

Constitutional and Legislative Affairs Committee

Report: CLA(4)-04-12 : 20 February 2012

The Committee reports to the Assembly as follows:

Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA85 - The Integrated Family Support Teams (Composition of Teams and Board Functions) (Wales) Regulations 2012

Procedure: Negative.

Date made: 30 January 2012.

Date laid: 31 January 2012.

Coming in to force date: 28 February 2012

CLA86 - The Integrated Family Support Teams (Family Support Functions) (Wales) Regulations 2012

Procedure: Negative.

Date made: 30 January 2012.

Date laid: 31 January 2012.

Coming in to force date: 28 February 2012

CLA87 - The Integrated Family Support Teams (Review of Cases) (Wales) Regulations 2012

Procedure: Negative.

Date made: 30 January 2012.

Date laid: 31 January 2012.

Coming in to force date: 28 February 2012

CLA88 - The Seed Marketing (Wales) Regulations 2012

Procedure: Negative.

Date made: 1 February 2012.

Date laid: 2 February 2012.

Coming in to force date: 27 February 2012

The Committee noted that these Regulations replace several sets of English language only Regulations and implement (in full or in part) a number of European Directives and Decisions on the marketing of seeds. The Committee also noted that this was the first time that seed

marketing regulations were being made in Welsh and appreciated the work done by the Welsh Government to provide legislation on this subject bilingually and to develop terminology in Welsh on this very technical subject. The Committee agreed to write to the Minister for the Environment and Sustainable Development John Griffiths AM to express this appreciation.

CLA89 - The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2012

Procedure: Negative.

Date made: 1 February 2012.

Date laid: 2 February 2012.

Coming in to force date: 27 February 2012

CLA90 - The Red Meat Industry (Designation of Slaughterers and Exporters) (Wales) Order 2012

Procedure: Negative.

Date made: 1 February 2012.

Date laid: 2 February 2012.

Coming in to force date: 1 April 2012

CLA91 - The Education (School Day and School Year) (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 1 February 2012.

Date laid: 2 February 2012.

Coming in to force date: 24 February 2012

CLA93 - The Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 2 February 2012.

Date laid: 7 February 2012.

Coming in to force date: 29 February 2012

CLA94 - The Contaminated Land (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 3 February 2012.

Date laid: 7 February 2012.

Coming in to force date: 6 April 2012

CLA92 - The Carers Strategies (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 3 February 2012.

Date laid: 7 February 2012.

Coming in to force date: 29 February 2012

The Committee noted that these Regulations amend the Carers Strategies (Wales) Regulations 2011, which required designated authorities to publish their strategies in both English and Welsh unless it is not reasonably practicable to do so. These Regulations revoke regulation 9(7) of the 2011 Regulations to avoid any possible implication that the English and Welsh versions of the strategies are treated differently.

The Committee noted that the Regulations are made pursuant to the Deputy Minister's response in the Plenary debate on the 6th December 2011 to the Committee's Report dated 2 December 2011 on the 2011 Regulations. The Committee decided to write to the Deputy Minister for Children and Social Services, Gwenda Thomas AM, to express this appreciation.

Affirmative Resolution Instruments

None

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA95 - The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 3 February 2012.

Date laid: 7 February 2012.

Coming in to force date: 1 March 2012.

The Committee agreed the Report under S.O.21.2 on this statutory instrument, which is attached as Annex 1.

Other Business

European Commission draft proposal for a directive on public procurement – Possible Subsidiarity Issue

The Committee considered the letter from the Chair of the Enterprise and Business Committee Nick Ramsay AM and the Chair of the Task and Finish Group on EU Procurement policy Julie James AM to the Minister for Finance and Leader of the House expressing the Enterprise and Business Committee's concerns about two aspects of the European Commission draft proposal for a directive on public procurement¹. The Committee considered the legal implications of the

¹ [COM\(2011\)896: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on public procurement](#)

proposal and agreed to lay before the Assembly a report expressing its concerns regarding the subsidiarity aspect of the proposed 'national oversight body' (Article 84.1 of the draft Directive) and to raise these concerns with the relevant European Committees of the UK Parliament, in accordance with the early warning mechanism identified in Protocol 2 of the Treaty of Lisbon².

The Committee also agreed to write to the European Commission to express its concerns directly, whilst recognising that this will not be considered as part of the formal process of the subsidiarity early warning mechanism.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

20 February 2012

² PROTOCOL (No 2) ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY. Available on the [EUR-LEX web-site](#)

Annex 1

Constitutional and Legislative Affairs Committee

(CLA(4)-04-12)

CLA95

Constitutional and Legislative Affairs Committee Report

Title: The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2012

Procedure: Negative

These Regulations will amend The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 ("The 2000 Regulations"). The Regulations stipulate a new design for the Blue Badge, the Blue Badge fee, improves the administration and enforcement of the scheme, and makes a minor amendment to the eligibility criteria.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

The English version of these Regulations refers to Schedule 1; however the Welsh version of these Regulations merely refers to the number 1, but has omitted to refer to "Schedule". Consequently, the insertion of Schedule 1 by regulation 2 (9) (c) of the Welsh version into the 2000 Regulations will be inoperable, as Schedule 1 does not exist. The Committee was content that this could be corrected on publication.

[S.O. 21.2 (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements; and (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts].

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

20 February 2012

The Government has responded as follows:

**The Disabled Persons (Badges for Motor Vehicles) (Wales)
(Amendment) Regulations 2012**

The Government accepts the reporting point that there is a minor typographical error in the Welsh text and is satisfied that it may be corrected upon publication