

National Assembly for Wales

Constitutional and Legislative Affairs Committee

July 2014

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



**Legislative Consent Memorandum Report:
Deregulation Bill: Amendments in relation to Farriers and Home-School
Arrangements**

Background

1. On 10 June 2014, the former Minister for Natural Resources and Food laid a supplementary Legislative Consent Memorandum (“LCM”) concerning amendments tabled to the Deregulation Bill (“the Bill”), pursuant to Standing Order 29.2.
2. On 17 June 2014, the Business Committee referred the LCM to the Constitutional and Legislative Affairs Committee for scrutiny, setting a reporting deadline of 11 September 2014.

Deregulation Bill

3. The Bill was introduced in the House of Commons on 23 January 2014 and has now completed its passage through the House of Commons. It had its second reading in the House of Lords on 7 July 2014, having been carried over to the 2014-15 session.
4. The Bill proposes a range of measures in line with the UK Government’s aim to reduce burdens on businesses and public authorities. Its scope includes health and safety, employment law, company and insolvency law, the use of land, housing, transport, communications, the environment, Child Trust Funds, entertainment, criminal justice and economic growth.
5. In July 2013, the UK Government published a draft Deregulation Bill, which was subject to pre-legislative scrutiny by a Joint Committee of both Houses of Parliament.

6. We considered an LCM to the Deregulation Bill on 31 March 2014 and stated in our report, laid before the Assembly on 1 May 2014, that we were content.

7. We also considered a supplementary LCM on 19 May 2014 and laid our report before the Assembly on 19 June 2014.

Provisions for which the Assembly's consent would be required

8. The new provisions in the Bill for which the Assembly's consent would be required are described in detail in the supplementary LCM, namely in paragraphs 5 – 13 in respect of Farriers Registration Council and paragraphs 14- 21 in respect of Home School Arrangements.

Consideration

9. We considered the LCM at our meeting on 30 June 2014.

10. While some information has been provided on the amendments that have given rise to this LCM, we would have preferred to see information provided that would have enabled their progress to be more easily tracked in House of Commons proceedings.

11. We note that in relation to provisions regarding the Farriers Registration Council, they relate to the composition of that body which has responsibility across Great Britain and on that basis the approach is reasonable.

12. In relation to the provisions relating to home school arrangements, we consider that there has been ample opportunity for the removal of home-school arrangements to be delivered by means of a Welsh Bill scrutinised by the Assembly, rather than dealt with by legislation arising in Westminster.

13. We note the LCM includes the following passage that seeks to explain the advantages of utilising the UK Bill rather than Assembly legislation:

“It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales. The proposed amendments are technical and non-contentious. In addition, the inter-connected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for the Bill provisions for both

to be taken forward at the same time in the same legislative instrument.”¹

14. We are not persuaded by this view in relation to the provisions relating to home-school arrangements and are disappointed with the approach the Welsh Government has taken.

15. We believe that this policy change should have been contained within a Welsh Government Bill and subject to scrutiny by the National Assembly.

¹ Paragraph 22