

National Assembly for Wales
Bill Summary

The Queen's Speech 2015

June 2015

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Alys Thomas and Steve Boyce

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Queen's Speech 2015

Introduction

The 2015 Queen's Speech was delivered to Parliament on 27 May 2015, in the wake of the General Election held on the 7 May. It included details of the UK Government's intention to bring forward a range of Bills and during the 2015-16 Parliamentary Session.

This paper provides a short summary of the Bills and draft Bills contained in the 2015 Queen's Speech, along with details of the Bills carried over from the previous Session, with a particular emphasis on those proposals that affect Wales in devolved areas.

This paper is prepared for Assembly Members ahead of the plenary debate on the Queen's Speech, on **24 June 2015**.

1. Constitutional Bills

1.1. *Wales Bill*

The Wales Bill will enact the UK Government's proposals which were set out in its policy paper [*Powers for a Purpose: Towards a lasting devolution settlement for Wales*](#) in February 2015. These include some of the recommendations of the second report of the [Silk Commission](#) on devolution in Wales on new powers for Wales and a move to a **reserved powers model of devolution**. The Bill will also implement some of the recommendations of the Smith Commission on powers for Scotland that the UK Government believes are appropriate for Wales.

The main elements of the Bill are:

- A new reserved powers model for Welsh devolution including a list of policies that are reserved to the UK Parliament.
- Powers devolved to Welsh Ministers over consenting for energy developments in Wales up to 350 Megawatts for both onshore and offshore projects.
- Powers devolved to the Assembly over ports, taxi regulation, the registration of bus services, speed limits, and sewerage services in Wales.
- The devolution of licensing for onshore oil and gas exploration to Wales, enabling the Welsh Government and the National Assembly to decide whether exploration for shale oil and gas takes place in Wales.
- Powers transferred to the National Assembly over Assembly and local government elections in Wales, enabling the Assembly to decide whether 16 and 17 years olds should vote in those elections.
- Provisions to place the permanence of the National Assembly and the Welsh Government on a statutory footing and enshrine the legislative consent process in law.
- The Bill would devolve to the National Assembly control over its own affairs including what it should be called, its size and the electoral system used to elect its Members.
- The Bill would implement those non-fiscal Smith Commission proposals that are appropriate to be taken forward for Wales.

Provisions will extend to the UK but most would **apply to Wales only**.

1.2. European Union Referendum Bill

The purpose of the Bill is to **enable a referendum** to allow the electorate to have **an in-out vote on the UK's membership of the European Union (EU)** before the end of 2017

The **Bill was published** on 28 May 2015.

Clause 1 provides that a referendum is to be held on whether the United Kingdom should remain a member of the European Union. The Secretary of State must set a date for the referendum, which must be no later than 31 December 2017, through regulations subject to the affirmative resolution procedure.

The question that is to appear on the ballot papers is **"Should the United Kingdom remain a member of the European Union?"**

The Welsh version of the question is **"A ddylai 'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?"**

The electorate is:

- British, Irish and Commonwealth citizens over the age of 18 who are resident in the United Kingdom, and United Kingdom nationals resident overseas for less than 15 years, provided they appear on the register of Parliamentary electors.
- a peer, who is disqualified by common law from voting in Parliamentary elections, may vote in the referendum if, on the date of the referendum, he or she would be entitled to vote in a local government election (also applies to peers residing overseas for 15 years).
- Commonwealth citizens who, on the date of the referendum, would be entitled to vote in Gibraltar at a European Parliamentary election.

Foreign and constitutional policy are **reserved matters (UK wide)**.

The Bill received its **Second Reading** on the **9 June 2015**.

1.3. Scotland Bill

The UK Government has introduced a **Scotland Bill** which it states is to reflect the commitment to further devolved powers for Scotland made prior to the independence referendum in September 2014, and the recommendations of the Smith Commission Agreement in November 2014.

The Bill had its First Reading on 28 May 2015 the **Second Reading** occurred on **8 June 2015**.

The main elements of the Bill are:

New tax powers

- The Bill would enable the Scottish Parliament to set the thresholds and rates of income tax on earnings in Scotland and keep all the money raised in Scotland. The Bill would provide the Scottish Parliament with the first ten percentage points of standard rate VAT revenue raised in Scotland (and 2.5% reduced rate).
- The Bill would also devolve responsibility for Air Passenger Duty and the Aggregates Levy to the Scottish Parliament.
- Additional borrowing powers will also be agreed between the UK and Scottish Governments as part of a new fiscal framework for Scotland.

New welfare powers

- The Scottish Parliament would get around £2.5 billion worth of new welfare powers.
- The Bill would allow the Scottish Government to vary the frequency of Universal Credit payments in Scotland.
- The Bill would give the Scottish Parliament the power to set the rules over a range of benefits which affect carers, disabled people, the elderly and to control programmes which help people find work.

Fiscal framework

- To implement the Smith Commission, a new fiscal framework for Scotland will be negotiated alongside the Bill. This should ensure Scotland enjoys the benefits of economic decision-making closer to home within a strong and secure UK system and shared UK currency.
- The Barnett formula would be retained but would account for a smaller share of the Scottish Parliament's revenues because more than half of it would now be raised by tax decisions made at Holyrood.

The Bill would **apply in Scotland**.

1.4. Northern Ireland (Stormont House Agreement) Bill

The Bill will give effect to the **Stormont House Agreement in Northern Ireland**, including establishing a Historical Investigations Unit, and an Oral History Archive. An additional body in the Bill, the Independent Commission for Information Retrieval would be established by an international agreement between the UK and Irish Governments.

The main elements of the Bill are:

Historical Investigations Unit

- The Bill would create a new independent body, the Historical Investigations Unit (HIU), responsible for taking forward outstanding investigations into unsolved Troubles-related deaths, whether involving criminal activity or allegations of police misconduct. The HIU would also reinvestigate Troubles-related deaths identified by the 2013 report by Her Majesty's Inspectorate of Constabulary as needing investigation.
- The Bill would put in place a dedicated family support staff to provide the next of kin with support and expert advice throughout the process.
- The Bill would commit the UK Government to full disclosure of relevant material to the HIU for the purpose of its investigations.
- The Bill would provide for equivalent measures to those that currently apply to existing bodies so as to prevent any damaging onward disclosure of information by the HIU, in order to ensure that no individuals are put at risk and that the Government's duty to keep people safe and secure is upheld.
- Independent Commission for Information Retrieval
- The Bill would enable a new independent cross-border body, the Independent Commission for Information Retrieval (ICIR), which would be established by an international agreement between the UK and Irish Governments.
- The Bill would enable victims and survivors to seek and privately receive, through the ICIR, information about the Troubles-related deaths of next of kin.
- The Bill would ensure that information provided to the ICIR would not be admissible in court proceedings.

Oral History Archive

- The Bill would create a new independent Oral History Archive as a central place for individuals from throughout the UK and Ireland to share experiences and narratives related to the Troubles.
- The Bill would contain provision for the production of a factual historical timeline and statistical analysis of the Troubles, led by academics.

The Bill would extend to the UK. The legislation would apply primarily in Northern Ireland and be primarily operative in Northern Ireland, but some provisions – such as inadmissibility of information provided to the ICIR, and provisions relating to the HIU's investigation of historic deaths – would apply across the UK. The UK Government states that it will engage with the devolved administration as needed on these issues. In addition, a Legislative Consent Motion would be required in respect of areas of devolved competence.

1.5. Cities and Local Government Devolution Bill

The Queen's Speech stated that "Legislation will be introduced to provide for the **devolution of powers to cities with elected metro mayors**, helping to build a Northern Powerhouse."

Together with existing powers under the *Localism Act 2011*, the Bill would also enable the UK Government to empower towns and counties, building on the programme of Growth Deals which the UK Government implemented in the last Parliament.

The provisions in the Bill would be generic (to be applied by order to specified combined authorities and their areas) and would enable:

- An elected mayor for the combined authority's area who would exercise specified functions and chair the authority.
- The mayor to undertake the functions of Police and Crime Commissioner (PCC) for the area.
- Where a mayor is to have PCC functions, allow the current PCC term of office to be extended until the mayor is in place.
- Remove the current statutory limitation on its functions (currently these are limited to those on economic development, regeneration, and transport).
- Enable local authority governance to be streamlined as agreed by councils.

The main provisions apply **only to England**.

1.6. Votes for Life Bill

The purpose of the Bill is to scrap the current 15 year time limit on the voting rights of British citizens living overseas for UK parliamentary and European parliamentary elections, including provisions relating to the registration of overseas electors.

The main elements of the Bill are:

- The Bill would enable British citizens who are resident overseas to continue to vote in UK elections after 15 years since they were last resident and registered in the UK.
- The Bill would provide for the secure and accessible registration of overseas electors.
- The Bill would contain provisions to make it easier for overseas electors to vote in time to be counted.

The franchise and electoral registration for UK Parliamentary and European Parliamentary elections are a reserved matter (UK wide).

1.7. Proposals for a British Bill of Rights

Expectations that the Queen's Speech would contain a Bill to **repeal the Human Rights Act** and replace it with a British Bill of Rights were not realised. Instead it stated the "the UK Government will bring forward proposals" for a Bill of Rights to replace the Human Rights Act. Such a Bill could be included in a Queen's Speech later in the Parliament.

1.8. English Votes for English Laws

The Queen's Speech stated

My Government will bring forward changes to the Standing Orders of the House of Commons. These changes will create fairer procedures to ensure that decisions affecting England, or England and Wales, can be taken only with the consent of the majority of Members of Parliament representing constituencies in those parts of our United Kingdom.

This is a commitment to implement [proposals](#) outlined by the Conservatives before the election:

- **Second Reading** would be taken as normal by all MPs.
- The Committee stages of English or English and Welsh only bills would be taken **in Committee only by MPs from those countries**, in proportion to their party representation in the House of Commons. This procedure would also apply to the English or English and Welsh parts of bills that contained both English or English and Welsh only clauses, and UK wide clauses.
- **Report Stage** would be taken as normal by **all MPs**. An English (and Welsh) **Grand Committee** would then vote after Report stage but prior to Third Reading, on a **Legislative Consent Motion**. English or English and Welsh MPs would therefore be able to grant their consent or veto a bill, or relevant parts of it. Such decisions would have the same status as those of the Scottish Parliament on devolved matters.
- A bill could not pass to **Third Reading** without passing the legislative consent vote. Third Reading would be taken as normal by all MPs, but only if the legislative consent motion was passed.
- The **English (and Welsh) Grand Committee** could have other functions, including determining the distribution of expenditure within England and Wales, such as local government finance or police grants, and it could also have additional questions to Ministers in departments with England only functions.
- The principle of requiring consent from an English Grand Committee could be applied to levels of taxation and welfare benefits where the equivalent rates have been devolved

Standing Orders of the House of Commons can be amended, suspended or revoked by a **single simple majority vote of the House of Commons only**.

2. Other Bills

2.1. Bank of England Bill

Under the last government, the Chancellor of the Exchequer increased the powers of the Bank of England and appointed Mark Carney as the first non-British governor. This Bill will be designed to make the Bank more open and accountable and to bring together more closely its **responsibilities for monetary policy, oversight of the financial system and regulation.**

The Bill will implement the recommendations of [last year's review](#) by former US central banker Kevin Warsh of how monetary policy is conducted. He proposed the scrapping of the two-week gap between an interest rate decision and the publication of minutes from the meeting, which will be more detailed.

The number of monetary policy meetings will be cut from 12 a year to eight, in line with practice at the US Federal Reserve. Half of the meetings will be held jointly with the Bank's financial policy committee, which oversees financial stability.

The Bank has also proposed reform of its governing court to make it function like a public company's board to oversee the Bank.

The main elements of the Bill are to be announced by the Government in due course.

The Bill's provisions would apply to the **whole of the UK.**

2.2. High Speed Rail (London - West Midlands) Bill

The Bill will provide the UK Government with the legal powers to construct and operate phase 1 of the High Speed 2 (HS2) railway. On becoming an Act, it would give the UK Government deemed planning permission for the railway between London and the West Midlands.

The main elements of the Bill give the UK Government **powers to compulsorily acquire or temporarily take possession of land required** for the scheme, and construct and operate the railway.

The Bill would apply to the UK, but **concerns the HS2 route in England.**

2.3. Enterprise Bill

The UK Government states that the purpose of the Bill is to encourage business by cutting red tape and making it easier for small businesses to resolve disputes quickly and easily.

The main elements of the Bill are:

Deregulation

- Extending the Government's ambitious target for cutting red tape to cover the activities of more regulators to enable them to contribute to the deregulation target.
- Require regulators to be more transparent by reporting against their compliance with existing statutory better regulation requirements.
- Extension of the Primary Authority scheme to streamline regulation around the country.

Small Business Conciliation service

Establishing the Small Business Conciliation Service that will handle business-to-business disputes without the need for court action, tackling in particular late payment issues.

Public Sector Redundancy Pay

Introducing a cap on exit payments made to public sector workers to end six figure payoffs for the best paid public sector workers.

Business rates

- Introduction of business rates appeals reform, including modifying the
- Valuation Tribunal powers to consider ratepayer appeals.
- Allow the Valuation Office Agency to share information with local government to improve the system for both local government and ratepayers.

The Bill's provisions extend to England, Wales, Scotland and Northern Ireland. The Government states that where the Bill deals with matters that are devolved it will engage with the Devolved Administrations as necessary.

2.4. National Insurance Contributions and Finance Bill

The Queen's Speech stated: "Legislation will be brought forward to ensure...there are no rises in income tax rates, value-added tax or National Insurance for the next five years."

The purpose of the legislation is to:

- Ensure there are no rises in income tax rates, VAT rates or National Insurance contributions (NICs) rates for individuals, employees and employers.
- Ensure that the NICs upper earnings limit (the point at which the Employee NICs rate reduces to 2%) is no higher than the income tax higher rate threshold (the point at which income tax increases to 40%).
- Ensure there will be no extension of the scope of VAT.

The legislation's provisions will extend to England, **Wales, Scotland and Northern Ireland**.

2.5. Immigration Bill

The UK Government's aim in introducing the Bill is to control immigration.

The main elements of the clauses are:

- The Bill will introduce an offence of illegal working. It will allow the wages paid to illegal migrants to be seized as proceeds of crime.
- The UK Government intends to create a new single enforcement agency that will deal with the worst cases of exploitation. The Bill will also make it illegal for employment agencies to recruit solely from abroad without advertising those jobs in Britain and in English.
- A consultation will be carried out on funding apprenticeship schemes for British and EU workers by implementing a new visa levy on businesses that use foreign labour.
- A clearer bar on access to services by illegal migrants, including measures to make it easier to evict illegal migrants and ensuring banks take action against existing current accounts held by illegal immigrants.
- Extending the principle of "deport first, appeal later" from criminal cases only to all immigration cases. This will remove migrants' in-country right of appeal against the refusal of a human rights claim, except in cases where it will cause serious harm.
- Requiring all foreign offenders released on bail to be tagged to prevent absconding and increase the number of criminals deported.

The Bill will apply to the **whole of the UK**. Immigration is a reserved matter.

2.6. Extremism Bill

The UK Government's intentions are to strengthen government and law enforcement powers to **combat extremism**.

The main elements of the Bill are:

- **Banning Orders:** a new power for the Home Secretary to ban extremist groups.
- **Extremism Disruption Orders:** a new power for law enforcement to stop individuals engaging in extremist behaviour.
- **Closure Orders:** a new power for law enforcement and local authorities to close down premises used to support extremism.

The UK Government also intends to take other measures to combat extremism:

- **Broadcasting:** strengthening Ofcom's roles so that tough measures can be taken against channels that broadcast extremist content.
- **Employment checks:** enabling employers to check whether an individual is an extremist and bar them from working with children.

The Bill will cover **both devolved and reserved matters**.

2.7. Policing and Criminal Justice Bill

The Bill will introduce a number of **reforms to the criminal justice system**.

The main elements of the Bill are:

Pre Charge Bail

- To create a presumption that suspects will be released without bail unless it is necessary.
- The Bill would initially limit pre-charge bail to 28 days, with an extension of up to three months, authorised by a senior police officer with extension beyond three months only in exceptional circumstances and with the approval of a magistrate.
- This would introduce judicial oversight of the pre-charge bail process for the first time.

PACE¹ treatment of 17 Year Olds

- The Bill would ensure 17 years olds who are detained in police custody are treated as children for all purposes under PACE.

Mental Health and Policing

The Bill would take forward the policing powers elements of the Review of the use of sections 135 and 136 of the *Mental Health Act 1983*, including:

- Prohibiting the use of police cells as places of safety for those under 18 years of age and further reducing their use in the case of adults;
- Reducing the current 72 hour maximum period of detention; and
- Extending the power to detain under section 136 to any place other than a private residence.

HM Inspectorate of Constabulary (HMIC) Powers

The Bill would include changes to HMIC's powers that will strengthen its independence and extend its remit to better allow it to comment on the efficiency and effectiveness of policing as a whole.

¹ *Police and Criminal Evidence Act 1984*

The powers will:

- Extend HMIC's remit to contractors and to Police and Crime Commissioner staff who are supporting the police and delivering policing functions;
- Give HMIC powers to acquire information from third parties;
- Require PCCs to copy their responses to HMIC reports to HMIC;
- Give powers to the Chief Inspector to commission inspections that have not been included in HMIC's published programme; and to
- Enable the Chief Inspector to appoint Assistant Inspectors of Constabulary.

Police Integrity

The reforms would ensure police corruption and misconduct is brought to light and that officers are held to account for their behaviour in a manner that is fair and transparent for the public. Including:

- Changes to the Police disciplinary system
- Changes to the Police complaints system
- Amending primary legislation to apply the Freedom of Information (FOI) Act to the Police Federation.
- Enshrining the Police Federation's Core Purpose (which reflects the need for it to act in the public interest) in legislation.

Child Protection

- Subject to the outcome of a public consultation, introduce improved protection for children, either through amending current duties, introducing a criminal offence of 'wilful neglect' or introducing a mandatory reporting scheme.
- Close a legal loophole so that live-streaming of child sexual abuse online can be punished in the same way as recorded images – meaning offenders will face up to 14 years in prison.

Criminal Justice Reform

The UK Government intends to consider what changes might be needed and will bring forward more detailed proposals in due course.

The Bill will cover both devolved and reserved matters.

2.8. Armed forces Bill

The main elements of the Bill are:

- To continue in force the *Armed Forces Act 2006* that otherwise will expire in November 2016.
- The simplification of some complex processes around the way Service personnel are charged for offences.

The Bill's substantive provisions would apply to the whole of the UK and will provide for its extent outside the UK to any of the Channel Islands, to the Isle of Man and to any British Overseas Territories by Order in Council.

2.9. Charities (Protection and Social Investment) Bill

The *Charities (Protection and Social Investment) Bill* was introduced in the House of Lords on 28 May 2015. It has its second reading on 10 June 2015.

The Bill would protect charities from people who present a risk of abuse, and give the Charity Commission for England and Wales new and tougher powers to tackle serious abuse of charities. The Bill would also give charities a new legal power to invest their funds in a way that provides a financial return and furthers the charity's aims.

The main elements of the Bill are:

- The Bill would extend the criteria for automatic disqualification from charity trusteeship, and would extend disqualification to senior management positions to better protect charities from the risk of abuse.
- The Bill would strengthen the powers of the Charity Commission, enabling it to:
 - Direct that a charity be closed down after an inquiry;
 - Issue official warnings to charities;
 - Disqualify a person who is unfit to serve as a charity trustee in certain circumstances;
 - Address some gaps and weaknesses in the Charity Commission's existing powers.

The Bill would **extend to England and Wales**. Charity law and regulation is a devolved matter in Scotland and Northern Ireland.

2.10. European Union (Finance) Bill

The purpose of the Bill is to give **UK approval to the financing aspect of the seven year EU Budget deal, agreed in 2013**. It would bring into force the European Union legislation known as Own Resources Decision (ORD) which will make operative the financing arrangements for the seven year EU Budget deal covering 2014-2020, as agreed in 2013.

The Bill would approve the unanimous decision of the European Council on the system by which Member States finance the annual EU Budget over the seven year period covering 2014-2020.

The Bill's provisions extend to the **whole of the UK**.

2.11. Full Employment and Welfare Benefits Bill

The Bill aims to deliver the UK Government's **commitment to freeze the main rates of a number of working-age benefits, tax credits and Child Benefit, and to reduce the level of the benefit cap.**

The main elements of the Bill are:

Working-age benefit freeze

- The new legislation would freeze the main rates of the majority of working age benefits, tax credits and Child Benefit for two years from 2016-17.
- Pensioners would be protected, as would benefits relating to the additional costs of disability.
- Statutory payments, such as Statutory Maternity, Paternity, and Adoption Pay would also be exempted.

Lowering the benefit cap

- The new legislation would lower the benefit cap so that the total amount of benefits a non-working family can receive in a year would be £23,000.
- A cap at £23,000 is equivalent to gross family earnings of up to £29,000.
- Households are exempt where someone is entitled to Working Tax Credit or is in receipt of benefits relating to additional costs of disability, or War Widow's and Widower's Pension.

Statutory duties to report on progress

The Bill includes statutory duties to report on:

- **Full employment:** The Bill includes a statutory duty to report on progress towards the UK Government's objective of achieving the highest employment rate in the G7.
- **Apprenticeships:** The Bill includes a duty to report annually on progress against meeting the UK Government's target of 3 million new apprenticeships.
- **Troubled Families Programme:** The Bill includes a duty to report annually on progress of the Troubled Families programme.

In addition, the UK Government intends to:

- Put in place a new Youth Allowance for 18-21 year olds with stronger work related conditionality from Day 1. After 6 months they will be required to go on an apprenticeship, training or community work placement;
- Remove automatic entitlement to housing support for 18-21 year olds;

- Provide Jobcentre Plus adviser support in schools across England to supplement careers advice and provide routes into work experience and apprenticeships.

Territorial application

For the benefit freeze and the benefit cap:

The Bill's provisions would apply to **England, Scotland and Wales with Northern Ireland expected to make mirroring arrangements.**

For the statutory duties to report:

- The duty will apply to the Secretary of State for Work and Pensions. The UK Government will work with the devolved administrations to consider how it interacts with their responsibilities.
- The duty to report on apprenticeships would apply to England only.
- The duty to report annually on the progress of the Troubled Families programme would apply to England only.

2.12. Trade Unions Bill

The Queen's Speech stated: "My Government will bring forward legislation to **reform trade unions and to protect essential public services against strikes.**"

The main elements of the Bill are:

Trade Union reform

- Introduction of a 50 per cent voting threshold for union ballots turnouts (and retain the requirement for there to be a simple majority of votes in favour).
- In addition to the 50 per cent minimum voting turnout threshold, introduction of a requirement that 40 per cent of those entitled to vote must vote in favour of industrial action in certain essential public services (health, education, fire, transport).
- Tackling intimidation of non-striking workers during a strike.
- Introduction of a transparent opt-in process for the political fund element of trade unions subscriptions. This will reflect the existing practice in Northern Ireland.
- Introduction of time limits on a mandate following a ballot for industrial action.
- Making changes to the role of the Certification Officer.

Territorial extent:

The Bill's provisions extend to **England, Wales, Scotland and Northern Ireland**. Where the Bill deals with matters that are devolved the UK Government states that it will engage with the devolved administrations as necessary.

2.13. Energy Bill

The Queen's Speech stated: "Measures will be introduced to **increase energy security**."

The main elements of the Bill are:

To establish the Oil and Gas Authority (OGA)

- The Bill would formally establish the OGA as an independent regulator, which would take the form of a government company, charged with the asset stewardship and regulation of domestic oil and gas recovery.
- The Bill would transfer the Secretary of State for Energy and Climate Change's existing regulatory powers to the OGA. The Secretary of State's regulatory functions in relation to the environment would not be transferred.
- The Bill would give the OGA additional powers including access to company meetings; data acquisition, retention and transfer; dispute resolution and sanctions.
- The Bill would increase the scope of fees and charges to target the costs of the OGA more closely to those who directly benefit from its services and functions.

Fee Schemes for Environmental Regulation of Offshore Oil and Gas

The Bill would introduce provisions in relation to charges for the regulator's services to the industry.

Onshore Wind

- The Bill would make legislative changes to remove the need for the Secretary of State's consent for any large onshore wind farms (over 50MW).
- This, in effect, would devolve powers out of Whitehall by transferring the existing consenting powers, in relation to onshore wind, to local planning authorities.
- This will mean that in future the primary decision maker for onshore wind consents in England and Wales will be the local planning authority. These changes will be supported by changes to the national planning policy framework to give effect to the manifesto commitment that local communities should have the final say on planning applications for wind farms.

- These changes would not impact on the planning regime in Scotland and Northern Ireland.
- The commitment to end new subsidy for onshore wind farms will be delivered separately, and DECC will be announcing measures to deliver this soon.

Territorial extent

Wood Review Implementation

The substantive provisions would extend to England and Wales, Scotland and Northern Ireland. For the purposes of implementing the Wood Review, they will apply to the UK's territorial waters and the UKCS. The provisions will respect the relevant devolution settlements.

The intention is that the licensing of onshore exploration and extraction of oil and gas will be devolved in respect of Scotland and Wales.

Fee Schemes for Environmental Regulation of Offshore Oil and Gas

Offshore oil and gas matters are reserved. The proposals apply to all of the UK's territorial waters and to the United Kingdom Continental Shelf.

Onshore Wind

These changes would not apply in Scotland or Northern Ireland. These changes would apply to England. **The UK Government is considering how this will apply to Wales in the context of the St David's Day process.**

Changes proposed by the Silk Commission would mean that Wales will in future have the power to decide how they wish to manage planning applications for onshore wind up to 350MW.

The UK Government will consult with the devolved administrations on changes to subsidy regimes for onshore wind farms.

2.14. Investigatory Powers Bill

The Queen's Speech stated: "New legislation will **modernise the law on communications data.**"

The aims of the Bill include strengthening the ability of law enforcement and intelligence agencies to build intelligence and evidence where subjects of interest, suspects and vulnerable people have communicated online, and to target the online communications of terrorists. The Bill also aims to provide for appropriate oversight arrangements and safeguards.

The main elements of the clauses are:

- The legislation covers all investigatory powers including communications data, where the Government has long maintained that the gap in capabilities are putting lives at risk.
- The legislation will enable the continuation of the targeting of terrorist communications and other capabilities.

Territorial extent:

National security and interception powers are matters **reserved to the UK Parliament.**

2.15. Psychoactive Substances Bill

The Queen's Speech stated: "New legislation will... **ban the new generation of psychoactive drugs.**"

The main elements of the Bill are:

- The Bill would make it an offence to produce, supply, offer to supply, possess with intent to supply, import or export psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect. The maximum sentence would be seven years' imprisonment.
- Substances, such as alcohol, tobacco, caffeine, food and medical products, would be excluded from the scope of the offence, as would controlled drugs, which would continue to be regulated by the *Misuse of Drugs Act 1971*.
- As recommended last year by the NPS Expert Panel, the Bill would focus on the supply of NPS and so would not include a personal possession offence.
- Specific substances will continue to be controlled under the existing *Misuse of Drugs Act* legislation (including possession) where they can be identified and their harms can be adequately assessed by the ACMD.
- This legislation is supported by the devolved administrations and the Scottish government and the National Assembly for Wales have published their own reports calling for a blanket ban
- The Bill would include provision for civil sanctions – prohibition notices and prohibition orders (breach of the latter would be a criminal offence) – to enable the police and local authorities to adopt a proportionate response to the supply of NPS in appropriate cases.
- The Bill would also provide powers to seize and destroy NPS and powers to search persons, premises and vehicles, as well as to enter premises by warrant if necessary.

The Bill would extend to **the whole of the UK.**

3. Bills not applicable in Wales

The following Bills make provisions in policy areas that are devolved and would not therefore have application in Wales.

- Childcare Bill

- Housing Bill

The UK Government's notes to the Queen's Speech state that:

The legislation will cover England and Wales – but will initially be applied only to England. Any application to Wales will be a decision for the Welsh Government. The provisions relating to planning will apply only to England.

- Education and Adoption Bill

- Buses Bill

- Draft Public Service Ombudsman Bill



