments" - that is, legal instruments (such as directives or regulations) which are issued by the European Economic Community, the European Coal and Steel Community or Euratom. The clause is designed to make the drafting of domestic instruments simpler. The problem that the clause addresses is that currently, when domestic legislation refers to a Community instrument which has been amended or applied by other Community instruments, it is necessary to specify all the instruments which have amended or applied it. That can make for very long references. Subsection (1) inserts a new section (20A) into the Interpretation Act 1978 ("the 1978 Act"). The effect of the new section is that, where an Act refers to a Community instrument, the reference is to be taken, unless the contrary intention applies, as a reference to that instrument as amended, extended or applied at the date of passing of the Act.



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Road Safety Bill [HL] (G)</p> <p>The measures included in the Bill are intended to improve road safety and to achieve the targets set in the UK Government's ten-year road safety strategy, Tomorrow's roads - safer for everyone. A Road Safety Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 24/05/05 Lords: 1st reading • 08/06/05 Lords: 2nd reading • 27/06/05 Lords: Committee Stage 1st day • 05/07/05 Lords: Committee Stage 2nd day • 26/10/05 Lords: Committee Stage 3rd day • 07/11/05 Lords: Motion for Approval • 22/11/05 Lords: Grand Committee 1st day • 29/11/05 Lords: Report Stage • 10/01/06 Lords: 3rd Reading • 11/01/06 Commons: 1st Reading • Commons: 2nd reading: no date 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 28/09/05 Bill considered by EDT Committee • 14/10/05 Report Laid Before the Assembly
<p><i>Key clauses and further information</i></p> <p>Largely a non-devolved matter. Clause 1 replaces and extends the scope of section 40 of the Road Traffic Act 1988. The amended section 40 enables the Secretary of State (for England) or the National Assembly for Wales to make payments to local authorities, as well as other authorities and bodies, for meeting the whole or part of the capital or running costs of any measure for promoting road safety. This Clause offers greater scope for the National Assembly for Wales to direct funding to Welsh road safety projects such as those suggested within the Road Safety Strategy for Wales.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Tourism Accommodation (Wales) Bill (draft)</p> <p>The Bill would have provided for the statutory registration and inspection of tourist accommodation</p>	<p>The draft bill will no longer be published this Spring and has been withdrawn.</p>	

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Transport (Wales) Bill (G)</p> <p>The Bill will give the Assembly the powers it needs to take forward its integrated transport policies. A Transport (Wales) Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 19/05/05 Commons: 1st reading • 16/06/05 Commons: 2nd reading • 28/06/05 Commons: Committee Stage • 17/10/05 Commons: Committee - Remaining Stages • 18/10/05 Lords: 1st reading • 01/11/05 Lords: 2nd reading • 09/11/05 Lords: Motion for approval • 24/11/05 Lords Grand Committee: 1st day • 10/01/06 Lords: Report Stage • 3rd reading: no date 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <p>The Draft Transport (Wales) Bill was the subject of joint scrutiny with the Welsh Affairs Committee in 2004. The Clauses relating to the railways in Wales were subsequently removed in the Transport (Wales) Bill, following announcement of the UK Government's plans for reorganisation of the railways and publication of the Railways Bill (now the Railways Act 2005). As there were no further changes to the Bill following the general election, the Committee did not have anything to add to the original report laid before the Assembly on 20/09/04</p>

Key clauses and further information

The Bill will give the National Assembly for Wales specific powers and responsibilities in relation to transport.



Other Bills being considered by Assembly Committees

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Electoral Administration Bill (G)</p> <p>The measures included in the Bill are the establishment of Co-ordinated on-line record of electors (CORE) schemes, measures to combat electoral fraud, the conduct of elections and regulation of parties</p>	<ul style="list-style-type: none"> • 11/10/05 Commons: 1st reading • 25/10/05 Commons: 2nd reading & Programme motion • 08/11/05 Committee stage: 1st day • 15/11/05 Commons: Standing Committee B: 1st day • 17/11/05 Commons: Standing Committee B: 2nd day • 22/11/05 Commons: Standing Committee B: 3rd day • 11/01/06 Commons: Report Stage • 12/01/06 Lords: 1st reading • 13/02/06 Lords: 2nd reading 	<p>Local Government and Public Services discussing the Bill</p> <ul style="list-style-type: none"> • 13/10/05 Bill considered in LGPS Committee • 09/11/05 Bill considered in LGPS Committee • 17/11/05 Bill considered in LGPS Committee • 04/01/06 Report laid Before the Assembly • 11/01/06 Plenary Motion passed calling on the UK Government to bring forward the Committee's proposed amendments
<p><i>Key clauses and further information</i></p> <p>The Bill is a UK Bill as the Department for Constitutional Affairs (DCA) has responsibility for co-ordination on UK-wide election matters and UK-wide electoral law. Responsibility for the conduct of council elections, both at county and community level, rests with the Office of the Deputy Prime Minister (ODPM). The Assembly has limited powers with regard to timing of local elections.</p> <p>The Assembly's Local Government and Public Services Committee is conducting an inquiry into electoral arrangements for local government and Assembly elections in Wales. On this basis, it decided to scrutinise the <i>Electoral Administration Bill</i> with a view to contributing to debates at the Committee stages in Parliament. On 11 January 2006 a motion to call upon the UK Government to amend the <i>Electoral Administration Bill</i> (as recommended in the Committee Report) under Standing Order No. 33.9 was approved in Plenary. The Bill has currently completed its passage through the Commons and received its First Reading in the Lords on 12 January. Members of the LGPS Committee met with Welsh peers in the House of Lords to discuss its recommendations for amendments on 16 January 2006.</p>		

Other Bills Currently Before Parliament

Government Bills

- Armed Forces Bill (G)
- Childcare Bill (G)
- Civil Aviation Bill (G)
- Company Law Reform (HL) (G)
- Compensation (HL) (G)
- Consumer Credit Bill (G)
- Council Tax (New Valuation Lists for England) Bill (G)
- Criminal Defence Service Bill [HL] (G)
- Crossrail (Hybrid Bill) (G)
- Electoral Administration (G)
- European Union Bill (G)
- European Union (Accessions) Bill (G)
- Fraud Bill [HL] (G)
- Identity Cards Bill (G)
- Immigration, Asylum and Nationality Bill (G)
- London Olympic Games and Paralympic Games Bill (G)
- Merchant Shipping (Pollution) Bill [HL] (G)
- National Insurance Contributions Bill (G)
- Northern Ireland (Offences) Bill (G)
- Racial and Religious Hatred Bill (G)
- Terrorism Bill (G)
- Terrorism (Northern Ireland) Bill (G)
- Violent Crime Reduction Bill (G)
- Work and Families Bill (G)

Private Members' and Private Bills

The first six Private Members' Bills on the ballot are indicated separately below.

- Employment Tribunals (Representation And Assistance In Discrimination Proceedings) Bill (B1)
- Rights of Savers Bill (B2)
- Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill (B3)
- Climate Change and Sustainable Energy Bill (B4)
- Criminal Law (Amendment) (Protection of Property) Bill (B5)
- International Development (Reporting and Transparency) Bill (B6)

- Abandoned Inland Waterways (Protection) Bill
- Age of Sale of Tobacco Bill
- Assisted Dying for the Terminally Ill Bill
- Borough Freedom (Family Succession) Bill
- Breast Cancer Bill
- Breastfeeding etc. Bill
- British Subjects (Registration) Bill
- Bus Services Bill
- Care of Older and Incapacitated People (Human Rights) Bill
- Children's Food Bill



- Climate Change Bill
- Climate Change (Contraction and Convergence) Bill
- Computer Misuse Bill
- Crime Prevention and the Built Environment Bill
- Crown Employment Nationality Bill
- Dynamic Demand Appliances Bill
- Emergency Workers (Protection) Bill
- Employment (Advertisement Of Pay And Pension Rights) Bill
- Estate Agents (Independent Redress Scheme) Bill
- Estate Agents (Redress Schemes) Bill
- European Communities Act 1972 (Disapplication) Bill
- European Union (Implications of Withdrawal) Bill
- Family Law (Property and Maintenance) Bill
- Fishery Limits (United Kingdom) Bill
- Fireworks (Amendment) Bill
- Food Supplements (European Communities Act 1972 Disapplication) Bill
- Green Belt Reform Bill
- Harbours Bill
- HBOS Group Reorganisation Bill
- Humber Bridge Act Bill
- Income Tax (Earnings Exemption for Persons Living in Poverty) Bill
- Infrastructure Audit (Housing Development) Bill
- Interception of Communications (Admissibility of Evidence) Bill
- International Development (Anti-Corruption Audit) Bill
- Leicester City Council Bill
- Licensing Act 2003 (Amendment) Bill
- Liverpool City Council (Prohibition of Smoking in Places of Work) Bill
- Local Government and Planning (Parkland and Windfall Development) Bill
- Local Government Consultation Bill
- London Local Authorities Bill
- London Local Authorities and Transport for London Bill
- London Local Authorities (Prohibition of Smoking in Places of Work) Bill
- Management of Energy in Buildings Bill
- Motor Vehicles (Anti-Social Use) Bill
- Occasional Sales Bill
- Pardon for Soldiers of the Great War Bill
- Pharmaceutical Labelling (Warning of Cognitive Function Impairment) Bill
- Prison Reform (Mental Health) Bill
- Professional Football (Supporter Involvement) Bill
- Prohibition of Abortion (England and Wales) Bill
- Protection of Runaway and Missing Children Bill
- Regulation of Laser Eye Surgery Bill
- Representation of the People (Amendment) Bill
- Road Safety and Parking Bill
- Road Traffic Regulation (Location Filming) Bill
- Road Traffic Signs (Enforcement Cameras) Bill
- Sale of Green Belt Land Bill
- Telecommunications Masts (Planning Control) Bill
- Transport for London Bill
- Vehicle Registration Marks Bill
- Whitehaven Harbour Bill