



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

The Reform of Assembly Sponsored Public Bodies

This paper provides background briefing on the implications of the Welsh Assembly Government's plans to reform Assembly Sponsored Public Bodies (ASPBs) in Wales. It considers the 'quango debate' in Wales; the role of the National Assembly for Wales in the process of abolishing the ASPBs and alternative organisational models of service delivery and accountability.

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The Reform of Assembly Sponsored Public Bodies

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Cynulliad National
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Executive Summary

- ◆ In July 2004 the First Minister announced the Welsh Assembly Government's intention to abolish the Welsh Development Agency (WDA), National Training and Education Council (ELWa) and the Wales Tourist Board (WTB) and bring them into the Assembly.
- ◆ This announcement is set against the context of a long standing debate about the 'quango state' in Wales and an expectation that devolution would bring about a 'bonfire of the quangos'.
- ◆ The Welsh Assembly Government plans to further review the position of executive ASPBs. The Welsh Assembly Government's policy is that where such bodies undertake functions which are essentially governmental in character, in that they set or lead on an aspect of public policy or policy delivery, they should be merged with the administration.
- ◆ While broadly welcomed by the opposition parties in the chamber, initial reaction to the proposals has highlighted some issues about scrutiny of ASPBs and the management and ministerial accountability arrangements that will be put in place.
- ◆ The Assembly has powers under the *Government of Wales Act 1998* to reform or abolish the three bodies in question. Standing Orders allow for such Orders to be scrutinised by Subject Committees before being put to plenary for approval.
- ◆ The Welsh Assembly Government has indicated that it is reviewing the position of other ASPBs. However, the Assembly's power to reform or abolish public bodies varies according to the powers given to it by the Government of Wales Act 1998 and by the primary legislation establishing the body concerned (see **Annex A**).
- ◆ Reviews of public bodies and administration have been carried out elsewhere in the UK and a range of models adopted.

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The Reform of Assembly Sponsored Public Bodies

A Introduction

On the 14 July 2004, the First Minister announced that the Welsh Development Agency (WDA), the Wales Tourist Board (WTB) and the National Council for Education and Training (ELWa) would cease to be ASPBs and that their work would be transferred into the administration of the Welsh Assembly Government (WAG). This paper considers the background to the 'quango debate' in Wales; the role of the National Assembly for Wales in the process of reforming and abolishing ASPBs; and some alternative organisational models for delivery and accountability. A companion Member' Research Service paper (04/0019) provides reference information on each ASPB and data on long-term trends in financial support and staffing.

B Wales and the 'quango state' - a historical overview

'Quango' is a loosely defined term covering a wide range of non-elected public bodies that provide services, advise government or serve judicial functions at 'arm's length' from government. There are several different types of quango, which differ in their governance and accountability arrangements. Many of these are ASPBs, which receive direct funding from the Welsh Assembly Government. These fall into three broad categories: Executive bodies, Advisory bodies and Tribunals. The WDA, WTB and ELWa are three of the fifteen executive ASPBs currently in existence in Wales.

The 'quango debate' has a particular resonance in Wales. The growth of non-departmental bodies (NDPBs) across the UK in the 1970s and 1980s saw an increase in distinct all-Wales organisations. This growth strengthened the notion of a distinct Welsh governance and, to many, underscored arguments in favour of devolution and its associated strengthening of democratic accountability.¹ As well as growth in the number of quangos, the 1980s also saw concerns about financial mismanagement and the appointments process. The latter would be addressed across the UK by the Nolan Committee on Standards in Public Life², but in the early 1990s House of Commons Select Committee Reports by the Public Administration Select Committee and the Welsh Affairs Committee were highly critical of financial and recruitment irregularities in the WDA and the monitoring role of the Welsh Office.³

It was against this backdrop that the Labour Party was developing its devolution proposals and the expectation arose that, should Wales acquire an elected Assembly, then a 'bonfire of the quangos' would ensue. *A Voice for Wales* promised action to deal with these issues by reducing the number of quangos and improving their accountability and effectiveness.⁴ Prior to the establishment of the Assembly, the Health Promotion Authority for Wales and the Welsh Health Common Services Authority were wound up and their functions transferred. Making this announcement to the House of Commons, the Secretary of State for Wales, Ron Davies stated:

¹ K Morgan & E Roberts (1993) *The Democratic Deficit: A Guide to Quangoland*, Department of City & Regional Planning, Cardiff University,

² First Report of the Nolan Committee of Standards in Public Life, 1995.
<http://www.archive.official-documents.co.uk/document/cm28/2850/2850.htm>
<http://www.public-standards.gov.uk/>

³ HofC Public Accounts Committee, Report, *WDA Accounts 1991/2*, Session 1992-1993; HofC Welsh Affairs Select Committee, Report, *The Work of the Welsh Office*, 1992-1993.

⁴ Welsh Office, *A Voice for Wales, White Paper*, 1997.

Taken together, those proposals will have a profound effect. Unelected bodies will be reduced in number before the Assembly is established, and placed under proper democratic control and scrutiny once the Assembly is in place. No longer will our key public services lie in the hands of political appointees operating in secret and accountable to no one in Wales.⁵

Other bodies wound up at this time were the Cardiff Bay Development Corporation and the Residuary Body for Local Government, which had fulfilled the functions for which they had been created.

Subsequently, the *Government of Wales Act 1998* (the Act) itself allowed for merger of the WDA with the Development Board for Rural Wales (DBRW) and the Land Authority for Wales. It also allowed for the wind up of Tai Cymru, the rationale being that 'a unified housing department will be (sic) deliver the combined functions, most efficiently and effectively within Wales and with maximum direct accountability to the Assembly.' It was also estimated that it would deliver £550,000 per annum in long term pay bill savings.⁶

The Act also gave the Assembly powers reform or abolish ASPBs. In particular, Section 28 and Schedule 4 of the *Government of Wales Act* give the Assembly powers to amend primary legislation by Order so as to restructure certain ASPBs by transferring functions to other quangos, local government or the Assembly, or by abolishing functions or whole quangos. Since 1997 new ASPBs have emerged due to reconfiguration or as a result of primary legislation. A list of existing ASPBs is set out in **Annex A**.

The Assembly Government's *Plan for Wales 2001* promised to review major executive ASPBs by 2003-04 'to ensure that they are necessary, effective and efficient'.⁷ Each of these "quinquennial" or "strategic" reviews considers whether there is a continuing need for the function and, if so, whether a sponsored body is the best means of delivery. The review is undertaken by Assembly Government officials or an independent contractor but includes a self-assessment by the body concerned. Subject Committees are given the opportunity to comment on the terms of reference for the review and the draft report. None of these reviews has recommended using the Assembly's powers to transfer or abolish functions or whole ASPBs.

Commenting on the operation of ASPBs under the Assembly, the Richard Commission reported that ASPBs are 'subject to extensive consultation and scrutiny by the Welsh Assembly Government' and that, 'Ministers and committees are increasingly involved in determining the priorities and actions of ASPBs'. Subject Committees have typically carried out their oversight role by examining some stages of the ASPB planning cycle (e.g. ASPB annual reports, funding bids and remit letters) and by feeding into the quinquennial reviews. The Commission found 'evidence of weaknesses in the committees' capacity to scrutinise quangos effectively' and 'some confusion surrounds the relationship between the quangos, Ministers and the subject committees, particularly over the roles of Ministers and committees in holding quangos to account'.⁸

⁵ HC Debate, 22 July 1997, Col.1759

⁶ Welsh Office, *Streamlined, Efficient, Accountable – A New Housing Department for Wales: A Consultation Paper*, December 1998.

⁷ Welsh Assembly Government, *Plan for Wales 2001*.

<http://www.planforwales.wales.gov.uk/>

⁸ Report of the Richard Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Spring 2004

C Welsh Assembly Government Proposals

C.1 *First Minister's statement*

Having flagged up his intention to address the issue of the relationship between the Assembly and ASPBs in a speech to an Economic and Social Research Council (ESRC) conference held in June 2004, the First Minister made a statement to plenary on 14 July 2004, where he announced that he intended to 'incorporate the major executive quangos directly into the Assembly Government.'⁹ He stated that:

The Welsh Development Agency, the Wales Tourist Board and the National Council – ELWa will cease to be quangos by 1 April 2006. Their jobs and work will, of course continue, but the accountability for that work will fall to the relevant Minister, not their executive boards.

The First Minister further announced that the WAG would be publishing a document in autumn 2004 setting out its approach and stated that the timing of the announcement would allow 'for full democratic scrutiny at the earliest realistic juncture'. He argued that the transfer would strengthen democratic accountability and deliver benefits in terms of policy development and efficiency:

The shape of the Assembly Government will become more governmental, because merging the staff currently employed by the quangos with our existing departments will give us far more firepower, far more critical mass, and more ability to generate distinct Wales-orientated policies. There will be more opportunities for staff to specialise in policy areas in their careers and less of a false distinction between making policy and implementing it. It will enable us to merge back office functions, information technology systems and procurement, and get improved value for money.

He also suggested that the future of other ASPBs would be under review.

How much further we go in shrinking the quango state will depend on the outcome of further detailed work on the remaining bodies, and how analogous they are to the three specified today.

The Minister for Economic Development and Transport, Andrew Davies AM, explained WAG's rationale further in an article in the *Western Mail*:

Some of the benefits available from integration of the quangos into the Assembly Government are highlighted in a recent report from the National Audit Office on the Wales European Funding Office. The NAO praised the significant progress made by WEFO following its full integration into the Assembly Government last year. This integration has not only simplified the roll-out of the structural funds programme, but has provided consistency between funding commitments and our strategic priorities.¹⁰

He added:

The changes will create powerful and dedicated 'one-stop-shop' departments with the necessary critical mass and increased commercial focus to generate policy areas directly suitable to Wales, and directly beneficial to the Welsh economy.

In its policy document responding to the Richard Commission – *Better Governance for Wales* - the Wales Labour Party placed the proposed abolition within a broader context of change:

⁹ RoP, 14 July 2004, pp.34-38.

¹⁰ Why we're scrapping the quangos, *Western Mail*, 17 July 2004.

Of itself this announcement is significant, representing 1600 staff and annual expenditure of some £920m being brought under the direct control of the Assembly. This is a first step that delivers on our commitment to ending the quango state in Wales.

It also noted:

Further work is required to establish the implications on work load of the Assembly of the impact of the absorption of the Quangos already announced, and the further package of reform to be announced by the Assembly Government in the autumn.¹¹

C.2 Initial reaction to the statement

Responding to the statement, the opposition parties were broadly supportive of the WAG's proposals although with some reservations. Ieuan Wyn Jones AM, stated:

We welcome this announcement, but I do not want to overemphasise that. It is an important announcement and we must look at it, as you have suggested, in a democratic way, to see how it will happen, but you have only just opened the door on abolishing the quango state.¹²

Nick Bourne AM questioned the First Minister about his plans for ASPBs other than those named and Mike German AM gave it a 'cautious welcome' but said that it raised questions about scrutiny and openness. In his response in the Chamber to the First Minister's announcement he stated:

On openness and scrutiny, one of the changes brought about by the establishment of the National Assembly is that we have been able to scrutinise quangos—they have been brought before committee—even though they operate independently. For those of us who have the job and role of scrutinising the role of the Executive, it is not clear whether, given this change, you would be able to perform the scrutiny role effectively within a three weekly committee cycle. The range of scrutiny that must exist is clear, and it is also clear from the First Minister's statement that, if you are to bring quangos in-house, the scrutiny role lies here, with our committee structure.

The First Minister responded:

Your first point about this being a step change in devolution is right. It reshapes Government and enables us to become more governmental, and then enables better scrutiny to take place. That is the answer to several of your other questions—if you are clear where the scrutiny is, you do not waste time scrutinising the wrong person or getting frustrated because you feel that you cannot get at the right person. I probably said it half a dozen times in my statement that this will give clear, ministerial accountability, which, in turn, means clear capability to be scrutinised by opposition parties, frontbenchers such as yourself, or our own backbenchers as well. The accountability is clear; it will not be divided and will not cause the frustrations that I have heard from opposition Members of, 'why can we not ask this question of the Minister about this particular policy area'? It is because it is the responsibility of an executive board that has been appointed to do that. Likewise, they ask, 'if there is a regularity or propriety issue, why can we not ask questions of the Minister about that?' It is because the accounting officer is appointed and has a specific role as chief executive of the quango. People get frustrated about that. They will now not get frustrated, and scrutiny will be much clearer.¹³

¹¹ Wales Labour Party, *Better Governance for Wales*, Welsh Labour Policy Document, August 2004.

¹² RoP, 14 July 2004, p.38.

¹³ RoP, 14 July 2004, p.38

Professor Kevin Morgan, Professor of European Regional Development at the University of Cardiff and an early critic of the 'quango state' also expressed concerns about scrutiny. In an article in the *Western Mail*, he argued that ASPBs might be subject to less public scrutiny when absorbed into the Assembly than under current arrangements.

We are told that the abolition of the quangos will make their functions more accountable. But accountable to whom? To politicians in the Assembly or to the wider electorate in civil society? Quangos like the WDA have been held accountable in a whole series of ways - through their board, through the targets set out in the remit letter from the sponsoring minister and, most visibly, through public scrutiny before the Assembly's subject committee. This stands in stark contrast to the degree of public accountability of bodies which have been absorbed into the Assembly, like Wales Trade International for example, which has been subject to less public scrutiny since it left the WDA.¹⁴

The day after the First Minister's announcement, in a session of the Assembly's Economic Development and Transport Committee, the Chief Executive of the WDA, Graham Hawker announced his resignation. In a memo to WDA staff, quoted in the *Financial Times*, he stated:

I explained (to the Committee) that the decision to abolish the WDA was a matter for the democratically elected Welsh Assembly Government. But I am not well-placed to lead the WDA into the civil service.¹⁵

In a later interview with the BBC he added:

I think it's a cultural issue. We have a certain culture in the WDA - there's a different one in the civil service. The WDA is a very commercial organisation and that's going to be a hard match with a civil service culture.¹⁶

The Minister for Economic Development and Transport addressed this concern about the commercial focus of the WDA in a joint statement issued with Roger Jones, the Chair of the WDA, on 19 July:

The decision to incorporate the WDA into the Welsh Assembly Government will create a new, sharply focussed, commercial organisation, the best of its kind not only in the UK but in Europe. The new organisation will be the leader in innovative regeneration and promoting private sector solutions wherever it can rather than seeing public sector intervention as a default option.¹⁷

¹⁴ *Western Mail*, 17 July 2004.

¹⁵ *Financial Times*, 16 July 2004.

¹⁶ BBC News Wales website, 16 July 2004.

<http://news.bbc.co.uk/1/hi/wales/3897895.stm>

¹⁷ Joint Statement by Economic Development and Transport Minister, Andrew Davies and WDA Chair, Roger Jones, 19 July 2004.

http://assembly/communication/ASPB_Merger/joint_statement_19_july_2004.htm

D Developments and next steps

The WAG's proposals are being carried forward by two separate projects within the administration. The process, therefore, needs to be understood as forming two distinct strands:

- ◆ implementing the merger already announced by the First Minister of the WDA, ELWa and WTB with WAG departments;
- ◆ consideration of further ASPBs that could be merged with the WAG.

D.1 *The WDA, ELWa and WTB*

The Integration Definition Project currently underway within the WAG will define, by the end of October 2004, the implementation programme for meeting the WAG's policy objectives for the merger of the WDA, WTB and ELWa with WAG departments. The Boards of each body will continue until the functions of the three organisations have been transferred to the WAG. Further consultation will cover the implementation arrangements proposed and how advice will be delivered to the WAG in the future on an independent, 'arm's length' basis.

D.2 *Further review of ASPBs*

The second strand is a review of other ASPBs. The First Minister met ASPB chairs on 23 July 2004 to discuss the further transfer into the Welsh Assembly Government of functions being carried out by executive ASPBs. This was followed up with a letter from the Permanent Secretary to ASPB Chief Executives on 2 August 2004 setting out the principles upon which the Welsh Assembly Government's policy is based:

The Welsh Assembly Government's policy is that where such bodies undertake functions which are essentially governmental in character, in that they set or lead on an aspect of public policy or policy delivery, they should be merged with the administration.

The exceptions which the Government are considering are where bodies:

- audit or regulate Assembly Government business or are quasi-judicial in much of their work;
- take decisions which are better kept at arm's length from the Government;
- undertake functions or exercise professional judgements which are clearly non-governmental in character.

The First Minister has also indicated that he would take into account two other factors in decisions to be made in the autumn:

- the Assembly's powers to act without seeking primary legislation by the UK Parliament
- undertakings given by UK Government Ministers during the passage of the *Government of Wales Bill*, which became the Act in 1998.¹⁸

¹⁸ Permanent Secretary's Letter to ASPB Chief Executives, 2 August 2004.

Responses to the Permanent Secretary's letter were invited from ASPBs by 10 September 2004. It was requested that submissions should concentrate on the principles and factors set out by the Welsh Assembly Government rather than wider issues about performance.

The issue of the delivery of public services by central government rather than arm's length bodies has been considered by other parts of government. At a UK level, for example, in evidence submitted to the House of Commons Select Committee in 1998, the Cabinet Office set out some of the reasons it identified for delivering services through NDPBs¹⁹:

The reasons for choosing an NDPB include distancing activities from direct Ministerial responsibility in order to demonstrate the independence of judgements; to involve outside interests in advisory or executive functions; to discharge a clearly defined task through powers inappropriate to confer on central government; or to remove quasi-commercial/entrepreneurial decisions from a Government framework.²⁰

In its guidance to departments for reviewing NDPBs the Cabinet Office says that departments should ask:

Can all or some of the functions of the NDPB be brought "in-house"? Is there really a need for an independent NDPB or can the functions of the NDPB be provided by civil servants – or by the wider public service (e.g. the police, local authorities, the NHS, etc.)?²¹

D.3 Powers of the Assembly to reform and abolish ASPBs

ASPBs have no standard legal status and fall into three broad categories: Executive bodies, Advisory bodies and Tribunals. They may be incorporated by Royal Charter (for example the Arts Council of Wales), or by statute (for example the Higher Education Funding Council for Wales). The Assembly's ability to reform or abolish ASPBs depends upon the powers given to it by the *Government of Wales Act* or the primary legislation establishing the bodies concerned. The *Government of Wales Act* lists:

- ◆ bodies which may lose or gain functions (see in section 6.1 of Annex A);
- ◆ bodies which may gain functions with consent or lose them with or without consent (see in section 6.2 of Annex A);
- ◆ bodies which may only gain functions (see in section 6.3 of Annex A); and
- ◆ bodies which may only gain functions and only with consent (see in section 6.4 of Annex A). All of these are bodies founded by Royal Charter or Warrant.

Also listed in **Annex A** are bodies not included in the Act, such as the Environment Agency Wales, and the Assembly's powers to reform and abolish these.

¹⁹ The House of Commons Public Administration Committee produced two substantial reports on quangos in 1998-99 and 2000-01. The Scottish Executive undertook a review of its NDPBs in 2001 and in Northern Ireland an overall review of Public Administration, including a review of quangos, is nearing completion.

²¹ Cabinet Office Memorandum, HofC Public Administration Select Committee, Sixth Report, *Quangos*, 1998-1999. <http://www.publications.parliament.uk/pa/cm199899/cmselect/cmpublicadm/209/9020202.htm>.

²¹ Cabinet Office 'Light Touch' NDPB Guidance, November 2003.

In defining the process that will now follow to abolish the 3 ASPBs, the WAG has indicated that it:

will bring forward Orders for the Assembly's approval under s.28 of the Government of Wales Act to transfer these bodies' statutory functions to the Assembly and to abolish the 3 bodies. We will consult on these proposals, in accordance with (amongst other things) the Act's provisions on subordinate legislation procedures and on consultation with business.²²

The draft Orders brought forward by the WAG for the transfer of powers and abolition of the ASPBs will be subject to the provisions of Standing Order 24 (SO24) governing the production and scrutiny by subject committee of general subordinate legislation. SO24 requires:

- ◆ the Minister to invite representations as to whether the Order should be scrutinised by a subject committee;
- ◆ the Minister to carry out a regulatory appraisal of the likely costs and benefits of complying with the Order and to consult appropriately if costs are likely to be significant;
- ◆ the Minister to make a recommendation to the Business Committee as to whether or not the Order should be referred to a subject committee;
- ◆ the Deputy Presiding Officer (DPO), having regard to the advice of the Business Committee, to determine if the Order should be referred to a subject committee. If so, the DPO will prescribe a period of between 2 and 8 weeks within which the committee should report;
- ◆ a subject committee to submit a report to the Assembly and to the relevant Minister, on any Order referred to it. Committees may recommend approval, amendment or rejection of the Order and, in the course of undertaking this work, may consult or take evidence as they consider appropriate.

²² WAG, Public Services' Reform Q & A, NafW website.
<http://www.wales.gov.uk/themespublicservicereform/content/qanda-e.htm>

E Models for integrating functions into government

E.1 Delivery by central government

Having announced the decision to reform the WTB, WDA and ELWa, the Welsh Assembly Government has yet to explain in detail the management and accountability arrangements that will be put in place for bodies once reformed. In terms of the shape of the bodies post-reform, the Assembly Government has indicated that:

No final decisions on this have yet been made. But it would not make sense for the work of the three bodies simply to move across unchanged. This would not achieve the synergies and efficiencies needed nor remove some of the existing duplicated effort.²³

The models available for the delivery by central government of functions otherwise carried out by ASPBs differ in the degree to which decision making and accountability are delegated to staff from Ministers. They could range from an 'in house' model where the ASPB is brought fully into the administration (as was, for example, Tai Cymru), to an executive agency model, such as the England and Wales Prisons Service. Executive agencies have chief executives and operate 'at arm's length', but are staffed by civil servants and remain accountable to Ministers. In Scotland, the NDPB Scottish Homes was brought into Government and constituted as an executive agency, now known as Communities Scotland.

The Northern Ireland review of public administration makes a particular point about the separation of policy development and service delivery in small administrations in its consultation paper:

The separation of service delivery from policy development has been common in many countries but, in some, the approach is being questioned on the grounds that policy cannot be divorced from the practicalities of service delivery. This problem may be particularly difficult in a small administration. In addition, in the Northern Ireland context since devolution, questions have been raised by Ministers and others as to whether it is appropriate for chief executives, as opposed to Ministers themselves, to be accountable for service delivery which is, as far as most people are concerned, the most important aspect of public administration.²⁴

E.2 Delivery by local government

The Welsh Local Government Association (WLGA) consulted its members during July and August 2004 on the potential role of councils in delivering services in 'post-quango Wales'.²⁵ The leader of the WLGA, Cllr Alex Aldridge, stated:

We are wholeheartedly behind the First Minister's drive to democratise quangos and have championed this cause for a number of years. Our discussion paper puts forward radical solutions which explore how councils can deliver some of the quango functions and better respond to the needs of local communities.

²³ WAG, Public Services' Reform Q & A, NafW website.

<http://www.wales.gov.uk/themespublicservicereform/content/ganda-e.htm>

²⁴ Northern Ireland Review of Public Administration, Consultation Paper, 2003.

<http://www.rpani.gov.uk/consult.pdf>

²⁵ Papers based on the consultation were tabled at the WLGA Steering Committee meeting on 24 September.

http://www.wlga.gov.uk/meetings/coord_comm/papers/040924/Encl-1.pdf

http://www.wlga.gov.uk/meetings/coord_comm/papers/040924/Encl-1a.pdf



Whilst we agree that many quango functions require a national strategic approach, we are not convinced that there should be a wholesale merger of quango functions within the Assembly. Greater accountability and rationalisation does not simply mean centralisation, particularly as most quangos currently have a mixture of national, regional and local functions.²⁶

The discussion paper circulated to WLGA members made a number of proposals for specific areas that might be taken on by local government including:

- ◆ Local authorities should have greater responsibility over services such as the provision of sixth form education, business support and community regeneration
- ◆ All locally delivered quango services could be co-ordinated through Community Strategies, the product of public, private and voluntary sector co-operation at a local level
- ◆ New regional or sub-regional organisations, accountable to joint committees of National Assembly and local government members, could be established to deliver current ASPB services. It may be possible to incorporate the National Assembly's current regional committees into these new bodies.
- ◆ A new planning framework for Wales whereby the 22 Community Strategies inform and influence Assembly Government's strategic visions, such as "*Wales – A Better Country*" and "*A Wales Spatial Plan*"
- ◆ There is greater potential for local authority scrutiny of key services which go beyond local authority functions and seeks to further develop their 'community leadership' role enshrined in the Local Government Act 2000
- ◆ The Assembly Government should be urged to explore options for holding all UK quangos operating in Wales more directly to account.

²⁶ Cllr. Alex Aldridge, WLGA Press Release, *Councils stoke the embers of the bonfire*, 16 August 2004.



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F ANNEX A

F.1 Part I: Bodies which may lose or gain functions

The Assembly may abolish these bodies if it has removed their functions by order.

Executive Bodies

Care Council for Wales
ELWa: National Council for Education and Training in Wales
Qualifications, Curriculum and Assessment Authority for Wales (ACCAC)
Wales Tourist Board
Welsh Development Agency
Welsh Language Board

Advisory and Tribunal ASPBs

Agricultural Dwelling House Advisory Committee (Wales)
Agricultural Wages Committee
All Wales Medicines Strategy Group
Ancient Monuments Board for Wales
Hill Farming Advisory Sub Committee
Welsh Industrial Development Advisory Board
Historic Buildings Council for Wales

F.2 Part II: Bodies which may lose functions or gain functions with consent

The bodies referred to in Schedule 4 Part II of the *Government of Wales Act* are health related advisory committees. The Assembly is not under an obligation to create a committee if none exists, but it is under a duty to "recognise" a committee if it considers an appropriate one exists. The Assembly has the power to add functions to a Committee, with its consent, or remove them, with or without its consent, and to review the Committees.

Welsh Dental Committee
Welsh Medical Committee
Welsh Optometric Committee
Welsh Pharmaceutical Committee
Welsh Scientific Advisory Committee
Welsh Therapies Advisory Committee

F.3 Part III: Bodies which may only gain functions

Bodies listed in Part III of the Act may only be amended by primary legislation and the Assembly cannot remove their functions by order.

Executive ASPBs

Countryside Council for Wales
Higher Education Funding Council for Wales

F.4 Part IV: Bodies which may only gain functions and only with consent

Bodies listed in Part IV of the *Government of Wales Act* are all Royal Charter bodies which would need to be abolished by an order of the Privy Council on the recommendation of the UK Government.²⁷

Annex F of the Cabinet Office Guidance to Government Departments on Non-departmental Public Bodies states that:

...a chartered body cannot be dissolved by executive action. If the body concerned receives a grant-in-aid and the Secretary of State is responsible for all the appointments to the Board, then, if the Secretary of State wishes to cease funding that body and terminate the appointments or not renew them, the body would effectively cease to exist. If served with notice of the Secretary of State's intentions, the last act of the body should be to Petition for the surrender of the Charter. Arrangements would then be made for the disposal of any assets and liabilities before the process would be completed.²⁸

Arts Council for Wales
National Library of Wales
National Museums and Galleries of Wales
Royal Commission on the Ancient and Historical Monuments for Wales
Sports Council for Wales

F.5 Other ASPBs not specified in the Government of Wales Act 1998 and the powers of the National Assembly for Wales

Executive

Environment Agency Wales	The Environment Agency is an England and Wales body and would require primary legislation for its abolition.
Health Professions Wales	The Assembly can abolish this under s.5(3) of the <i>Health (Wales) Act 2003</i>

Advisory (treated as Executive)

Local Government Boundary Commission for Wales	Would require primary legislation to abolish.
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Advisory and Tribunal ASPBs that the Assembly can abolish

Advisory Panel on Substance Misuse
Welsh Committee for the Professional Development of Pharmacists

Advisory and Tribunal ASPBs that the Assembly cannot abolish

Agricultural Land Tribunal (Wales)
Mental Health Review Tribunal for Wales
Registered Inspectors of Schools Appeals Tribunal (Wales)
Rent Assessment Panel for Wales
Valuation Tribunals (Wales)

²⁷ Information on Royal Charters can be seen on the Privy Council website:

<http://www.privy-council.org.uk/output/Page26.asp>

²⁸ <http://www.cabinet-office.gov.uk/agencies-publicbodies/guiddepts/docs/ndpb%20guide%202000.pdf>