

National Assembly for Wales

Constitutional and Legislative Affairs Committee

December 2014

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Section 109 Order: The Government of Wales Act 2006 (Amendment) Order 2015

Background

1. On 5 November 2014, the Minister for Natural Resources (“the Minister”) laid the Government of Wales Act 2006 (Amendment) Order 2015 (“the proposed Order”) and an Explanatory Memorandum, in accordance with Standing Order 25. He wrote to us on the same date and the letter is attached at Annexe 1.
2. Standing Order 25 provides for the procedure to be followed in respect of the consideration of Orders in Council that are to be made under section 109 of the *Government of Wales Act 2006*.
3. We took evidence from the Minister in relation to the proposed Order on 10 November.
4. On 11 November, the Business Committee referred the proposed Order to us and the Environment and Sustainability Committee for consideration, with a reporting deadline of 3 December 2014.
5. The Minister subsequently wrote to the Presiding Officer on 14 November including a draft text of an amendment to the 2006 Act. This correspondence is attached at Annexe 2.
6. We have noted written evidence from the Sustainable Development Alliance and the Sustainable Futures Commissioner about the proposed Order, originally provided to the Environment and Sustainability Committee.

The proposed Order

7. The Explanatory Memorandum accompanying the proposed Order states that:

“The instrument (“the Order”) would amend Schedule 7 to the 2006 Act so as to confer legislative competence upon the National Assembly for Wales (“the Assembly”) to make modification of, or confer power by subordinate legislation to make modification of, section 79

(sustainable development) of the Government of Wales Act 2006 ("the 2006 Act").

This Order itself does not make any other change, but would merely allow the Assembly to consider amending section 79 of the 2006 Act, should it choose to do so. The Welsh Government would hope to bring forward such an amendment to section 79 during the course of the Well-being of Future Generations (Wales) Bill...".¹

8. Following approval of any draft Order laid before the National Assembly, the House of Commons and the House of Lords, it is anticipated that it will be made at a meeting of the Privy Council in February 2015.

Consideration

9. We are content with the proposed Order.

10. We welcome the decision of the Welsh Government to publish its proposed amendment to section 79 of the *Government of Wales Act 2006*, in anticipation of a draft Order being made.

11. In our view, this approach will enable stakeholders to engage and make representations on the proposed amendment to the 2006 Act in advance of its formal tabling at Stage 3 proceedings of the Well-being of Future Generations (Wales) Bill, currently scheduled for March 2015.

¹ Explanatory Memorandum, paragraphs 4 and 5