



Research Briefing
The Queen's Speech

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National Assembly for Wales
Research Service

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

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This paper provides a short summary of the Bills and draft Bills contained in the 2016 Queen's Speech, along with details of the Bills carried over from the previous Session, with a particular emphasis on those proposals that would affect Wales, particularly in devolved areas.



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1. Introduction

The Queen's Speech was delivered to Parliament on 18 May 2016. It included details of the UK Government's intention to bring forward a range of Bills during the 2016-17 Parliamentary Session. The UK Government has produced **background notes** on the proposed Bills.

This paper provides a short summary of the Bills and draft Bills contained in the 2016 Queen's Speech, along with details of the Bills carried over from the previous Session, with a particular emphasis on those proposals that would affect Wales, particularly in devolved areas.

Since the last Queen's Speech House of Commons Standing Orders have been changed to introduce "English votes for English laws", whereby the Speaker certifies that a Bill, relating to issues that are devolved to Scotland, Wales or Northern Ireland, can be scrutinised by a committee made up of only English MPs or English and Welsh MPs as appropriate.

2. Constitutional Bills

Wales Bill

The main elements of the Bill are said to be:

- “A new reserved powers model for Welsh devolution, including a list of powers that remain reserved to Westminster.
- Transitional arrangements for the move from the current conferred powers model to the new reserved powers model.
- Powers devolved to Welsh Ministers over consenting to all onshore wind in Wales and up to 350 megawatts for all other onshore and offshore energy projects.
- Powers devolved to the Assembly over areas such as ports, taxi regulation, the registration of bus services, speed limits and sewerage services in Wales.
- The devolution of licensing of onshore oil and gas exploration to Wales, enabling the Assembly to decide whether exploration for shale oil and gas takes place in Wales.
- Provisions to place the Assembly and Welsh Government on a statutory footing (sic) and enshrine the legislative consent process in law.
- Devolving control over the Assembly’s own affairs, including what it should be called, its size and the electoral system used to elect its members.
- Repeal of the requirement for a referendum before a proportion of income tax is devolved.”

As the Bill is intended to change the powers of the Assembly, it is expected that a Legislative Consent Motion will be tabled in the Assembly.

British Bill of Rights Bill

The UK Government notes accompanying the Queen’s Speech state that the rights in the Bill would be based on those set out in the European Convention on Human Rights, “while also taking into account our common law tradition”. They also states that the UK Government “will consult fully on the proposals when they are published in due course”.

Revising the Human Rights Act can only be done by the UK Parliament. However, changes may affect the legislative competence of the Assembly.

3. UK Bills

Digital Economy Bill

The main elements of the Bill are said to be:

Fast broadband

A power to introduce a new **Broadband Universal Service Obligation** – giving all citizens and businesses the legal right to have a fast broadband connection installed. This would work similarly to the landline telephone USO, and just like for landlines there would be a reasonable cost threshold above which the very remotest properties may be expected to contribute to the cost of the installation.

- A new **Electronic Communications Code** – to cut the cost and simplify the building of mobile and superfast broadband infrastructure.
- New and simpler planning rules for building broadband infrastructure.

Empowering consumers

- A new power for Ofcom to order communications providers to release data (such as customer complaints and broadband speeds data) in the interests of the consumer and competition.
- New measures to make switching providers easier for consumers by allowing Ofcom to require communications companies to coordinate switches on behalf of customers.
- A new right for consumers to automatic compensation when things go wrong with their broadband service.

Protecting intellectual property

- Support for digital industries by addressing difference in online/offline copyright laws.
- Enable registered design owners to give notice of their rights more cheaply and flexibly.

Government data and digital services

- Use of data by Government to deliver better public services and produce world-leading research and statistics.
- Consult on better sharing of publically-held data sets to improve service delivery whilst maintaining safeguards on privacy.
- New powers for public authorities to share information to combat the public sector fraud which costs the country billions.
- Public authorities empowered to cut the billions of overdue debts owed to government by allowing early identification of and help for people with debts spread over a number of public agencies.
- The UK Statistics Authority given easier secure access to data to produce more timely and accurate national and official statistics.
- Researchers provided with a more complete and accurate evidence base to inform analysis and enable better policy design and delivery.

Protecting citizens in the digital economy

- Protection for consumers from spam email and nuisance calls by ensuring consent is obtained for direct marketing, and that the Information Commissioner is empowered to impose fines on those who break the rules.
- Protection of children from online pornography by requiring age verification for access to all sites containing pornographic material.

Communications, broadcasting and intellectual property are non-devolved matters.

Modern Transport Bill

The main elements of the Bill are planned to be:

- Encouraging potential investors in autonomous vehicles, spaceplane operations and spaceports, creating highly skilled jobs and spurring innovation across the economy.
- Legislation that will put the UK at the forefront of safe technology in the autonomous vehicles industry, such as drones, and spaceplanes.
- Ensuring appropriate insurance is available to support the use of autonomous and driverless vehicles.
- Improving protection for customers by updating ATOL, the UK's financial protection scheme for holidays by clarifying the 1992 legislation that pre-dates people booking their holidays on the internet.

Some of the Bill's provisions would apply only to Great Britain, others to the United Kingdom.

Most aviation and maritime is non-devolved so this is applicable to all the UK, however, autonomous and driverless vehicles measures would apply to Great Britain only.

Neighbourhood Planning and Infrastructure Bill

The main elements of the Bill are proposed to be:

Neighbourhood Planning

- To further strengthen neighbourhood planning and give even more power to local people.
- The new legislation would also strengthen neighbourhood planning by making the local government duty to support groups more transparent and by improving the process for reviewing and updating plans.

Planning Conditions

- To ensure that pre-commencement planning conditions are only imposed by local planning are only imposed by local planning authorities where they are absolutely necessary
- Excessive pre-commencement planning conditions can slow down or stop the construction of homes after they have been given planning permission.
- The new legislation would tackle the overuse, and in some cases, misuse of certain planning conditions, and thereby ensure that development, including new housing, can get underway without unnecessary delay.

Compulsory Purchase

- To make the compulsory purchase order process clearer, fairer and faster for all those involved.
- Including reform of the context within which compensation is negotiated – often a very significant and complex part of finalising a compulsory purchase deal. Our proposals, on which we have already consulted, would consolidate and clarify over 100 years of conflicting statute and case law. We would establish a clear, new statutory framework for agreeing compensation, based on the fundamental principle that compensation should be based on the market value of the land in the absence of the scheme underlying the compulsory purchase.

National Infrastructure Commission

- To establish the independent National Infrastructure Commission on a statutory basis.
- The Commission would provide the government with expert, independent advice on infrastructure issues by setting out a clear, strategic vision on the future infrastructure that is needed to ensure the UK economy is fit for 2050.
- To unlock economic potential across the UK and ensure that growth and opportunities are distributed across the country, boosting productivity and competitiveness through high-quality infrastructure.

Land Registry

- The new legislation would enable the privatisation of Land Registry
- It could also return a capital receipt to the Exchequer.

The Bill's substantive provisions would apply across Wales and England. The measure relating to the National Infrastructure Commission would apply across the UK in line with current infrastructure decision-making responsibilities. When the Bill is published, it may be that certain provisions will require Legislative Consent Motions.

Better Markets Bill

The main elements of the Bill are said to be:

Consumer Power

- To encourage consumers to switch providers

Environment for competition

- To speed up the decision making process for competition investigations.
- To give the competition authorities more powers to take on anti-competitive behaviour.
- To improve the landscape for economic regulation.

Open Markets

- To take steps to ensure open and competitive markets, including delivering the manifesto commitment to act quickly on the Competition and Market Authority's final recommendations to promote competition in the energy market.

- To help businesses by simplifying regulatory processes and removing unnecessary requirements.

The Bill's substantive provisions would apply to all regulation made by UK ministers where Westminster has legislative competence, and to all regulatory functions except where functions are devolved.

NHS (Overseas Visitors Charging) Bill

The main elements of the Bill are planned to be:

- Measures that would ensure cost recovery is effective and efficient and the full cost of care is recovered.
- Measures that would extend the number of services for which the NHS can charge overseas visitors and migrants.
- Measures that would mean that fewer people coming to the UK from the EEA are eligible for free NHS healthcare.

Health is a devolved issue so UK Government notes on the Queen's Speech state:

Some measures may require legislative consent motions. The Government is working closely with officials in the devolved administrations. However, due to the pre-election period in the devolved administrations, Ministerial agreement on the extent of the legislation will not be in place until late May at the earliest.

Pensions Bill

The main elements of the Bill are said to be:

Master Trusts

- Master Trusts would have to demonstrate that schemes meet strict new criteria before entering the market and taking money from employers or members.
- Creating greater powers for the Pensions Regulator to authorise and supervise these schemes and take action when necessary.
- Cap on early exit charges
- Capping early exit fees charged by trust-based occupational pension schemes.
- Creating a system that enables consumers to access pension freedoms without unreasonable barriers.

Restructuring financial guidance

- A new pensions guidance body would be created, bring together the Pensions Advisory Service, Pension Wise and the pensions services offered by the Money Advice Service, providing access to a straightforward private pensions guidance service for customers.
- A new money guidance body would replace the Money Advice Service and be charged with identifying gaps in the financial guidance market to make sure consumers can access high quality debt and money guidance.

Pensions are not devolved in Wales. The new guidance bodies will operate UK wide, and financial services is a reserved matter. However, devolved administration issues may arise due to links with financial education which is devolved.

Children and Social Work Bill

The majority of the Bill will cover devolved matters and apply to England only.

The provisions concerning **adoption decisions** are planned to apply to both England and Wales.

Decisions of the court are a not devolved. Decisions of adoption agencies are devolved matters and the UK Government states that it has “engaged the Welsh administration on these clauses”.

The main element of the Bill that will relate to Wales is ensuring courts take better account of children’s need for stability up to the age of 18 when making decisions about their future.

Prison and Courts Reform Bill

The main elements of the Bill are intended to be:

Prisons

- Creation of Reform Prisons, driving a revolution in education, training, healthcare and security for prisoners, led by governors with the power to enter into contracts and establish their own Boards with external expertise.
- New freedoms will be backed with a new regime of openness across the previously opaque world of the prison estate as prisons are required to produce statistics on areas such as prisoner education, reoffending and employment on release.

Courts

Measures to meet the UK Government’s manifesto commitment to modernise the Courts and Tribunals service.

Most of the Bill provisions would apply to Wales and England.

Life Savings Bill

The main elements of the Bill are planned to be:

- Under the Help to Save scheme, workers in receipt of working tax credits or Universal Credit who save up to £50 a month would receive a Government bonus of 50% - to a maximum of £600 – after two years. Savers who continue to use the scheme for a further two years could earn up to another £600.
- For adults under 40, the Government would top-up subscriptions to a Lifetime ISA with a bonus of 25% on all savings up to £4,000 a year: a tax free payment of up to £1,000 a year.
- Lifetime ISA account holders could access some or all their funds to buy their first home (worth up to £450,000), or from age 60 without charge.

The Bill would apply to the whole of the UK.

The Soft Drinks Industry Levy Bill

The purpose of the Bill is to introduce a new soft drinks industry levy in the Finance Bill 2017 targeted at producers and importers of soft drinks that contain added sugar from April 2018. The Bill would apply to the whole of the UK.

Small Charitable Donations Bill

The purpose of the Bill is to allow charities and community amateur sports clubs to maximise fundraising power by reforming the Gift Aid Small Donations Scheme to ensure it supports the maximum number of charities and donations possible. It would apply to the whole of the UK.

Counter-Extremism and Safeguarding Bill

The main elements of the Bill are planned to be:

- The introduction of a new civil order regime to restrict extremist activity, following consultation.
- Safeguarding children from extremist adults, by taking powers to intervene in intensive unregulated education settings and through stronger powers for the Disclosure and Barring Service.
- Closing loopholes so that Ofcom can continue to protect consumers who watch internet-streamed television content from outside the EU on Freeview.
- Consulting on powers to enable government to intervene where councils fail to tackle extremism.
- The UK Government will consider the need for further legislative measures following Louise Casey's review into integration in those communities most separated from the mainstream.

The legislation would apply in Wales and England. The position in Scotland is yet to be finalised.

Criminal Finances Bill

The main elements of the Bill are intended to be:

- The introduction of a criminal offence for corporations who fail to stop their staff facilitating tax evasion.
- Improving the operation of the Suspicious Activity Reports (SARs) regime to encourage better use of public and private sector resources against the highest threats; to target entities that carry out money laundering instead of individual transactions; and to provide the National Crime Agency (NCA) with new powers.
- Improving the ability of law enforcement agencies and courts to recover criminal assets more effectively, particularly in cases such as those linked to grand corruption.

Money laundering is a UK wide matter. Where the bill deals with devolved matters the UK Government would engage with the devolved administrations as needed

Cultural Property (Armed Conflicts) Bill

The intended main elements of the Bill are:

- The Bill would introduce a number of measures that would enable the UK to ratify the Convention and its two Protocols:
- Introduction of offences designed to protect cultural property in the event of an armed conflict at home and abroad. These include an offence of making such property the object of attack.

- Introduction of the Blue Shield as an emblem that signifies cultural property protected under the Convention and its two Protocols.
- Introduction of an offence of dealing in cultural property that has been illegally exported from occupied territory and a provision for such property to be seized and returned to the occupied territory after the close of hostilities, where appropriate.
- Introduction of immunity from seizure for cultural property in the UK which is being transported for safekeeping during a conflict between two or more other states.

The legislation would apply to the whole of the UK. The provisions of the Bill principally relate to culture which is devolved under all the devolution settlements; Legislative Consent Motions would be required from all the devolved legislatures. Part 4 relating to exports controls is non-devolved.

4. England only Bills

Local Growth and Jobs Bill

The main elements of the Bill are planned to be:

- Business Rates Retention system
- The Bill would put in place the framework for the delivery of the scheme, and legislate for the set of responsibilities that will be devolved to local authorities as a result of the reforms.

Education for All Bill

Education is a devolved matter. The vast majority of the substantive issues in the bill would apply to England only. The UK Government states that it is in discussions with the devolved administrations regarding any reserved matters.

Higher Education and Research Bill

The Bill's substantive provisions related to arrangements for higher education would apply largely to England-only. The main exception to the England-only status is funding for research from Research Councils who operate across the UK. **This Bill has now been introduced.**

National Citizen Service Bill

The main elements of the Bill are intended to be:

- Creating a new statutory framework to deliver the NCS.
- Putting a duty on all secondary schools, including academies, sixth-form colleges and independent schools to promote the NCS to young people and their parents.
- Putting a duty on local authorities to promote the NCS to young people and their parents.
- Putting a duty on relevant Secretaries of State to report annually on how they have promoted the NCS to eligible young people and parents.

The UK Government states that it is in discussions with the devolved administrations about extending the Bill to their jurisdictions by legislative consent motion.

Bus Services Bill

The main elements of the planned Bill are:

- Stronger arrangements to allow local government to work in partnership with bus operators.
- New franchising powers.
- A requirement on all operators to make data about routes, fares and times open and accessible to allow app makers to develop products for passengers to plan journeys.

Although intended to apply to England only, there may be implications for cross-border services.

5. Bills carried over

The House of Commons has agreed to carry-over the following bills in the 2015-16 Session.

Policing and Crime Bill

The purpose of this Bill is to:

- Improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services, and to enhance the democratic accountability of police forces and fire and rescue services.
- Build public confidence in policing by strengthening protection for people under investigation by, or who come into contact with, the police.
- Enable fire and police services to work more closely together and to take further steps to protect children from sexual exploitation.

The Bill was given a formal First and Second Reading in the House of Commons (no debate) on Thursday 19 May to reintroduce it in the 2016-17 session of Parliament. Report Stage (day two), Legislative Grand Committee and Third Reading Stage will take place on a date to be announced.

Investigatory Powers Bill

The purpose of this Bill is to:

- Modernise the law and ensure it is fit for purpose in a digital age, and introduce enhanced authorisation and oversight arrangements.
- Ensure the police and security and intelligence agencies have the powers they need to continue to protect the British public.

The Bill was given a formal First and Second Reading (no debate) in the House of Commons on Thursday 19 May to reintroduce it in the 2016-17 session of Parliament. The Bill will next be considered at Report Stage and Third Reading. The dates for these remaining stages have not yet been announced.

High Speed Rail (London - West Midlands) Bill (Hybrid Bill)

The purpose of this Bill is to provide the UK Government with the legal powers to construct and operate Phase One of High Speed 2 (HS2). On becoming an Act, it would give the Government deemed planning permission for the railway between London and the West Midlands.

Report stage and Third Sitting in the Commons took place on 23 March 2016.

The House of Commons agreed a carry-over motion for this Bill on 23 March 2016. This means that Parliament will resume its consideration of the Bill in the 2016-17 session at the point the Bill reached this session.

The Finance Bill

The House of Commons agreed a carry-over motion for this Bill on 11 April 2016. This means that consideration of the Bill will resume in the 2016-17 session.

The Bill was given a formal First and Second Reading (no debate) on Thursday 19 May to reintroduce it in the 2016-17 session of Parliament. The Bill will be restarted at the point it reached in the last session.

The Bill will next be considered at Committee Stage. Parts of the Bill will be considered by a Committee of the whole House, and the remainder in a Public Bill Committee.

6. Law Commission Bills

Intellectual Property (Unjustified Threats) Bill

The main elements of the Bill are:

- To make a clearer distinction between approaches made to different parts of the supply chain, forcing the rights holder to focus their allegations on the source of the alleged infringement.
- To exempt professional legal advisers from liability for making threats, if they are acting on instructions from a client and in their professional capacity, so that they can help settle disputes.

Intellectual property is a reserved matter; the provisions of the Bill will apply to the whole of the UK.

Draft Law of Property Bill

The UK Government will bring forward proposals to respond to the recommendations of the Law Commission's report on Making land work: easements, covenants and profits à prendre (2011) to simplify the law around land ownership.