



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

Bills under consideration by Assembly Committees, March 2006

Abstract

This paper provides an overview of the content and progress, through Parliament and the Assembly, of bills being considered by Assembly Committees.

It details the powers conferred by each bill and the extent to which they deliver the Government's commitment in the White Paper – *Better Governance for Wales* – to provide the Assembly, with immediate effect, with wider and more permissive powers. A version of the paper goes to the Business Committee and to the Panel of Chairs each month.

March 2006



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Members' Research Service

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Introduction

This paper provides an overview of the content and progress, through Parliament and the Assembly, of Bills being considered by Assembly Committees.

It details the powers conferred by each bill and the extent to which they deliver the Government's commitment in the White Paper – *Better Governance for Wales* – to provide the Assembly, with immediate effect, with 'wider and more permissive powers'. A version of the paper goes to the Business Committee and to the Panel of Chairs each month.

Key Points

The *Better Governance for Wales* White Paper stated the UK Government's intention 'immediately, in drafting primary legislation relating to Wales, to delegate to the Assembly maximum discretion in making its own provisions, using its secondary legislative powers.'¹ The UK Government's response to the recommendations of the Welsh Affairs Committee report on the White Paper indicates that it "would expect the Explanatory Notes to Bills to explain where clauses relating to Wales are of a framework nature".

- the **Education and Inspections Bill** includes provision for framework powers in respect of:
 - categories of school maintained by local education authorities;
 - establishment or discontinuance of schools;
 - school admissions;
 - school curriculum and entitlement;
 - attendance, discipline and behaviour and the making of arrangements for the education of excluded pupils;
 - entitlement to and the provision of services to assist, enable or encourage learners to participate in education and training, to take advantage of employment opportunities, and to participate effectively in their communities;
 - travel of learners to places of education; and
 - food and drink for children in education, training or childcare.
- the **NHS Redress Bill** contains a 'framework provision' providing the Assembly with as broad a power as it can be given within its current powers and as broad as could be expected under measure-making powers.
- Part I of the **Health Bill** makes provision for the control of smoking. It sets out a detailed framework within which "the appropriate national authority" (i.e. the Secretary of State in relation to England and the National Assembly in relation to Wales) must operate. Although the bill contains extensive regulation-making powers, they are the equivalent of the Secretary of State's powers and so do not constitute 'framework powers'.

¹ *Better Governance for Wales*, Cm 6582. June 2005, para 1.24



- Part 2 of the **Health Bill** relates to healthcare associated infections. The Minister for Health and Social Services has indicated that he considers that Wales already has sufficient powers to maintain and improve healthcare standards in the NHS in Wales. The Assembly Government, therefore, did not seek a Welsh component to this part of the Bill.

In debate in Committee on the **Health Bill**, the Assembly Minister for Health and Social Services outlined the arguments being used by the WAG to press Whitehall departments for the inclusion of framework powers in some bills. The White Paper states that, 'the Government intends, immediately, in drafting primary legislation relating to Wales, to delegate to the Assembly maximum discretion in making its own provisions, using its secondary powers'². Dr Gibbons' statement to the Committee indicates that the inclusion of framework powers is something that the Assembly Government must press for, rather than being an automatic feature of legislative drafting. He also described two qualifications being applied to the White Paper commitment, namely that:

- the Assembly Government will only press for framework powers if they are necessary to deliver WAG policy objectives;
 - framework powers are unlikely to be included unless the Assembly Government demonstrates that they will be used with 'some immediacy'.
- the **Legislative and Regulatory Reform Bill** extends the scope of the powers available to Ministers to amend statute law by Order and at the same time relaxes the constraints of parliamentary scrutiny on the Order making process. It may be of interest to the Business Committee as its effect will be to eliminate the need to produce cross referencing SIs whenever European Directives are amended. It will reduce, therefore, the volume of mundane and non-controversial subordinate legislation that the Assembly must make.
 - of wider interest to Members will be the 'edginess' expressed by the Chair of the House of Lords Constitution Committee at the parallel between the **Legislative and Regulatory Reform Bill** and the Order in Council procedures of the **Government of Wales Bill**, in that both reduce the potential for legislative scrutiny by Parliament.
 - Clause 10 of the **Animal Welfare Bill** is virtually a framework provision in the way it is drafted, in that it provides that: "the appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible". However, although it is widely drafted, clause 10 will not qualify as a "framework" provision for the purposes of the White Paper as the Bill makes identical provision in relation to England with the same wide power to make regulations being given to the Secretary of State. In other words, although clause 10 is widely constructed, it does not go further in relation to Wales than it does in relation to England. The Minister for Environment, Planning and Countryside has indicated that, given the breadth of this power and input that individuals and organisations in Wales have had to its development, he does not consider framework powers are required to cover the matters in the Bill.

² para 1.24



Bills Remitted to Assembly Committees

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Animal Welfare Bill (G)</p> <p>The Bill will aim to bring together and modernise most legislation concerning the welfare of animals under the control of man. An Animal Welfare Bill formed part of the UK Government's legislative programme for 2004-05 but was not introduced, although a Draft Bill was subject to pre-legislative scrutiny</p>	<ul style="list-style-type: none"> • 13/10/05 Commons: First Reading • 10/01/06 Commons: 2nd Reading and Programme Motion • 17/01/06 Commons: Standing Committee A: 1st day • 19/01/06 Commons: Standing Committee A: 2nd day • 24/01/06 Commons: Standing Committee A: 3rd day • 26/01/06 Commons: Standing Committee A: 4th day • 14/03/06 Commons: report stage 	<p>Remitted to the Assembly's Environment Planning and Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 02/02/05 Draft Bill scrutinised by EPC Committee • 19/01/06 Committee receive a Stance Paper from the Welsh Assembly Government in meeting • 27/01/06 Report Laid before the Assembly
<p><i>Key Clauses and other information</i></p> <p>In respect of powers that would be delegated by the Bill, the National Assembly for Wales is regarded as the 'appropriate national authority' in Wales, thus the Bill would make all the regulation and order making powers exercisable by the National Assembly for Wales. The regulation and order making powers are laid out in clauses 10 to 15 of the Bill.</p> <p>Clause 10 would give powers to make regulations regarding the welfare of animals and includes provisions to make regulations concerning matters such as licensing activities involving animals, the identification of animals, breeding animals and establishing bodies to advise on welfare of animals. It also gives powers to create offences in relation to breaching regulations and to set fees and charges for carrying out activities that are regulated. Clause 10 is virtually a framework provision in the way it is drafted, in that it provides that: "the appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible". However, although it is widely drafted, clause 10 will not qualify as a "framework" provision for the purposes of the Better Governance for Wales White Paper as the Animal Welfare Bill makes identical provision in relation to England with the same wide power to make regulations being given to the Secretary of State.</p> <p>In other words, although clause 10 is widely constructed, it does not go further in relation to Wales than it does in relation to England. The Minister for Environment, Planning and Countryside has indicated to the EPC Committee that, given the breadth of this power and input that individuals and organisations in Wales have had to its development, he does not consider framework powers to be required to cover the matters in the Bill.</p>		



Bill	Parliamentary Stage	Assembly Stage
<p>Charities Bill [HL] (G)</p> <p>Although this is a non-devolved matter, the voluntary sector is included in the portfolio of the Minister for Social Justice and Regeneration. The Bill includes provision for the National Assembly for Wales to give financial assistance to charitable, benevolent or philanthropic institutions. A Charities Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 18/05/05 Lords: 1st reading • 07/06/05 Lords: 2nd reading • 28/06/05 Lords: Committee Stage 1st day • 12/07/05 Lords: Committee Stage 2nd day • 12/10/05 Lords: Report Stage • 18/10/05 Lords: Report Stage • 08/11/05 Lords: 3rd reading • 09/11/05 Commons: 1st reading 	<p>Remitted to the Assembly's Social Justice and Regeneration Committee on 21/06/05</p> <ul style="list-style-type: none"> • 29/09/04 Draft Bill scrutinised by SJR Committee • 28/09/05 Bill Scrutinised by SJR Committee • 06/10/05 Report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>This Bill is an England and Wales Bill with only one clause (71) giving the Assembly powers to give financial assistance to charitable organisations.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Childcare Bill (G)</p> <p>The Bill will place a new duty on local authorities to secure sufficient childcare and early childhood services (including information to parents)</p>	<ul style="list-style-type: none"> • 08/11/05 Commons: 1st Reading • 28/11/05 Commons: 2nd reading • 06/12/05 Commons: Standing Committee: 1st day • 08/12/05 Commons: Standing Committee: 2nd day • 13/12/05 Commons: Standing Committee: 3rd day • 15/12/05 Commons: Standing Committee: 4th day • 20/12/05 Commons: Standing Committee: 5th day 	<p>Remitted to Assembly's Education and Lifelong Learning Committee on 21/06/05</p> <ul style="list-style-type: none"> • 08/02/06 Scrutinised by ELL Committee • 24/02/06 Report Laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The main provisions for Wales are contained in Part 2 of the Bill. These are:</p> <ul style="list-style-type: none"> • The Bill places a duty on local authorities to secure sufficient provision of childcare to enable parents to work; • Local authorities may assist (including financially) those who are, or who wish to provide childcare, and may ensure that providers meet any conditions placed upon them by the local authority. Local authorities may charge for childcare; • The Assembly may, by regulation, require a local authority to assess the sufficiency of childcare; • Local authorities must establish and maintain service to provide parents with information, advice and assistance on childcare, facilities and services available to them as parents/prospective parents; • Clause 22 (4) allows the Assembly to amend by order, certain sections concerning matters to which a local authority must/may have regard to in determining whether childcare is sufficient. 		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Children and Adoption Bill [HL] (G)</p> <p>The Bill will give the courts more powers and provides a statutory framework for the suspension of inter-country adoptions. A Draft Child Contact and Inter-country Adoption Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 13/06/05 Lords: 1st reading • 29/06/05 Lords: Committee Stage 1st day • 11/10/05 Lords: Grand Committee 1st day • 12/10/05 Lords: Grand Committee 2nd day • 17/10/05 Lords: Grand Committee 3rd day • 08/11/05 Lords: Lords: Motion for approval • 14/11/05 Lords: Report Stage • 29/11/05 Lords: 3rd reading • 30/11/05 Commons: 1st reading • 02/03/06 Commons: 2nd reading 	<p>Remitted to Assembly's Social Justice & Regeneration Committee and Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 20/10/05 Bill considered by SJR Committee • 03/11/05 Bill considered by HSS Committee • 08/11/05 HSS Committee report laid before the Assembly • 14/11/05 SJR Committee report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The Bill does not contain any Wales only clauses. An amendment passed at Grand Committee Stage in the Lords would allow the National Assembly for Wales to charge prospective adopters, a power originally only granted to the Secretary of State to exercise on behalf of both England and Wales.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Commissioner for Older People (Wales) Bill [HL] (G)</p> <p>The Bill establishes an office of Commissioner for Older People in Wales that has powers and duties comparable to the Children's Commissioner in Wales. The role of the Commissioner is to safeguard and promote the interests of older people in Wales.</p> <p>An equivalent Draft Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 25/05/05 Lords: 1st reading • 14/06/05 Lords: 2nd reading • 18/10/05 Lords: Grand Committee 1st day • 26/10/05 Lords: Grand Committee 2nd day • 09/11/05 Lords: Report Stage • 15/02/06 Lords: 3rd reading • 16/02/06 Commons: 1st reading 	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 25/05/05 Draft Bill Considered by HSS Committee • 11/06/05 Report on the Draft Bill laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The Bill was published on 25 May 2005, before the White Paper <i>Better Governance for Wales</i>. The Bill is essentially enabling, and provides the Assembly with broad powers to make regulations on matters including the establishment of the Commissioner and the scope and nature of the powers exercised by the Commissioner.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Commons Bill [HL] (G)</p> <p>The Bill will build on many of the proposals in the Common Land Policy Statement 2002, which was published jointly by the Department for Environment, Food and Rural Affairs (Defra) and the Assembly Government.</p>	<ul style="list-style-type: none"> • 27/06/05 Lords: 1st Reading • 20/07/05 Lords: 2nd Reading • 18/10/05 Lords: motion for approval • 25/10/05 Lords: Grand Committee: 1st day • 01/11/05 Lords: Grand Committee: 2nd day • 02/11/05 Lords: Grand Committee: 3rd day • 09/11/05 Lords: Grand Committee: 4th day • 14/11/05 Lords: Grand Committee: 5th day • 28/11/05 Lords: Report Stage 2nd day • 18/01/06 Lords: 3rd reading • 19/01/06 Commons: 1st reading 	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 22/09/05 Bill scrutinised by EPC Committee • 03/11/05 Bill scrutinised by EPC Committee; • 23/11/05 Bill scrutinised by EPC Committee • 16/02/06 Bill scrutinised by EPC Committee
<p><i>Key clauses and further information</i></p> <p>The Bill does not contain any 'Wales only' clauses; however, in respect of powers that would be delegated by the Bill, the National Assembly for Wales is regarded as the 'appropriate national authority' in Wales. Executive and secondary legislative functions delegated to the National Assembly for Wales would include: powers to make regulations under Parts 1 (registration) and 2 (management); powers to make orders under Parts 1, 2 and 3 (protection of common land); and, power to commence in Wales all provisions in the Bill except clauses 9 and 49. Clause 49 would also grant the National Assembly for Wales a Henry VIII power to amend pre-existing and/or concurrent primary legislation for specified purposes related to Part 1 of the Bill. In relation to the operation of Part 3 of the Bill in Wales, clause 42 would authorise the National Assembly to amend any relevant local Act.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Education and Inspections Bill (G)</p> <p>Key measures will include: greater independence for school governing bodies; allowing primary schools to become foundation schools by a simple vote of their governing body; measures to encourage new providers into the state system; new powers and flexibilities for Ofsted and for local authorities in tackling school failure and underperformance; and clauses that repeat the last parliamentary session's fallen School Transport Bill.</p>	<ul style="list-style-type: none"> • 28/02/06 Commons: 1st reading • 15/03/06 Commons: 2nd reading 	<p>Remitted to Assembly Education and Lifelong Learning Committee on 21/06/05</p> <ul style="list-style-type: none"> • 29/03/06 Bill to be scrutinised by ELL Committee



Key clauses and further information

Education and Inspections Bill - the Bill was published on 28 February 2006. The Bill's territorial coverage includes England and Wales but most of the provisions apply only to England. The Minister for Education, Lifelong Learning and Skills issued a **Press Release** on 28 February stating:

Framework powers will be used - for the first time for education in Wales – to develop provision further in these fields as policy development work dictates.

A Welsh Assembly Government Cabinet Decision Report dated 22 February stated that:

The Welsh Assembly Government has welcomed the opportunity to participate in the development of the proposed legislation. In considering which elements of the Bill should apply to Wales the Minister for Education and Lifelong Learning has taken into account:

- *the need to only take powers which fit with policy for Wales, which the Assembly Government would wish to apply; and*
- *the potential to seek framework powers in accordance with the approach set out in the Government of Wales White Paper 'Better Governance for Wales'.*

Clause 154 of the Bill contains framework powers relating to Wales:

154 Framework power relating to Wales

- (1) The Assembly may by regulations make provision relating to Wales about any of the following matters—*
- (a) the categories of school that may be maintained by local education authorities;*
 - (b) the establishment and discontinuance of schools maintained by local education authorities, their change from one category to another and their alteration in other respects;*
 - (c) the admission of pupils to schools maintained by local education authorities;*
 - (d) the curriculum in such schools;*
 - (e) school attendance, the behaviour of pupils at school, school discipline and the exclusion of pupils from school (including the duties of parents in connection with those matters);*
 - (f) the making of arrangements for the provision of education for persons of compulsory school age who have been excluded from schools or who for any other reason would not otherwise receive suitable education;*
 - (g) entitlement to primary, secondary and further education and to training;*
 - (h) the provision of services that are intended to encourage, enable or assist people—*
 - (i) to participate effectively in education or training,*
 - (ii) to take advantage of opportunities for employment, or*
 - (iii) to participate effectively in the life of their communities;*
 - (i) travel of persons receiving primary, secondary or further education or training to and from the schools or other places where they receive it;*
 - (j) food and drink provided on school premises or provided for children at a place where they receive education or childcare.*

Clause 155 in the Bill details restrictions on the framework powers, which appear to be in line with those outlined in Clause 17 of the NHS Redress Bill.

A more detailed assessment of how the Bill may provide the Assembly with maximum discretion in areas other than those specified in Clause 154 will be made in the next update paper.



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Equality Bill [HL] (G)</p> <p>The Bill implements measures outlined in the White Paper Fairness for All: A New Commission for Equality and Human Rights. It provides for the establishment of the Commission for Equality and Human Rights (CEHR), a single integrated body to underpin legislation on race, gender, disability, religion or belief, sexual orientation, the proposed legislation on age and human rights.</p> <p>The CEHR will establish a committee for Wales. The Commission will include a Commissioner for Wales.</p> <p>An Equality Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 18/05/05 Lords: 1st reading • 15/06/05 Lords: 2nd reading • 06/07/05 Lords: Committee Stage 1st day • 11/07/05 Lords: Committee Stage 2nd day • 13/07/05 Lords: Committee Stage 3rd day • 19/10/05 Lords: Report Stage • 09/11/05 Lords: 3rd reading • 11/11/05 Commons: 1st reading • 21/11/05 Commons: 2nd reading • 29/11/05 Commons: Standing Committee 1st day • 01/12/05 Commons: Standing Committee 2nd day • 06/12/05 Commons: Standing Committee 3rd day • 08/12/05 Commons: Standing Committee 4th day • 16/01/06 Commons: Remaining Stages • 13/02/06 Lords: Considerations of amendments • 16/02/06 Royal Assent – Equality Act 2006 	<p>Remitted to Assembly's Equality of Opportunity Committee on 21/06/05</p> <ul style="list-style-type: none"> • 30/06/05 Bill Scrutinised by EOP Committee • 07/05 Report Laid before the Assembly



Key Clauses and further information

The Bill contains no specific powers for the Assembly.

Schedule 1 to the Bill sets out provisions relating to the constitution of the CEHR, including; its members (the Commissioners) and their appointment criteria; regulation of its proceedings; its powers of delegation and the committees to which certain functions must be delegated; preparation of its annual report; its financial arrangements; and its status.

Paragraph 2 (2)(c) of Schedule 1 to the Bill states that

The Secretary of State shall ensure that the Commission includes ...

(c) a Commissioner appointed under paragraph 1(1), with the consent of the National Assembly for Wales, who knows about conditions in Wales.

Paragraphs 16 to 31 set out the requirements for the CEHR to establish a Scotland Committee and a Wales Committee. Each Committee shall be chaired by the relevant Commissioner with knowledge of conditions in Scotland or Wales. The Committees must be established before any of the general duties (clauses 8 to 13) come into force. The CEHR is obliged to consult the Scotland or Wales Committee before undertaking a function that, in its opinion, may affect people in Scotland and Wales respectively.

The Committees have delegated decision-making powers in respect of the activities listed in clause 14 in so far as the activities, in the opinion of the CEHR, affect Scotland and Wales. They will also have delegated power under clause 12(2)(c) and clause 12(2)(d) to provide advice to the devolved administrations in respect of law which, in the opinion of the CEHR, affects only Scotland or Wales respectively.

Paragraph 32 requires the CEHR to prepare and publish an annual report, including in relation to its activities in Scotland and Wales, and submit it to the Secretary of State. The Secretary of State must lay the annual report before Parliament. The annual report must also be sent to the Scottish Parliament and the National Assembly for Wales.



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Government of Wales Bill (G)</p> <p>The Bill will enhance the Assembly's powers and reform its structure and electoral system to create a more transparent and accountable body.</p>	<ul style="list-style-type: none"> • 15/06/05 White Paper, Better Governance for Wales published • 08/12/05 Commons: 1st Reading • 09/01/06 Commons: 2nd Reading and Programme Motion • 23/01/06 Commons: Committee Stage • 24/01/06 Commons: Committee Stage • 30/01/06 Commons: Committee Stage • 27/02/06 Commons: Remaining Stages • 28/02/06 Commons: Remaining Stages • 01/03/06 Lords: 1st Reading 	<ul style="list-style-type: none"> • 28/06/05 Assembly Committee on the White Paper established. The Committee met to gather evidence during June and July 2005. • 13/09/05 Report of the Committee on the White Paper published • 18/01/06 Assembly Committee on the Government of Wales Bill established
<p><i>Key clauses and further information</i></p> <p>This Bill relates solely to Wales. It completed its passage in the House of Commons on 28 February 2006 and is expected to receive its second reading in the House of Lords in mid March. In the Assembly the Government of Wales Bill Committee, which was established by a Motion in Plenary on 18 January 2006, has considered the Bill on a clause by clause basis.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Health Bill (G)</p> <p>The Bill will aim to implement proposals set out in the Department of Health Public Health White Paper Choosing Health (November 2004). One of the key proposals in the Bill is to ban smoking in public places, apart from specifically exempt licensed premises.</p>	<ul style="list-style-type: none"> • 27/10/05 Commons: 1st reading • 29/11/05 Commons: 2nd reading • 06/12/05 Commons: Standing Committee 1st day • 08/12/06 Commons: Standing Committee 2nd day • 13/12/06 Commons: Standing Committee 3rd day • 15/12/05 Commons: Standing Committee 4th day • 20/12/05 Commons: Standing Committee 5th day • 10/01/06 Commons: Standing Committee 6th day • 14/02/06 Commons: Remaining Stages • 15/02/06 Lords: 1st reading • 01/03/06 Lords: 2nd reading 	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p> <ul style="list-style-type: none"> • 19/01/06 Bill Scrutinised by HSS Committee • 01/02/06 Report Laid before the Assembly



Key clauses and further information

Unlike the NHS Redress Bill, the Health Bill does not contain framework powers. Part 1 of the Bill extends to England and Wales and relates to the banning of smoking in public places. It sets out a detailed framework within which "the appropriate national authority" (i.e. the Secretary of State in relation to England and the National Assembly in relation to Wales) must operate. There may be extensive regulation-making powers, but they are the equivalent of the Secretary of State's powers. They do not therefore constitute "framework powers". As health is a devolved issue, the Bill allows for different approach to be taken in Wales on the issue of whether there should be any exemptions to allow smoking in certain licensed premises.

Part 2 of the Bill relates to healthcare associated infections. The Minister for Health and Social Services has indicated that he considers that Wales already has sufficient powers to maintain and improve healthcare standards in the NHS in Wales, which is why the Assembly Government did not seek a Welsh component to this part of the Bill.

In answer to questions about why the Assembly Government did not seek framework powers for the Health Bill during HSS Committee Scrutiny of the Bill on 19 January 2006, the Minister responded,

Brian Gibbons: "You will know that the Health and Social Care Department was the first Assembly department to go down the route of asking for a framework clause in the redress Bill, so we are not against it in principle. We looked at each of the major clauses here, particularly in relation to security and fraud, and looked at healthcare-associated infections, smoking, ophthalmic services and one or two other items to see if they were conducive to enhancing what we wanted to do in Wales, and the judgment that we made was, 'Probably not' and that, in all of the areas, with the exception of smoking, we had a fairly robust framework to move the agenda forward in the way that we wanted in Wales. As I said, because we were the first department to pioneer the framework clause, we had a little experience in terms of establishing the process, and the key element in terms of the redress Bill was that, as the First Minister has said on other occasions, in looking for framework legislation, we have to state the reason why Wales is different and specific and why we do not have the ability to proceed without the framework clause. We were able to make that case for the NHS Redress Bill, but, in our honest opinion, we felt that we could not make that same case in these other areas, because we felt that either we did not want to go down that route, as in the case of ophthalmic services, or in terms of the routes that we did want to go down, we did not have adequate powers to deal with them."

The Minister went on to say,

"One of the judgments that we made in the NHS Redress Bill and some of the signals that we were getting from Westminster were that there had to be some immediacy about the framework clause. In other words, if we were arguing for a framework clause that we might or might not use either now or at some time in the distant future, that would not have been a compelling case at this early stage. In making the case for framework legislation, there had to be some immediacy in the sense that we would be likely to use that framework legislation sometime within the next couple of years in order to have a strong intellectual case for it."



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Marine Bill (draft)</p> <p>The Bill will provide a new framework for the seas, based on marine spatial planning.</p>	<p>No scheduled publication date</p>	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p>

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Mental Health Bill</p> <p>The Bill will introduce a new legal framework for the treatment of people with mental disorders without their consent, when this is necessary to protect them or others from harm. The Department of Health published a Draft Mental Health Bill in the 2003-04 Parliamentary session.</p> <p>The Government's response to the Report from the Joint Committee on the Draft Mental Health Bill, Session 2004-05 was published by the Department of Health on 13/06/2005 (Cm 6624)</p>	<p>No scheduled publication date</p>	<p>Remitted to Assembly's Health & Social Services Committee on 21/06/05</p>
<p><i>Key clauses and further information:</i></p> <p>There have been recent press reports to suggest that the bill is not likely to be introduced in this session.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>National Lottery Bill (G)</p> <p>The Bill will make the distribution of Lottery money more strategic and set up the Big Lottery Fund as a single body with a new good cause and single set of simpler rules, to make it easier for potential applicants to access Lottery money. A National Lottery Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 24/05/05 Commons: 1st reading • 14/06/05 Commons: 2nd reading • 11/10/05 Programme Motion • 25/10/05 Commons: Standing Committee A: 1st day • 27/10/05 Commons: Standing Committee A: 2nd day • 01/11/05 Commons: Standing Committee A: 3rd day • 03/11/05 Commons: Standing Committee A: 4th day • 19/01/06 Commons: Remaining Stages • 20/01/06 Lords: 1st reading • 06/02/06 Lords: 2nd reading • 13/02/06 Lords: Motion • 13/03/06 Lords: Provisional Committee Stage 	<p>Remitted to Assembly's Culture, Welsh Language & Sport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 29/09/05 Bill considered by CWLS Committee • 11/05 Report sent to Business Committee
<p><i>Key clauses and further information</i></p> <p>The main feature of the Bill is the formal establishment of the Big Lottery Fund. It includes provisions that will enable the Welsh Assembly Government to:</p> <ul style="list-style-type: none"> • set the outcomes and priorities that are to be addressed by the Big Lottery Fund's programmes in Wales (within an overall UK framework); • issue policy directions to the Big Lottery Fund, in respect of Wales; • agree the appointment of a Wales member to the UK Board (Schedule 2: Paragraph 1) ; and; • agree the appointment of members to the Wales committee (Schedule 2: Paragraph 7). <p>None of the powers conferred on the Assembly allow any greater flexibility than is given to the equivalent Minister in England.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Natural Environment and Rural Communities Bill (G)</p> <p>The Bill is intended to implement key aspects of the Government's Rural Strategy published in July 2004. A Draft Natural Environment and Rural Communities Bill was published in the 2004-05 Parliamentary session.</p>	<ul style="list-style-type: none"> • 19/05/05 Commons: 1st reading • 06/06/05 Commons: 2nd reading • 21/06/05 - 05/07/05 Commons Standing Committee • 11/10/05 Commons: Committee - Remaining Stages • 12/10/05 Lords: 1st reading • 07/11/05 Lords: 2nd reading • 10/11/05 Lords: motion for approval • 15/11/05 Lords: motion for approval • 24/01/06 Lords: Committee Stage • 30/01/06 Lords: Committee Stage • 01/02/06 Lords: Committee Stage • 08/02/06 Lords: Committee Stage • 15/03/06 Lords: report stage 	<p>Remitted to Assembly's Environment, Planning & Countryside Committee on 21/06/05</p> <ul style="list-style-type: none"> • 19/07/05 Bill scrutinised by EPC Committee • 22/09/05 Bill scrutinised by EPC Committee; amendment secured to the Bill • 23/09/05 Report laid before the Assembly
<p><i>Key clauses and further information</i></p> <p>The principal purpose of the Bill is to implement key aspects of the UK Government's Rural Strategy for England, which was published in July 2004. In so doing it establishes two new agencies, Natural England and the Commission for Rural Communities (Part 1).</p> <p>In addition, the Bill introduces measures in Parts 2 to 10 which amend existing legislation affecting Wales in a range of policy areas including: nature conservation, wildlife, sites of special scientific interest, national parks, rights of way, and the reform of agricultural bodies. Many of these measures aim to streamline delivery and simplify the existing legislative framework.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>NHS Redress Bill [HL] (G)</p> <p>The Bill will introduce an NHS Redress Scheme intended to provide a speedy and appropriate response when something goes wrong and compensation where appropriate.</p>	<ul style="list-style-type: none"> • 12/10/05 Lords: 1st reading • 02/11/05 Lords: 2nd reading • 21/11/05 Lords: Grand Committee 1st day • 23/11/05 Lords: Grand Committee 2nd day • 15/02/06 Report Stage • 01/03/06 Lords: 3rd reading 	<p>Remitted to Assembly's Health & Social Services Committee</p> <ul style="list-style-type: none"> • 23/11/05 Bill to be considered by HSS Committee • 01/12/05 Report Laid before the Committee
<p><i>Key clauses and further information</i></p> <p>Clause 17 of the Bill comprises a broad framework power allowing the National Assembly for Wales to make regulations to determine arrangements for redress which are most relevant to the policies and plans for the health service in Wales. Clause 17 is the first framework clause to be brought before Parliament following the publication of the White Paper, <i>Better Governance for Wales</i>.</p> <p>The Chairman of the Constitution Committee asked the Minister for State, Lord Warner, for clarification about whether it is the Government's intention to adopt similar provisions in future bills concerning Wales.</p> <p>Lord Warner confirmed that it is the Government's intention, in appropriate cases, to adopt similar provisions in future Bills as a means of conferring broader legislative powers on the Assembly. However the precise approach to provisions for Wales will be considered carefully in relation to each Bill. If there is no identifiable need for different Bill provision in relation to Wales (for example if the provision envisaged for subordinate legislation in relation to both England and Wales gives sufficient flexibility) then broader framework provisions for Wales may not be required: Part 1 of the Health Bill is a case in point.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Legislative and Regulatory Reform Bill (G)</p> <p>The Legislative and Regulatory Reform Bill 2005-06 extends the scope of the powers available to Ministers to amend statute law by Order and at the same time relaxes the constraints of parliamentary scrutiny on the Order making process.</p> <p>The wide-ranging power in Part 1 of the Bill potentially allows ministers to amend, repeal or replace any legislation, although the Government has committed itself to not using the procedure to deliver “highly political measures”.</p> <p>The Constitution Committee of the House of Lords has expressed its concern at the “unprecedentedly wide powers” the Bill seeks to confer on Ministers. The Bill will allow ministers to require regulators to adhere to a code of practice, based on principles that were enumerated in the Hampton Review, <i>Reducing administrative burdens</i>. It also seeks to simplify the process of updating technical European Union Regulations..</p>	<ul style="list-style-type: none"> • 11/01/06 Commons: 1st reading • 09/02/06 Commons: 2nd reading • 28/02/06 Commons: Standing Committee A: 1st day • 02/03/06 Commons: Standing Committee A: 2nd day • 07/03/06 Commons: Standing Committee A: 3rd day • 09/03/06 Commons: Standing Committee A: 4th day 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 16/03/06 Scheduled for scrutiny be EDT Committee



Key clauses and further information

The Bill applies in relation to Wales and includes provisions that relate specifically to the powers of the Assembly. None of the powers conferred on the Assembly allow any greater flexibility than is given to the equivalent Minister in England. The main provisions in relation to Wales include:

- Where an order seeks to alter the functions of the Assembly, it can do so only with the permission of the Assembly.
- Where an order does not seek to alter the functions of the Assembly, but relates to an area for which the Assembly has responsibility, the Minister must consult with the Assembly before making the order.
- Clause 20 allows a Minister to issue or revise a code of practice which applies to regulators. However, a Minister may not specify a regulatory function that is exercisable only in or as regards Wales: instead the power is conferred on the Assembly and any such functions may be specified, by order, by the Assembly.
- Section 2 of the *European Communities Act 1972* allows Ministers to make regulations to implement Community obligations in the United Kingdom. Clause 26 of the Bill additionally grants Ministers the power to make orders, rules or schemes to implement Community obligations. This power is conferred on the Assembly in the areas for which it has responsibility and will be exercisable by statutory instrument.
- Clause 24 will assist the Assembly in its legislative role. Currently, when domestic legislation refers to a Community instrument which has been amended or applied by other Community instruments, it is necessary to specify all the instruments which have amended or applied it. This can make for very long references. Clause 24 is designed to make the drafting of domestic instruments simpler in that, in future, a reference to a "Community instrument", in any legislation, will be taken as a reference to the instrument "as so amended, extended or applied".

When the Secretary of State for Wales appeared in front of the House of Lords Constitution Committee on 15 February 2006, the Chair drew parallels between the Order in Council procedures in the *Government of Wales Bill* and the *Legislative and Regulatory Reform Bill*, expressing a growing "edginess" in the Committee about the reduction that both would have on the potential for legislative scrutiny by Parliament. The Conservative spokesman Oliver Heald MP also made the link in his speech on the Second Reading of the *Legislative and Regulatory Reform Bill*:

The Government are taking several overlapping measures, all of which remove power from the House and give it to Ministers. There is a process in the Government of Wales Bill to take power from the House and give it to Wales on a case-by-case basis.



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Road Safety Bill [HL] (G)</p> <p>The measures included in the Bill are intended to improve road safety and to achieve the targets set in the UK Government's ten-year road safety strategy, Tomorrow's roads - safer for everyone. A Road Safety Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 24/05/05 Lords: 1st reading • 08/06/05 Lords: 2nd reading • 27/06/05 Lords: Committee Stage 1st day • 05/07/05 Lords: Committee Stage 2nd day • 26/10/05 Lords: Committee Stage 3rd day • 07/11/05 Lords: Motion for Approval • 22/11/05 Lords: Grand Committee 1st day • 29/11/05 Lords: Report Stage • 10/01/06 Lords: 3rd Reading • 11/01/06 Commons: 1st Reading • Commons: 2nd reading: no date 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <ul style="list-style-type: none"> • 28/09/05 Bill considered by EDT Committee • 14/10/05 Report Laid Before the Assembly
<p><i>Key clauses and further information</i></p> <p>Largely a non-devolved matter. Clause 1 replaces and extends the scope of section 40 of the Road Traffic Act 1988. The amended section 40 enables the Secretary of State (for England) or the National Assembly for Wales to make payments to local authorities, as well as other authorities and bodies, for meeting the whole or part of the capital or running costs of any measure for promoting road safety. This Clause offers greater scope for the National Assembly for Wales to direct funding to Welsh road safety projects such as those suggested within the Road Safety Strategy for Wales.</p>		



<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Tourism Accommodation (Wales) Bill (draft)</p> <p>The Bill would have provided for the statutory registration and inspection of tourist accommodation</p>	<p>The draft bill will no longer be published this Spring and has been withdrawn.</p>	

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Transport (Wales) Bill (G)</p> <p>The Bill will give the Assembly the powers it needs to take forward its integrated transport policies. A Transport (Wales) Bill was introduced in the last session of Parliament but ran out of time.</p>	<ul style="list-style-type: none"> • 19/05/05 Commons: 1st reading • 16/06/05 Commons: 2nd reading • 28/06/05 Commons: Committee Stage • 17/10/05 Commons: Committee - Remaining Stages • 18/10/05 Lords: 1st reading • 01/11/05 Lords: 2nd reading • 09/11/05 Lords: Motion for approval • 24/11/05 Lords Grand Committee: 1st day • 10/01/06 Lords: Report Stage • 14/02/06 Lords: 3rd reading • 16/02/06 Royal Assent – Transport (Wales) Act 2006 	<p>Remitted to Assembly's Economic Development & Transport Committee on 21/06/05</p> <p>The Draft Transport (Wales) Bill was the subject of joint scrutiny with the Welsh Affairs Committee in 2004. The Clauses relating to the railways in Wales were subsequently removed in the Transport (Wales) Bill, following announcement of the UK Government's plans for reorganisation of the railways and publication of the Railways Bill (now the Railways Act 2005). As there were no further changes to the Bill following the general election, the Committee did not have anything to add to the original report laid before the Assembly on 20/09/04</p>
<p><i>Key clauses and further information</i></p> <p>The Bill will give the National Assembly for Wales specific powers and responsibilities in relation to transport.</p>		



Other Bills being considered by Assembly Committees

<i>Bill</i>	<i>Parliamentary Stage</i>	<i>Assembly Stage</i>
<p>Electoral Administration Bill (G)</p> <p>The measures included in the Bill are the establishment of Co-ordinated on-line record of electors (CORE) schemes, measures to combat electoral fraud, the conduct of elections and regulation of parties</p>	<ul style="list-style-type: none"> • 11/10/05 Commons: 1st reading • 25/10/05 Commons: 2nd reading & Programme motion • 08/11/05 Committee stage: 1st day • 15/11/05 Commons: Standing Committee B: 1st day • 17/11/05 Commons: Standing Committee B: 2nd day • 22/11/05 Commons: Standing Committee B: 3rd day • 11/01/06 Commons: Report Stage • 12/01/06 Lords: 1st reading • 13/02/06 Lords: 2nd reading • 28/02/06 Lords: Committee Stage • 16/03/06 Lords: Committee Stage 	<p>Local Government and Public Services discussing the Bill</p> <ul style="list-style-type: none"> • 13/10/05 Bill considered in LGPS Committee • 09/11/05 Bill considered in LGPS Committee • 17/11/05 Bill considered in LGPS Committee • 04/01/06 Report laid Before the Assembly • 11/01/06 Plenary Motion passed calling on the UK Government to bring forward the Committee's proposed amendments
<p><i>Key clauses and further information</i></p> <p>The Bill is a UK Bill as the Department for Constitutional Affairs (DCA) has responsibility for co-ordination on UK-wide election matters and UK-wide electoral law. Responsibility for the conduct of council elections, both at county and community level, rests with the Office of the Deputy Prime Minister (ODPM). The Assembly has limited powers with regard to timing of local elections.</p> <p>The Assembly's Local Government and Public Services Committee is conducting an inquiry into electoral arrangements for local government and Assembly elections in Wales. On this basis, it decided to scrutinise the <i>Electoral Administration Bill</i> with a view to contributing to debates at the Committee stages in Parliament. On 11 January 2006 a motion to call upon the UK Government to amend the <i>Electoral Administration Bill</i> (as recommended in the Committee Report) under Standing Order No. 33.9 was approved in Plenary. The Bill has currently completed its passage through the Commons and received its First Reading in the Lords on 12 January. Members of the LGPS Committee met with Welsh peers in the House of Lords to discuss its recommendations for amendments on 16 January 2006.</p>		

Other Bills Currently Before Parliament

Government Bills

- Armed Forces Bill (G)
- Childcare Bill (G)
- Civil Aviation Bill (G)
- Company Law Reform (HL) (G)
- Compensation (HL) Bill (G)
- Consumer Credit Bill (G)
- Council Tax (New Valuation Lists for England) Bill (G)
- Criminal Defence Service Bill [HL] (G)
- Crossrail (Hybrid Bill) (G)
- European Union Bill (G)
- European Union (Accessions) Bill (G)
- Fraud Bill [HL] (G)
- Identity Cards Bill (G)
- Immigration, Asylum and Nationality Bill (G)
- London Olympic Games and Paralympic Games Bill (G)
- Merchant Shipping (Pollution) Bill [HL] (G)
- National Insurance Contributions Bill (G)
- Northern Ireland (Offences) Bill (G)
- Police and Justice Bill (G)
- Terrorism Bill (G)
- Violent Crime Reduction Bill (G)
- Work and Families Bill (G)

Private Members' and Private Bills

The first six Private Members' Bills on the ballot are indicated separately below.

- Employment Tribunals (Representation And Assistance In Discrimination Proceedings) Bill (B1)
- Rights of Savers Bill (B2)
- Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill (B3)
- Climate Change and Sustainable Energy Bill (B4)
- Criminal Law (Amendment) (Protection of Property) Bill (B5)
- International Development (Reporting and Transparency) Bill (B6)

- Abandoned Inland Waterways (Protection) Bill
- Age of Sale of Tobacco Bill
- Assisted Dying for the Terminally Ill Bill
- Borough Freedom (Family Succession) Bill
- Breast Cancer Bill
- Breastfeeding etc. Bill
- British Subjects (Registration) Bill
- Bus Services Bill
- Care of Older and Incapacitated People (Human Rights) Bill
- Children's Food Bill
- Climate Change Bill
- Climate Change (Contraction and Convergence) Bill



- Computer Misuse Bill
- Constitutional Reform (Prerogative Powers and Civil Service etc.) Bill
- Crime Prevention and the Built Environment Bill
- Crown Employment Nationality Bill
- Dynamic Demand Appliances Bill
- Emergency Workers (Protection) Bill
- Employment (Advertisement Of Pay And Pension Rights) Bill
- Estate Agents (Independent Redress Scheme) Bill
- Estate Agents (Redress Schemes) Bill
- European Communities Act 1972 (Disapplication) Bill
- European Union (Implications of Withdrawal) Bill
- Family Law (Property and Maintenance) Bill
- Fishery Limits (United Kingdom) Bill
- Fireworks (Amendment) Bill
- Food Supplements (European Communities Act 1972 Disapplication) Bill
- Green Belt Reform Bill
- Harbours Bill
- HBOS Group Reorganisation Bill
- Humber Bridge Act Bill
- Income Tax (Earnings Exemption for Persons Living in Poverty) Bill
- Infrastructure Audit (Housing Development) Bill
- Interception of Communications (Admissibility of Evidence) Bill
- International Development (Anti-Corruption Audit) Bill
- Leicester City Council Bill
- Licensing Act 2003 (Amendment) Bill
- Liverpool City Council (Prohibition of Smoking in Places of Work) Bill
- Local Government and Planning (Parkland and Windfall Development) Bill
- Local Government Consultation Bill
- London Local Authorities Bill
- London Local Authorities and Transport for London Bill
- London Local Authorities (Prohibition of Smoking in Places of Work) Bill
- Management of Energy in Buildings Bill
- Motor Vehicles (Anti-Social Use) Bill
- Occasional Sales Bill
- Pardon for Soldiers of the Great War Bill
- Pharmaceutical Labelling (Warning of Cognitive Function Impairment) Bill
- Prison Reform (Mental Health) Bill
- Professional Football (Supporter Involvement) Bill
- Prohibition of Abortion (England and Wales) Bill
- Protection of Runaway and Missing Children Bill
- Regulation of Laser Eye Surgery Bill
- Representation of the People (Amendment) Bill
- Road Safety and Parking Bill
- Road Traffic Regulation (Location Filming) Bill
- Road Traffic Signs (Enforcement Cameras) Bill
- Sale of Green Belt Land Bill
- Telecommunications Masts (Planning Control) Bill
- Transport for London Bill
- Vehicle Registration Marks Bill
- Whitehaven Harbour Bill