



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

**Y Pwyllgor Materion Cyfansoddiadol
The Constitutional Affairs Committee**

**Dydd Iau, 24 Mawrth 2011
Thursday, 24 March 2011**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Alun Davies	Llafur Labour
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Rhodri Morgan	Llafur Labour
Janet Ryder	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Steven Davies	Cynghorydd Cyfreithiol Legal Adviser
Stephen George	Clerc Clerk
Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Janet Ryder:** I welcome Members, officials, and members of the public to the penultimate meeting of the Constitutional Affairs Committee. In an emergency, ushers will indicate the nearest safe exit. Headsets are available for translation and amplification. I remind all Members and officials to switch off all mobile devices completely. We have received no apologies.

9.30 a.m.

Offerynnau Na Fydd y Cynulliad yn cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reolau Sefydlog 15.2 a 15.3, Offerynnau sy'n Agored i Gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)
Instruments in respect of which the Assembly is Not Invited to Pay Special Attention under Standing Order 15.2 and 15.3 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[2] **Janet Ryder:** We have a number of instruments before us this morning. I will raise them all together and then if Members have anything that they wish to raise, and if there are no reporting points, we will take them en bloc. We have CA566, the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2011; CA567, the Child Poverty Strategy (Wales) Regulations 2011; CA568, the Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011; CA571, the Fruit Juices and

Fruit Nectars (Wales) (Amendment) Regulations 2011; CA572, the Visits to Former Looked After Children in Detention (Wales) Regulations 2011; CA573, the Education (Remission of Charges Relating to Residential Trips) (Wales) (Amendment) Regulations 2011; CA575, the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011; CA576, the Independent Health Care (Wales) Regulations 2011; and CA577, the Assembly Learning Grants (European Institutions) (Wales) Regulations 2011.

[3] **Mr Davies:** There are no reporting points on any of those regulations or Orders.

[4] **Janet Ryder:** Would Members like to comment on any of those? If Members are content, we will move on.

9.31 a.m.

Offerynnau y Caiff y Cynulliad ei Wahodd i Roi Sylw Arbennig iddynt o dan Reolau Sefydlog 15.2 a/neu 15.3 a Offerynnau sy'n Agored i Gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)
Instruments in respect of which the Assembly is invited to Pay Special Attention under Standing Orders 15.2 and/or 15.3 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[5] **Janet Ryder:** CA574 is the Education (Free School Lunches) (Prescribed Tax Credits) (Wales) (Amendment) Order 2011. Steve, I believe that you have something on this one.

[6] **Mr Davies:** Yes. There is a minor merits reporting point on this particular Order. This Order amends the Education (Free School Lunches) (Prescribed Tax Credits) (Wales) Order 2003. The Order prescribes that when a child's parent is entitled to child tax credits but not to working tax credits, and is receiving child tax credit based on an annual income not exceeding £16,190, the child is entitled to free school lunches. The reporting point lies in the explanatory memorandum rather than the Order. It states that the Order imposes no additional costs or additional duties on schools or local authorities, and therefore no regulatory impact assessment has been undertaken. However, as the Order retains the current child tax threshold of £16,190 instead of the reduced and revised child tax threshold introduced by the Chancellor last year, which is £15,860, a greater number of people will be entitled to free school lunches in Wales than if the Order had not been brought in. Therefore, there will inevitably be cost implications that have not been set out in the explanatory memorandum.

[7] We have received a Government response on this Order. It stated that this is the first year since 2002 that the child tax credit annual income threshold has not been increased, and it has taken the view that, therefore, it is breaking the link with HM Revenue and Customs' child tax credit threshold and replacing it with an annual income threshold to ensure that those currently eligible for free school lunches will remain so. It is estimated that this Order affects in the region of some 65 children who are currently in receipt of free school meals.

[8] The reporting point is that the explanatory memorandum should have said that passing this Order will have financial implications. At the moment, the explanatory memorandum says that there are no such implications, because they are keeping the same level of child tax credit and not reducing it along the lines of the change. That is a minor reporting point, really; a merits point.

[9] **William Graham:** Is there an indication of what the liability will be, given the number of people?

[10] **Janet Ryder:** If there are 63—

[11] **William Graham:** That is the number of people. I am talking about cost. It must be minimal.

[12] **Mr George:** It is the cost of 65 children receiving free school meals for a year, spread across the whole of Wales.

[13] **William Graham:** So, is there any financial indication?

[14] **Mr George:** None—that is the point. It is a fairly minor point.

[15] **Mr Davies:** It is nonetheless a reporting point.

[16] **Janet Ryder:** Yes. If Members are content, we will note that point and submit a report. Are you content to do that? I see that you are.

9.35 a.m.

Gohebiaeth y Pwyllgor: Papur i'w Nodi—Ymateb y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol i Lythyr y Cadeirydd: CA531—Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011

Committee Correspondence: Paper to Note—Minister for Health and Social Services' Response to the Chair's Letter: CA531—The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011

[17] **Janet Ryder:** We have received a letter from the Minister. Members will remember that we wrote to the Minister, saying that we welcomed the first set of regulations resulting from what was probably the first Measure to go through. You will have seen the letter that we have had back from the Minister. Are Members content with that letter? I see that you are.

9.35 a.m.

**Unrhyw Fater Arall a Dyddiad y Cyfarfod Nesaf
Any Other Business and the Date of the Next Meeting**

[18] **Janet Ryder:** There are no other items of business, so before I end the meeting, I remind Members that the Business Committee has agreed to move our next meeting to Wednesday morning. We will meet at 10.30 a.m. on Wednesday morning, presumably in one of the Senedd's committee rooms. We are not too sure which one, yet.

[19] **Rhodri Morgan:** One of these rooms?

[20] **Janet Ryder:** Yes. Olga tells me that it will be in committee room 2 at 10.30 a.m. next Wednesday. Thank you very much for attending. The meeting is closed.

*Daeth y cyfarfod i ben am 9.36 a.m.
The meeting ended at 9.36 a.m.*