



Constitutional and Legislative Affairs Committee

Report: CLA(4)-11-13 : 22 April 2013

The Committee reports to the Assembly as follows:

- 1. Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

Negative Resolution Instruments

CLA241 - The National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013

Negative Procedure.

Date made: 15 March 2013.

Date laid: 18 March 2013.

Coming into force date: 8 April 2013.

CLA242 - The National Assistance and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2013

Negative Procedure.

Date made: 15 March 2013.

Date laid: 18 March 2013.

Coming into force date: 8 April 2013.

CLA243 - The National Assistance (Assessment of Resources) (Miscellaneous Amendments) Regulations 2013

Negative Procedure.

Date made: 15 March 2013.

Date laid: 18 March 2013.

Coming into force date: 8 April 2013.

CLA244 - The Council Tax (Additional Provisions for Discount Disregards) (Amendment) (Wales) Regulations 2013

Negative Procedure.

Date made: 18 March 2013.

Date laid: 18 March 2013.

Coming into force date: 8 April 2013.

CLA246 - The Children (Secure Accommodation) (Amendment) (Wales) Regulations 2013

Negative Procedure.

Date made: 19 March 2013.

Date laid: 20 March 2013.

Coming into force date: 18 April 2013.

CLA248 - The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc) (Wales) (Amendment) Regulations 2013

Negative Procedure.

Date made: 21 March 2013.

Date laid: 22 March 2013.

Coming into force date: 12 April 2013.

CLA249 - The National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2013

Negative Procedure.

Date made: 21 March 2013.

Date laid: 22 March 2013.

Coming into force date: 12 April 2013.

CLA250 - The Firefighters' Pension Scheme (Wales) (Contributions) (Amendment) Order 2013

Negative Procedure.

Date made: 26 March 2013.

Date laid: 27 March 2013.

Coming into force date: 1 April 2013.

CLA251 - The Firefighters' Pension (Wales) Scheme (Contributions) (Amendment) Order 2013

Negative Procedure.

Date made: 26 March 2013.

Date laid: 27 March 2013.

Coming into force date: 1 April 2013.

CLA252 - The Buildings Regulations &c. (Amendment) (Wales) Regulations 2013

Negative Procedure.

Date made: 26 March 2013.

Date laid: 28 March 2013.

Coming into force in accordance with regulation 1(4)

The committee noted the instruments and was content.

2. Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA247 - The University of Wales Newport Education Corporation (Dissolution) Order 2013

Negative Procedure.

Date made: 19 March 2013.

Date laid: 20 March 2013.

Coming into force date: 11 April 2013.

The committee noted the reporting points for these Regulations (see Annexe 1 below) and was content.

CLA245 - The Council Tax (Discount Disregards) (Amendment) (Wales) Order 2013

Negative Procedure.

Date made: 18 March 2013.

Date laid: 18 March 2013.

Coming into force in accordance with regulation 1.

The committee noted the reporting points for these Regulations (see Annexe 2 below) and was content.

Composite Negative

CLA240 - The Education (Student Loans) (Repayment) (Amendment) Regulations 2013

Composite Negative Procedure.

Date made: 13 March 2013.

Date laid: 14 March 2013.

Coming into force date: 6 April 2013.

The committee noted the reporting points for these Regulations (see Annexe 3 below) and was content.

3. The Committee resolved to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi), to consider the draft report on the Inquiry into the Council Tax Reduction Scheme Regulations

4. Evidence in relation to the Review of Welsh Ministers Powers in UK Bills

The Committee took evidence from Carwyn Jones AM, First Minister.

5. Evidence in relation to the Social Services (Wales) Bill

The Committee took evidence from Carwyn Jones AM, First Minister.

The Committee resolved to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi), to consider the evidence from the previous sessions.

The transcript of the committee's meeting will be available on its website at:

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

25 April 2013

Annexe 1

Constitutional and Legislative Affairs Committee

Title: The University of Wales, Newport Higher Education Corporation (Dissolution) Order 2013

Procedure: Negative

This Order dissolves the higher education corporation established to conduct the University of Wales, Newport ("the University of Newport"). It also provides for all property, rights and liabilities to which the University of Newport was entitled or subject to immediately before its dissolution to be transferred to the University of Glamorgan Higher Education Corporation.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument:

Merits Scrutiny

The following point is identified for reporting in respect of this instrument.

This Order is made by the exercise of powers in section 128 of the Education Reform Act 1988 that permit the dissolution of higher education corporations formerly the responsibility of local authorities. They apply to the University of Newport because the roots of that institution are in local bodies that became Gwent College of Higher Education in 1975 before becoming the University of Wales, Newport, in 1996.

This section has been used twice previously in Wales – when the Welsh Agricultural College was merged with the University College of Wales, Aberystwyth, in 1995, and the Coleg Normal, Bangor, with the University College of North Wales in 1996.

[Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.]

Annexe 2

Constitutional and Legislative Affairs Committee

CLA245 - The Council Tax (Discount Disregards) (Amendment) (Wales) Order 2013

Procedure: Negative

The Council Tax (Discount Disregards) Order 1992 (“the 1992 Order”) prescribes conditions which must be fulfilled by severely mentally impaired persons and various persons of other descriptions in order for them to be disregarded for the purposes of council tax discounts which are prescribed for by section 11 of the Local Government Finance Act 1992.

The 1992 Order prescribes that to be disregarded for the purposes of council tax discounts a severely mentally impaired person must be in receipt of a qualifying benefit. Article 2(a) and (b) amends the conditions of the 1992 Order so that the daily living component of personal independence payment is included within the definition of a qualifying benefit.

Article 2(c) further amends the 1992 Order to include universal credit, which comprises of an amount paid to a person due to that person’s limited capability for work or limited capability for work and work related activity, within the definition of a qualifying benefit.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument:

Merits Scrutiny

The following point is identified for reporting in respect of this instrument.

The Order adds two benefits to the list of benefits that justifies disregarding persons for council tax purposes. It might therefore, perhaps, be expected that this would add to the number of persons to be disregarded, and so would reduce the income of local authorities. No explanation is given in the Explanatory Memorandum and no Regulatory Impact Assessment has been prepared for this Order. Therefore there is no analysis available of the effect of this Order on local authorities.

[Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.]

Annexe 3

Constitutional and Legislative Affairs Committee

Title: The Education (Student Loans) (Repayment) (Amendment) Regulations 2013

Procedure: Negative

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470) ("the Principal Regulations"). The Principal Regulations govern the repayment of income-contingent student loans paid to students under section 22 of the Teaching and Higher Education Act 1998(c.30). The Regulations make a number of detailed technical amendments as explained in the Explanatory Memorandum and in the Explanatory Note to the Regulations.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument:

- 1. Being composite regulations subject to a parliamentary procedure at Westminster, these Regulations have been made in English only.*

[Standing Order 21.2(ix) – that the instrument is not made in both English and Welsh.]

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Most composite instruments are made by the Secretary of State in relation to England and the Welsh Ministers in relation to Wales. In this case the enabling powers are not as clear cut. The powers in section 22 of the Teaching and Higher Education Act 1998 were only partially transferred to the National Assembly by section 44 of the Higher Education Act 2004. Many were retained by the Secretary of State as they relate to the application of the tax system to the repayment of loans.*

Therefore, whilst some of the provisions of these Regulations are made by the Secretary of State in relation to England and the Welsh Ministers in relation to Wales in the usual way, many are made by the Secretary of State that extend to the whole of the UK as they relate also to those

who studied in England or Wales, but are now employed (and taxed) in Scotland or Northern Ireland.

[Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.]