

National Assembly for Wales
Research paper

The Queen's Speech 2013 and the draft Wales Bill

May 2013

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Research paper

The Queen's Speech 2013 and the draft Wales Bill

May 2013

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This paper provides a short summary of all the Bills and draft Bills contained in the 2013 Queen's Speech, along with details of the Bills carried over from the previous Session and existing draft Bills of interest, with a particular emphasis on those proposals that affect Wales in devolved areas. Separate background information and a detailed summary of the anticipated draft Wales Bill is also included.

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Summary

The 2013 Queen's Speech was delivered to Parliament on 8 May 2013. It included details of the UK Government's intention to bring forward 18 Bills and two draft Bills during the 2013-14 Parliamentary Session. One of these is a *draft Wales Bill* which aims to amend the length of Assembly terms from four to five years and make changes to some of the rules relating to the election of Assembly Members.

This paper provides a short summary of all the Bills and draft Bills contained in the 2013 Queen's Speech, along with details of the Bills carried over from the previous Session and existing draft Bills of interest, with a particular emphasis on those proposals that affect Wales in devolved areas. Separate background information and a detailed summary of the anticipated *draft Wales Bill* is also included.

This paper is prepared for Assembly Members ahead of the appearance in plenary of the Secretary of State for Wales, the Rt. Hon David Jones MP, on 22 May 2013.

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The Queen's Speech 2013 and the draft Wales Bill

1. Introduction

The 2013 Queen's Speech was delivered to Parliament on **8 May 2013**.¹ The Speech outlines the UK Government's intention to introduce **18 Bills** and a further **two draft Bills** during the 2013-14 Parliamentary Session. These Bills are in addition to **four Bills which were subject to carry-over motions** in the previous 2012-13 Session. The 2013-14 Session is the penultimate Session of the current Parliament, ahead of the next UK General Election on 7 May 2015.

The UK Government's legislative programme also includes a commitment to publish a *draft Wales Bill* during the current Session which aims to amend the length of Assembly terms from four to five years and make changes to some of the rules relating to the election of Assembly Members.

This paper provides a short summary of all the Bills and draft Bills contained in the 2013 Queen's Speech, along with details of the Bills carried over from the previous Session and existing draft Bills of interest, with a particular emphasis on those proposals that affect Wales in devolved areas. Separate background information and a detailed summary of the anticipated *draft Wales Bill* is also included.

¹ GOV.UK, [Oral statement to Parliament: The Queen's Speech 2013](#), 8 May 2013 [accessed 8 May 2013]

2. Draft Wales Bill

The Queen's Speech states that 'Draft legislation will be published concerning the electoral arrangements for the National Assembly for Wales'.² The draft Bill will include provisions relating to:

- moving the Assembly **from four to five year fixed terms** to reduce the likelihood of Assembly elections coinciding with parliamentary elections;
- **overturning the ban on dual candidacy** to allow candidates in Assembly elections to stand in both constituency seats and on a regional list; and
- **preventing 'double-jobbing'**, by prohibiting Assembly Members from also being MPs.

Draft Bills in Westminster are published by the sponsoring department (in this case the Wales Office) and may on occasion be subject to pre-legislative scrutiny by a House of Commons Select Committee or a Joint Committee of both the House of Commons and House of Lords. For example, the *draft Northern Ireland (Miscellaneous Provisions) Bill* was subject to pre-legislative scrutiny by the House of Commons' Northern Ireland Affairs Committee between **February and March 2013**.³

2.1. Background to the draft Bill

The announcement of a forthcoming *draft Wales Bill* follows a written statement issued on **12 March 2013** by the Secretary of State for Wales, the Rt. Hon David Jones MP. The statement indicated that the Secretary of State was in favour of taking forward proposals that related to the length of Assembly terms, dual candidacy and multiple mandates:

First, **we will move the Assembly from four to five-year fixed terms**. The term of the current Assembly is, exceptionally, five years, but the Assembly is set to revert to four-year terms after the next Assembly elections in 2016. A permanent move to five-year terms would make a co-incidence between parliamentary and Assembly elections in 2020 (and every twenty years thereafter) less likely.

Second, **we will end the prohibition on candidates at Assembly elections standing in both a constituency and a region at the same time**. The Government believes that, in principle, candidates should not be barred from standing in a constituency and a region, and the current prohibition impacts disproportionately on smaller parties.

² GOV.UK, [Oral statement to Parliament: The Queen's Speech 2013](#), 8 May 2013 [accessed 8 May 2013]

³ UK Parliament, House of Commons Northern Ireland Select Committee, [Draft Northern Ireland Bill](#), March 2013 [accessed 8 May 2013]

Third, **we will prohibit Assembly Members from simultaneously sitting as Members of the House of Commons**. The Government does not believe that one person can adequately serve two sets of constituents. **This prohibition would not apply to members of the House of Lords** [*Research Service emphasis*].⁴

With regard to lifting the ban on dual candidacy, the Secretary of State was reported as providing additional reasons for the UK Government's position on the issue:

The changes made in 2006 were really partisan changes that were put in place to favour the Labour party. That is what we are rectifying now. We're rectifying it to reintroduce the system that existed back in 1999, which I think most parties apart from the Labour party thought was fair and which importantly, respected political commentators thought was fair.⁵

In relation to multiple mandates, the Secretary of State was also reported as saying that if an AM or an MP won an election to the other institution they would be able to serve in both for 'probably' up to one year, adding that:

If it were a relatively short period we would expect [there] would be a transitional period allowed so one person could leave one institution and go to the other ... We certainly don't want to stop anyone moving from one institution to the other but we don't think it's right that somebody should be elected with a view to sitting continuously in both bodies.⁶

Further information about, and reactions to, the Secretary of State's March 2013 announcement is available in the [Research Service Paper: Proposed changes to the Assembly's electoral arrangements](#).

2.2. Green Paper on future electoral arrangements for the Assembly

The need for a Bill in this area was first identified in response to plans to reduce the number of Welsh MPs from 40 to 30 by the time of the next UK General Election and the fixing of parliamentary terms in the House of Commons to five years. On **21 May 2012**, the then Secretary of State for Wales, the Rt. Hon Cheryl Gillan MP, launched a 12 week [Green Paper consultation on future electoral arrangements for the Assembly](#). According to the accompanying press notice, the Green Paper:

sets out the Government's options and proposals for changes to the make-up of the Assembly, including the number of Assembly constituencies, the length of Assembly terms, whether candidates can stand at the same election in an Assembly constituency and a region and whether Assembly Members should be able to sit simultaneously in the Westminster Parliament.⁷

⁴ [HC Deb 12 March 2013 c8WS](#)

⁵ BBC News, [Betsan's Blog: Answering the Clwyd West Question](#), 12 March 2012 [accessed 9 May 2013]

⁶ Wales Online, [Ban lifted on AMs standing for both constituency and regional seat](#), 12 March 2013 accessed 9 May 2013]

⁷ Wales Office, [A Green Paper on future electoral arrangement for the National Assembly for Wales](#), May 2012, page 8 [accessed 9 May 2013]

The Green Paper in particular requested views on proposals relating to: changing Assembly constituencies; the length of Assembly terms; dual candidacy; and multiple mandates.

Due to the postponement of the planned review and reduction of parliamentary constituencies, however, the Secretary of State confirmed that the UK Government will not proceed with proposed changes to Assembly constituencies:

As a result of the Electoral Registration and Administration Act 2013, the four UK Boundary Commissions will now report in 2018 on their recommendations for new parliamentary constituencies. The boundaries of parliamentary and Assembly constituencies will remain the same until then, and there is no longer an immediate need to re-establish the link between the two sets of constituencies. **The Government does not therefore intend to proceed with the changes to Assembly constituencies proposed in the Green Paper** [*RS emphasis*].⁸

Although the UK Government has recently established a Commission on Devolution in Wales ('the Silk Commission')⁹ to review the financial and constitutional arrangements in Wales, the Green Paper stated that issues relating to the election of AMs would not form part of the Commission's remit¹⁰ and that they would need to be dealt with separately.

In addition, **Assembly elections are a reserved matter** as they are not within the scope of the Assembly's legislative powers under Schedule 7 to the *Government of Wales Act 2006*.¹¹

2.3. Reactions to the Green Paper

In response to the Green Paper's publication, the First Minister criticised the proposals relating to changing the Assembly's constituencies, stating that:

There is no mandate for this. The electoral system for the assembly is a matter for the people of Wales and no one else. The Prime Minister has assured me that there would be no change to future electoral arrangements without the agreement of the Assembly.¹²

These views were reiterated subsequently in the Welsh Government's submission to the second part of the Silk Commission relating to the Assembly's powers. Its evidence paper stated that 'changes to the Assembly's electoral arrangements should only be made with the Assembly's consent and supported by a clear mandate from a UK General Election'.¹³ It added in its response that:

⁸ *HC Deb 12 March 2013 c8WS*

⁹ Further information about the Silk Commission is available in the research paper *The Silk Commission* published by the Research Service in November 2011.

¹⁰ Wales Office, *A Green Paper on future electoral arrangement for the National Assembly for Wales*, May 2012 [accessed 9 May 2013]

¹¹ *Government of Wales Act 2006* (Chapter 32) [accessed 9 May 2013]

¹² BBC News, *Welsh Assembly voting: Cheryl Gillan proposes new seats for 2016 election*, 21 May 2012 [accessed 9 May 2013]

¹³ Welsh Government, *Evidence submitted by the Welsh Government to the Commission on Devolution in Wales*, 18 February 2013 [accessed 9 May 2013]

So far as Elections are concerned, Westminster should be responsible for legislation on elections to the House of Commons and to the European Parliament. But, as the Welsh Government has argued in its response to the Wales Office consultation paper on future electoral arrangements for the National Assembly, there should be no Reservation to the UK Parliament of powers in respect of elections to the Assembly, or to Welsh local authorities (save that the Exceptions to the Assembly's existing legislative powers, in respect of the local government franchise and electoral registration, should be confirmed as matters Reserved). **So the Assembly should have a general power to legislate on Welsh elections (including the administration of elections, terms of office for local councillors, and voting systems) subject to those Reservations, and possibly with a special procedure, such as a special majority, being required if it chooses to legislate on Assembly elections** [*RS emphasis*].¹⁴

The First Minister was, however, less critical of other proposals included in the Green Paper, which will now be carried forward in the *draft Wales Bill*. The First Minister stated in a plenary debate on the Green Paper in the Assembly on **12 June 2012** that:

I do not want to be wholly negative about the Green Paper. I welcome, for example, the consultation on whether the Assembly should have five-year terms. It is a widely held view in the Chamber that clashes with UK general elections are to be avoided.¹⁵

The Green Paper was also debated in Grand Committee in the House of Lords on **18 June 2012**¹⁶ and in Westminster Hall in the House of Commons on **3 July 2012**.¹⁷

The Wales Office's consultation on the Green Paper closed on **13 August 2012**. A total of 68 responses were received and a summary was published by the Wales Office in **November 2012**.¹⁸ Responses were received to the consultation from, amongst others, the Welsh Government, all four Assembly party groups, a separate submission from the Welsh Conservatives, three MPs¹⁹ representing Welsh constituencies and 11 Assembly Members.²⁰

¹⁴ Welsh Government, *Evidence submitted by the Welsh Government to the Commission on Devolution in Wales*, 18 February 2013 [accessed 9 May 2013]

¹⁵ National Assembly for Wales, *RoP: Plenary*, 12 June 2012 [accessed 9 May 2013]

¹⁶ [HL Deb 18 June 2012 cGC125](#)

¹⁷ [HC Deb 3 July 2012 c187WH](#)

¹⁸ Wales Office, *A Green Paper on future electoral arrangements for the National Assembly for Wales: A summary of responses*, November 2012 [accessed 9 May 2013]

¹⁹ Guto Bebb, Madeline Moon and Peter Hain

²⁰ Christine Chapman, David Rees, Janice Gregory, Julie James, Julie Morgan, Ken Skates, Leighton Andrews, Lesley Griffiths, Mark Isherwood, Mike Hedges, Jeff Cuthbert

3. Bills and draft Bills to be introduced in the 2013-14 Session

Along with the *draft Wales Bill*, the Queen's Speech included a further **18 Bills and a draft Bill** that the UK Government intends to introduce over the course of the 2013-14 Session. These are summarised in turn below, with the Bills that are likely to be of most relevance to Wales and the Assembly listed first:

3.1. *Water Bill*

The Bill aims to make the water sector more resilient in the face of natural hazards such as droughts or floods and increase customer choice. In particular the Bill will contain provisions to:

- reform the water sector by increasing choice in the retail market by allowing all businesses, charity and public sector customers to switch their water or sewerage supplier.
- consolidate three licensing schemes (abstraction and impounding licensing, fish passage approvals and flood defence consents) into the Environmental Permitting Regime.
- change existing flood and draining measures to encourage the uptake of sustainable drainage systems; and
- improve co-ordination between water resource management and drought planning.

A ***draft Water Bill*** was published by the then Secretary of State for Environment, Food and Rural Affairs, Caroline Spelman MP on **10 July 2012**, in response to the commitment to legislate contained in the ***Water for Life' White Paper***.

Given that the Assembly has legislative competence over 'Water and flood defence' under Subject 19 of Schedule 7 to the *Government of Wales Act 2006*,²¹ **it is likely that a Legislative Consent Motion will be triggered in the Assembly when the Bill is introduced to Parliament.**

The provisions in the Bill relating to increased choice in the water sector may prove particularly controversial as the Welsh Government does not share the UK Government's views on the potential benefits of competition. In its '***Strategic Policy Position Statement on Water***', the Welsh Government stated that it 'remains to be convinced' of the benefits of competition, and that:

Based on the available evidence, the Welsh Government does not believe that the case has been made to support either the separation of the retail and network businesses in the water sector or the benefits of further competition for domestic customers.²²

²¹ *Government of Wales Act 2006* (Chapter 32) [accessed 8 May 2013]

²² Welsh Government, *Strategic Policy Position Statement on Water 2011*, December 2011 [accessed 8 May 2013]

The Assembly's Environment and Sustainability Committee is currently undertaking a short inquiry into *Water Policy in Wales*,²³ considering the draft Bill's implications for Wales, particularly with regard to competition in the non-household market, and the progress made by the Welsh Government in addressing water affordability issues for households.

The Welsh Government's Programme for Government²⁴ set out the development of a water strategy as a key action for the current administration.

3.2. Anti-Social Behaviour, Crime and Policing Bill

The Bill contains a variety of measures aimed at addressing issues relating to anti-social behaviour, forced marriage, dangerous dogs and illegal firearms used by gangs and in organised crime.

The main elements of the Bill are as follows:

- replacing and condensing the 19 existing powers to deal with **anti-social behaviour** into six faster, more effective ones, giving victims the power to ensure that action is taken to deal with persistent anti-social behaviour through the new Community Trigger,²⁵ and a greater say in what form of sanction an offender receives out of court through the new Community Remedy.
- Strengthening the powers to tackle **irresponsible dog ownership** by extending to private places the offence of owning/being in charge of a dog that is dangerously out of control in a public place, and providing that a dog attack on an assistance dog constitutes an aggravated offence.
- increasing the maximum penalty for the illegal importation/exportation of **firearms** and creating a new offence of 'possession for sale or transfer';
- tackling **forced marriage** by making forced marriage a criminal offence and criminalising the breach of a Forced Marriage Protection Order;
- replacing the Police Negotiating Board with a **new Police Remuneration Review Body**;
- conferring on **Police and Crime Commissioners responsibility for commissioning victims' services**, and rectifying anomalies in the framework of financial controls on chief officers and in the arrangements for the authorisation of British Transport Police firearms officers;

²³ National Assembly for Wales, Environment and Sustainability Committee, *Inquiry into water policy in Wales*, January 2013 [accessed 7 May 2013]

²⁴ Welsh Government, *Programme for Government*, 2011, page 4 [accessed 7 May 2013]

²⁵ The '**community trigger**' aims to give victims, communities and businesses the right to demand that action be taken on antisocial behaviour complaints that have repeatedly been ignored. It is currently being piloted in Manchester, Brighton and Hove, Richmond upon Thames and West Lindsey and Boston.

- ensuring that the **counter-terrorism border security powers** contained in Schedule 7 to the *Terrorism Act 2000* strike a better balance between the need to protect public safety and the protection of individual freedoms;
- strengthening public confidence in, and the operational effectiveness of, our **extradition arrangements** by amending the *Extradition Act 2003*,²⁶ including by implementing the recommendations of Sir Scott Baker’s review;
- providing for the **independent inspection of the Serious Fraud Office** by Her Majesty’s Crown Prosecution Service Inspectorate;
- improving the speed and efficiency of the justice system’s response to **low-level offending** by enabling the police to prosecute uncontested minor offences of shoplifting;
- extending the scope of the **statutory witness protection scheme** to cover other vulnerable individuals;
- establishing in law a test of ‘clear innocence’ for the purpose of determining eligibility for compensation for **miscarriages of justice**; and
- ensuring that offenders sentenced to custody contribute to the costs of supporting victims by removing the power of magistrates’ courts to add additional days to a sentence of imprisonment in lieu of the Victim Surcharge.

With regard to the proposals regarding dangerous dogs, the [*draft Dangerous Dogs \(Amendment\) Bill*](#) was published by the Department for Environment, Food and Rural Affairs on **9 April 2013**. The draft Bill included provisions aimed at extending offences under the *Dangerous Dogs Act 1991*²⁷ to private places and to attacks on assistance dogs, as well as clarifying the assessment of how dangerous a dog is.

The draft Bill was the subject of a short inquiry and consultation held by the House of Commons’ Environment, Food and Rural Affairs Committee in April 2013. The Committee’s report has not been published to date.

²⁶ [Extradition Act 2003](#) (Chapter 41) [accessed 9 May 2013]

²⁷ [Dangerous Dogs Act 1991](#) (Chapter 65) [accessed 7 May 2013]

A [*draft Control of Dogs \(Wales\) Bill*](#) had also been issued for consultation by the Welsh Government between **November 2012** and **March 2013**.²⁸ However, on **2 May 2013** the Minister for Natural Resources and Food, Alun Davies AM, made a statement in which he said:

It has become clear to me as I have reviewed this work and have listened to the consultation responses that there may be benefits to working with the UK Government to take forward our proposals on a Wales and England basis. I have reviewed the provisions of the draft Anti-Social Behaviour Bill published by the Home Office and, whilst I accept many of the criticisms made of this draft bill, I nevertheless believe that it may provide a useful vehicle to fulfil our ambitions. To this end I will seek agreement with the Home Office that, if this bill is taken forward, then I will seek regulation-making powers for Wales which will allow us to shape the proposed legislation in such a way as to meet both our objectives and also the wider aims of the Home Office. **Therefore I have, for the moment, suspended further work on the Control of Dogs (Wales) Bill** *[RS emphasis]*.²⁹

The UK Government's Bill would apply to England and Wales, with certain provisions also extending to Scotland and Northern Ireland. They relate mainly to **non-devolved matters**.

However, given that the Assembly has legislative competence over 'Animal health and welfare' under Subject 1 of Schedule 7 to the *Government of Wales Act 2006*,³⁰ **it is likely that a Legislative Consent Motion relating to the dangerous dogs provisions will be triggered in the Assembly once the Bill is introduced to Parliament. Clauses relating to housing matters will also require the Assembly's consent.**

3.3. *Care Bill*

This Bill intends to introduce a number of reforms aimed at improving and simplifying the social care system in England. The Bill in particular will contain provisions aimed at:

- **reforming social care** in England by modernising care and support law into a single statute; enshrining a right for carers in England to receive support from their local council; reforming how care and support is funded; ensuring people needing care can move between local authority areas; and providing a new legal entitlement for everyone to a personal budget.

²⁸ Welsh Government, [*Consultation: Proposal for a draft Control of Dogs \(Wales\) Bill*](#), 23 November 2013 [accessed 7 May 2013]

²⁹ Welsh Government Alun Davies (Minister for Natural Resources and Food), [*The Draft Control of Dogs \(Wales\) Bill*](#), Cabinet Written Statement, 2 May 2013 [accessed 7 May 2013]

³⁰ [*Government of Wales Act 2006*](#) (Chapter 32) [accessed 8 May 2013]

- introducing Ofsted-style **ratings for hospital and care homes** in England; giving the new Chief Inspector of Hospitals power to identify problems with the quality of care; and making it a criminal offence for providers to provide false and misleading information about their performance; and
- **establishing Health Education England and the Health Research Authority** as non-departmental public bodies to strengthen education and training for healthcare professionals and protect and promote the interests of people in health and social care research.

The Bill follows the publication on **11 July 2012** of the [*draft Care and Support Bill*](#) which was considered by a Joint Committee of both Houses of Parliament in **January 2013**. It published its [*report*](#) on **19 March 2013**, which warned that ‘the Government has not fully thought through the implications of its social care reforms and may leave local authorities open to a deluge of disputes and legal challenges’.³¹

The Bill would apply only to England apart from cross-border provisions in relation to care and support and the Health Research Authority’s co-operation duties, which will apply across the UK. **As such, certain provisions in the Bill may give rise to a Legislative Consent Motion in the Assembly.**

Proposed changes to the social care system in Wales have been outlined in the Welsh Government’s [*Social Care and Wellbeing \(Wales\) Bill*](#), which was introduced in the Assembly on **28 January 2013**. It is currently being considered by the Assembly’s Health and Social Care Committee, which is due to report on the general principles of the Bill by **21 June 2013**.

3.4. Deregulation Bill

The UK Government intends to introduce a Bill to ‘reduce the burden of excessive regulation on businesses’.³² The speech’s accompanying briefing notes add that the Bill will be published in draft for pre-legislative scrutiny before being formally introduced to Parliament.³³

The Bill in particular will include measures to remove burdens on businesses, public bodies and individuals. In doing so, it aims to repeal legislation that is no longer of any practical use. Its measures include:

- establishing a duty to require non-economic regulators to have regard to the impact of their actions upon growth;

³¹ UK Parliament, Joint Draft Care and Support Bill Select Committee, [*Press Release: Greater focus on prevention and integration essential to improve Care & Support Bill, warn Peers and MPs*](#), 19 March 2013 [accessed 7 May 2013]

³² GOV.UK, [*Oral statement to Parliament: The Queen’s Speech 2013*](#), 8 May 2013 [accessed 8 May 2013]

³³ GOV.UK, [*The Queen’s Speech 2013: background briefing notes*](#), 8 May 2013, page 19 [accessed 8 May 2013]

- reducing the qualifying period for **Right to Buy and Right to Acquire from five years to three years**;
- exempting from **health and safety law** those self-employed whose work activities pose no potential risk of harm to others;
- removing a power for employment tribunals to make wider recommendations in **successful discrimination cases** under the *Equality Act 2010*,³⁴ and
- no longer obliging councils to produce assessments after **designating air quality zones**.

A number of the areas covered by this Bill are reserved, but certain provisions relating to housing and local authorities would fall within the Assembly's powers and may trigger the need for a Legislative Consent Motion. These would include provisions relating to the Right to Buy and the Right to Acquire. The UK Government's briefing notes states that 'All provisions in the Bill extend to England and Wales and some would also extend to Scotland and Northern Ireland'.³⁵

3.5. *Mesothelioma Bill*

The Bill will establish a payment scheme for people with '**diffuse mesothelioma**' (a cancer of the lining of the lungs caused by exposure to asbestos) where their employer or employers' liability insurance company cannot be traced. It will also make provision about the resolution of certain insurance disputes.

The Bill would make payments funded by a levy on live UK Employers' Liability insurers and would as a result follow consultation and agreement with the insurance industry, claimant lawyers and claimant representatives.

The main elements of the Bill are:

- the creation of a scheme of last resort funded by a levy on the UK Employers' Liability market to correct a market failure where insurers failed to keep adequate records of Employers' Liability insurance during historic times when exposures to asbestos were taking place;
- the establishment of a statutory compulsory payment of the levy that all currently active employers' liability insurers would be subject to; and

³⁴ [Equality Act 2010](#) (Chapter 15) [accessed 8 May 2013]

³⁵ GOV.UK, [The Queen's Speech 2013: background briefing notes](#), 8 May 2013, page 21 [accessed 8 May 2013]

- the establishment of a Technical Committee to decide disputes about whether a particular employer maintained insurance at the time of the person's exposure to asbestos, and provides for those decisions to be binding.

The Bill will also ensure that anyone diagnosed with mesothelioma from **25 July 2012** can make a claim for compensation.

The Bill extends to the whole of the UK and relates mainly to non-devolved matters.

A related Bill is currently under consideration by the Assembly. The [*Recovery of Medical Costs for Asbestos Diseases \(Wales\) Bill*](#) was introduced by the Labour AM, Mick Antoniw, on **3 December 2012**. Its purpose is that in cases where compensation has been paid in respect of a victim of an asbestos-related disease, with or without an admission of liability, the Welsh Government will be entitled to recover the cost of the medical treatment provided by the NHS. However, the Bill does not create any new legal entitlement to compensation.

In Scotland, the [*Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009*](#) allows damages to be paid to sufferers with pleural plaques, an asbestos-related condition. Northern Ireland passed a similar [*Act*](#) in **2011**.

3.6. Local Audit and Accountability Bill

This Bill aims to **close the Audit Commission** and make new arrangements for the audit of local public bodies in England. The audit of public bodies in devolved sectors in Wales is the responsibility of the Auditor General for Wales and [*Wales Audit Office*](#).

In addition to abolishing the Audit Commission, the Bill also aims to extend the tax referendum provisions in the *Localism Act 2011*³⁶ to allow local taxpayers to veto council tax rises by unelected local quangos in England. The Bill also aims to strengthen the legal status of the existing [*Code of Recommended Practice on Local Authority Publicity*](#) in England.

The Bill follows the publication of a [*draft Local Audit Bill*](#) on **6 July 2012** that was subject to pre-legislative scrutiny by the Draft Local Audit Bill ad hoc Committee. The Committee published its [*report*](#) on **17 January 2013**.

The Bill would apply mainly to England, but it will also apply to certain cross-border authorities in Wales operating in non-devolved sectors.

³⁶ [*Localism Act 2011*](#) (Chapter 20) [accessed 8 May 2013]

3.7. *Energy Bill*

The Queen's Speech stated that the UK Government 'will continue with legislation to update energy infrastructure', which includes provisions to reform the electricity market to deliver clean and affordable electricity to consumers.³⁷

The [*Energy Bill*](#) was introduced in the previous Session on **29 November 2012** and was subject to a carry-over motion on **19 December 2012**. It has reached report stage in the House of Commons.

The introduction of the Bill follows the publication of a [*draft Energy Bill*](#) by the Department of Energy and Climate Change on **22 May 2012**. The House of Commons' Energy and Climate Change Committee also undertook pre-legislative scrutiny on the draft Bill and published its [*report*](#) in three volumes on **23 July 2012**.

All provisions of this Bill apply to Wales but relate mainly to non-devolved matters as the generation, distribution and supply of electricity, gas and oil and nuclear power are all listed as exceptions to the Assembly's powers in Schedule 7 to the *Government of Wales Act 2006*.³⁸

3.8. *Draft Consumer Rights Bill*

The Queen's Speech included a commitment to publish a draft Bill to consolidate consumer legislation in one place in order to give consumers clearer rights in law. The Bill will also ensure that consumer rights keep pace with technological advances, and it will provide protections for consumers alongside measures to reduce regulation for businesses.

The publication of the draft Bill follows a [*consultation*](#) held by the Department for Business, Innovation and Skills between **July** and **October 2012**. The consultation outlined proposals to update and consolidate UK consumer protection laws, together with the requirements of the [*European Consumer Rights Directive*](#), into a single 'Consumer Bill of Rights'.

³⁷ GOV.UK, [*Oral statement to Parliament: The Queen's Speech 2013*](#), 8 May 2013 [accessed 8 May 2013]

³⁸ [*Government of Wales Act 2006*](#) (Chapter 32) [accessed 8 May 2013]

3.9. *Gambling (Licensing and Advertising) Bill*

This Bill will extend the scope of the regulatory regime currently governing remote gambling in England, Wales and Scotland, in order to provide greater consumer protection.

Currently, remote gambling operators based in the UK are required to hold a [Gambling Commission licence](#), while overseas operators are regulated in the jurisdiction in which they are based. With this Bill, remote gambling would be regulated at the point of consumption. All operators selling or advertising into the British market, whether from here or abroad, would be required to hold a UK Gambling Commission licence.

The Bill would extend to the whole of the UK, but relates to **non-devolved matters**.

3.10. *Pensions Bill*

The Queen's Speech included details of a Bill 'to create a simple, flat-rate pension that encourages saving and helps women who have had long career breaks'³⁹.

The *Pensions Bill* includes measures to introduce a single-tier pension system, to bring forward the **increase in state pension age to 67** and to provide for a **regular review of the state pension age**. It would also introduce a system for the automatic transfer of small pension pots and reform bereavement benefits. In particular, the Bill would:

- introduce a **flat-rate pension** to be set above the basic means test, which would replace the current two-tier system (basic state pension and earnings-related additional state pension), with the aim of being implemented from April 2016;
- **bring forward the increase to state pension age to 67 by eight years** (between 2026 and 2028);
- enable a **regular review of state pension age**, given increased life expectancy;
- provide for the **automatic transfer of small dormant pension pots**;
- **abolish short service refunds** for defined contributions trust-based schemes for people who leave a scheme within two years;
- introduce a system of **automatic transfers** so that someone's pension pot will follow them to their new pension scheme when they change jobs;
- set a new **statutory objective for the pensions regulator** to consider the impact of pensions on employers; and

³⁹ GOV.UK, [The Queen's Speech 2013: background briefing notes](#), 8 May 2013, page 59 [accessed 8 May 2013]

- **reform bereavement benefits** through the introduction of a bereavement support payment (a single benefit to support people following bereavement).

The public pensions system are a reserved matter, and the Bill would extend to the whole of the UK.

3.11. Offender Rehabilitation Bill

The Queen's Speech also included a Bill to 'transform the way in which offenders are rehabilitated in England and Wales'.⁴⁰ For those offenders serving **short custodial sentences**, their statutory supervision after release would be extended to a minimum of 12 months, with the aim of allowing probation providers to deal with the causes of re-offending. For **sentences served in the community**, the Bill would give probation providers greater flexibility to deliver innovative and effective interventions. The principal features of the Bill are:

- **introducing supervision after release** for offenders serving custodial sentences of less than 12 months;
- **extending supervision after release** for offenders serving custodial sentences of one to two years;
- **extending the licence period** of supervision to 12 months in all cases;
- **extending supervision provisions** to offenders who are sentenced when they are under 18, but who turn 18 before they are released;
- **requiring offenders who use drugs to attend treatment appointments**, and expanding the category of drugs that offenders can be required to be tested for (from class A to class B);
- Reforms to **community orders and suspended sentence orders**;
- enabling probation providers to require offenders to attend **appointments or activities that support their rehabilitation**; and
- requiring offenders serving sentences in the community to **seek permission** (rather than giving notification, as currently) **before moving out of their local area**.

Criminal justice is a reserved matter, and the Bill would generally extend to England and Wales.

⁴⁰ GOV.UK, [The Queen's Speech 2013: background briefing notes](#), 8 May 2013, page 68 [accessed 8 May 2013]

3.12. National Insurance Contributions Bill

The Queen's Speech included a commitment to bring forward a Bill 'to introduce a new Employment Allowance to support jobs and help small businesses'.⁴¹ The Bill will include provisions aimed at:

- reducing employer National Insurance Contributions, from April 2014, by entitling every business and charity to a **£2,000 Employment Allowance**;
- extending the [General Anti-Abuse Rule](#) to National Insurance Contributions;
- preventing the use of **offshore employment payroll companies** (intermediaries) to avoid employer National Insurance Contributions; and
- removing the **presumption for self-employment** for limited liability partnership members.

National Insurance Contributions are a reserved matter, and the Bill would extend to the whole of the UK.

3.13. Intellectual Property Bill

The Queen's Speech included details of a Bill to 'make it easier for businesses to protect their intellectual property'.⁴² In particular, the Bill will implement reforms in response to the [Hargreaves Review of Intellectual Property and Growth](#), published in May 2011.

The Bill aims to introduce a single patent system which would make it possible for British businesses to protect their inventions across all EU countries in a single application. It also aims to make design law stronger and easier to understand, in addition to allowing the UK to share information on unpublished patent applications to help clear existing application backlogs and speed up clearance times.

Intellectual property is a reserved matter and the Bill would extend to the whole of the UK.

3.14. High Speed 2 Hybrid Bill

The Bill will provide the UK Government with the legal powers to compulsorily acquire the land needed to construct the High Speed 2 ('HS2') railway and operate it. On becoming an Act, it would give the UK Government deemed planning permission to deliver the scheme. The Bill would mainly apply to England, but some measures will extend to Wales and Scotland, although **they are likely to relate to non-devolved matters**.

⁴¹ GOV.UK, [Oral statement to Parliament: The Queen's Speech 2013](#), 8 May 2013 [accessed 8 May 2013]

⁴² Ibid

Hybrid Bills mix the characteristics of public and private Bills. The changes to the law proposed by a Hybrid Bill affect the general public but also have a significant impact for specific individuals or groups. Opponents to Hybrid Bills may submit petitions, and certain individuals and groups can state their case before a select committee of Parliament.⁴³

3.15. High-Speed Rail (Preparation) Bill

The Bill will give the UK Government the spending powers to finance work such as undertaking more detailed design work/letting contracts for designing the construction of the line and carrying out ground investigation and ecological surveys. It will also provide parliamentary authority for providing compensation for those affected by the construction and operation of the new high-speed rail network. The Bill would apply to England, Scotland and Wales but **is likely to relate to non-devolved matters**.

3.16. Immigration Bill

The UK Government also has plans to introduce a Bill to reform immigration law, which would include provisions to strengthen enforcement powers and protect public services.⁴⁴ The Bill would:

- enable **action to be taken against businesses that use illegal labour**, including levying more substantial fines;
- regulate **access to the NHS** by migrants, ensuring that temporary migrants make a contribution;
- require private landlords to **check the immigration status** of tenants;
- prevent illegal immigrants from obtaining **UK driving licences**;
- ensure **a right of appeal** for only those cases that raise the most important immigration issues;
- close a number of gaps in enforcement officers' powers; and
- put the UK Government's immigration policy on a statutory footing, requiring the courts to reflect the **balance given to the public interest** when ruling on immigration cases.

Immigration is a reserved matter, and the Bill will apply across the UK.

Nevertheless, given that the NHS is devolved, specific provisions may require Legislative Consent Motions.

⁴³ House of Commons Factsheet, [Hybrid Bills](#), [accessed 8 May 2013]

⁴⁴ GOV.UK, [The Queen's Speech 2013: background briefing notes](#), 8 May 2013, page 65 [accessed 8 May 2013]

3.17. *Defence Reform Bill*

The Bill will enable the Ministry of Defence to change the way it procures and supports defence equipment by reforming the Defence Equipment and Support organisation. It also changes the arrangements for single source (non-competitive) procurement, and will increase the size and role of the Reserve Forces.

Defence is a reserved matter, and the Bill applies across the UK.

3.18. *EU Approvals Bill*

This Bill aims to provide authorisation for the UK to support measures and programmes in the European Union, under the *European Union Act 2011*.⁴⁵ These programmes are:

- **Pericles:** a programme for exchange, assistance and training in the protection of the euro against counterfeiting.
- **Historical archives:** proposed Regulation to ensure that access to the historical archives of the European institutions, both in paper and digital format, will be available in the future from a single location at the European Union Institute in Florence.
- **Europe for Citizens:** aims to promote remembrance of Europe's history, particularly the wars and totalitarian regimes of the 20th century. It also aims to develop understanding of the EU, its history and policy-making processes and encourage civic participation in the EU.

Relations with the European Union are mainly reserved and the Bill applies across the UK.

3.19. *Northern Ireland Bill*

The Queen's Speech includes a commitment to introduce a number of technical changes that will **improve the way politics and the institutions in Northern Ireland operate**. These changes mirror some of the proposals that are due to be contained in the *draft Wales Bill*. They include:

- increasing transparency in donations and loans to political parties in Northern Ireland;
- ending the practice of 'double-jobbing' where Members of the NI Assembly (MLAs) hold a dual mandate to sit concurrently as Members of the House of Commons, or as Teachtaí Dála (TDs) in the Dáil Éireann;
- changing the appointment and dismissal processes for the Northern Ireland Justice Minister;

⁴⁵ [European Union Act 2011](#) (Chapter 12) [accessed 8 May 2013]

- extending the length of terms of the Northern Ireland Assembly to five years;
- determining the future size of the Northern Ireland Assembly;
- allowing for the potential devolution of functions relating to the Northern Ireland Civil Service Commission, Northern Ireland Human Rights Commission and district electoral areas; and
- improving the administration of elections in Northern Ireland, following recommendations made by the Electoral Commission and Chief Electoral Officer for Northern Ireland in their November 2012 report, [Continuous electoral registration in Northern Ireland](#).

The introduction of the Bill follows a consultation on a [*draft Northern Ireland \(Miscellaneous Provisions\) Bill*](#), which was published on **11 February 2013**. The Bill was subject to pre-legislative scrutiny by the Northern Ireland Affairs Committee. The Committee published its [report](#) on **25 March 2013**.

The Bill will apply only in Northern Ireland.

4. Bills carried over from the 2012-13 Session

In addition to the *Energy Bill* mentioned above, four other Bills were subject to carry-over motions from the previous 2012-13 Session.

4.1. *Marriage (Same Sex Couples) Bill*

The [*Marriage \(Same Sex Couples\) Bill*](#) was introduced on **24 January 2013** and was the subject of a carry-over motion on **5 February 2013**. **This Bill applies to Wales and England**. The Bill has reached report stage in the House of Commons.

Under current marriage law the Church in Wales has a duty to solemnise marriages. The Bill aims to remove this duty with regard to same sex marriages as Church in Wales laws do not currently permit same sex marriage. However, clause 8 of the Bill makes provision for the eventuality of the Church in Wales deciding to permit same sex marriage. Clause 8 states that the Lord Chancellor may lay an order in Parliament that would amend marriage law accordingly.

This issue has been the subject of an inquiry by the Assembly's Constitutional and Legislative Affairs Committee, *Law making and the Church in Wales*.⁴⁶

4.2. *Children and Families Bill*

The [*Children and Families Bill*](#) was introduced on **4 February 2013** and was the subject of a carry-over motion on **25 February 2013**. It mainly applies to England but there are some provisions that affect Wales. The Bill has reached report stage in the House of Commons.

On **12 February 2012**, the Welsh Government laid a [Legislative Consent Memorandum and Motion](#) in relation to the following provisions in the Bill:

- the dis-application of the Adoption and Children Act Register to Wales; and
- the conferral of new powers on Welsh Ministers to allow them to prescribe by regulations the time within which a Care Plan must be prepared by a local authority.

The Legislative Consent Motion was agreed by the Assembly in plenary on **16 April 2013**.⁴⁷

In addition to the areas outlined above, the Bill's accompanying Explanatory Notes state that the Welsh Government intends to seek a supplementary Legislative Consent Motion on the following areas of the Bill:

⁴⁶ National Assembly for Wales, Constitutional and Legislative Affairs Committee, [*Inquiry into Law Making and the Church in Wales*](#), May 2013 [accessed 7 May 2013]

⁴⁷ National Assembly for Wales, RoP, [Plenary: *Children and Families Bill*](#), 16 April 2013 [accessed 8 May 2013]

- Section 12 of the Bill which introduces a new ‘child arrangements order’ that impacts on the power of Welsh Ministers to make regulations. The power that is affected is not one that falls within an area of Assembly legislative competence but the changes affect an area of Welsh Ministers’ executive competence and as such require their consent.⁴⁸
- Part 3 of the Bill which makes provisions that reform the special educational needs system. These provisions extend to England and Wales, but the majority apply only in England. As such, there will be some cross-border effects, where a child or young person in England attends a school or institution in Wales.⁴⁹

To date, however, the Welsh Government has not brought forward a Legislative Consent Motion on these particular provisions.

The Bill also contains provisions that **apply in Wales but in relation to non-devolved matters**. This includes:

- Part 2 of the Bill, which deals with provisions relating to family justice;
- Part 5 of the Bill, which reforms the Office of the Children’s Commissioner. These changes will apply to the Commissioner’s role in promoting and protecting the rights of children in Wales, but only in relation to non-devolved matters; and
- Parts 6, 7, and 8 of the Bill, relating to statutory rights to leave and pay and flexible working.

4.3. Financial Services (Banking Reform) Bill

The [Financial Services \(Banking Reform\) Bill](#) was introduced on **4 February 2013** and was the subject of a carry-over motion on **11 March 2013**. The Bill is at report stage in the House of Commons. **Financial Services are reserved and the Bill applies to the whole of the UK.**

4.4. Finance (No. 2) Bill

The [Finance \(No. 2\) Bill](#) was introduced on **25 March 2013** and was the subject of a carry-over motion on 15 April 2013. Finance Bills are introduced following the Budget. The Bill is at committee stage in the House of Commons. **Fiscal, economic and monetary policies are reserved matters, and the Bill applies to the whole of the UK.**

⁴⁸ UK Parliament, [Children and Families Bill: Explanatory Notes](#), 4 February 2013, paragraph 38 [accessed 8 May 2013]

⁴⁹ Ibid, paragraph 39

5. Published draft Bills of interest

A number of draft Bills have been published by the UK Government since the beginning of the 2010-12 Session.⁵⁰ Those of most relevance to Wales and the Assembly are summarised below:

5.1. *Wild Animals in Circuses Bill*

The [*draft Wild Animals in Circuses Bill*](#) was published on **16 April 2013**. Under the proposals, it will be an offence for any circus operator to use a wild animal in performance or exhibition in a travelling circus in England, and all travelling circuses in England must stop using wild animal acts by December 2015.⁵¹ There are currently 20 licensed wild animals working in circuses, including camels, zebras and snakes, but not elephants, monkeys, gorillas, chimpanzees or big cats.⁵²

In 2011, a backbench motion tabled by the Conservative MP Mark Pritchard, calling for a ban, was passed without a vote in the House of Commons. However, in 2012, the UK Government brought forward *The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012*⁵³ which introduced a licensing regime, rather than an outright ban. In light of this, the Labour MP Thomas Docherty introduced a private Member's Bill on **25 June 2012** calling for a full ban. That Bill has since been withdrawn, as a private Member's Bill cannot be carried over to the next session of Parliament.⁵⁴

The licensing regime currently in operation applies to England only, and although the draft Bill itself will extend to both England and Wales, the offence of using a wild animal in a travelling circus will apply only in England.

In Wales, the *Animal Welfare Act 2006*⁵⁵ applies and enables the Welsh Ministers to make secondary legislation promoting animal welfare. The National Assembly for Wales also has competence to make primary legislation on matters relating to 'Animal health and welfare' by virtue of Subject 1 of Schedule 7 to the *Government of Wales Act 2006*.⁵⁶ There are no known resident circuses in Wales with wild animal acts.⁵⁷

⁵⁰ A full list of the draft Bills published is available on the [UK Parliament Draft Bills](#) internet page

⁵¹ HC Deb 16 April 2013 [c27WS](#) [accessed 7 May 2013]

⁵² BBC website, [Circuses to face wild animal ban](#), 16 April 2013 [accessed 7 May 2013]

⁵³ [Welfare of Wild Animals in Travelling Circuses \(England\) Regulations 2012](#) (SI 2012/2932) [accessed 7 May 2013]

⁵⁴ SO No. 80A(5), [Standing Orders of the House of Commons](#), 18 September 2012, [accessed 7 May 2013]

⁵⁵ [Animal Welfare Act 2006](#) (Chapter 45) [accessed 8 May 2013]

⁵⁶ [Government of Wales Act 2006](#) (Chapter 32) [accessed 7 May 2013]

⁵⁷ National Assembly for Wales, [SUB-LD7404-EM](#), Explanatory Memorandum to the Animals and Animal Products (Import and Export) (Wales)(Amendment) Regulations 2009, 27 February 2009 [accessed 7 May 2013]

Rebecca Evans AM, submitted a proposal for a Member-proposed Bill, the *Ban on Wild Animals in Circuses (Wales) Bill*,⁵⁸ to the ballot held on **24 April 2013**. However, the proposal was not selected in the ballot.

5.2. Recall of MPs

In **December 2011**, the Cabinet Office published a [*draft Recall of MPs Bill*](#). The aim of the draft Bill was to ‘introduce a power of recall which would allow voters to force a by-election where an MP is found to have engaged in serious wrongdoing and having had a petition calling for a by-election signed by 10% of his or her constituents’.⁵⁹

The draft Bill was subject to pre-legislative scrutiny by the House of Commons’ Political and Constitutional Reform Committee between **January and April 2012**. The Committee’s [*report*](#), published on **28 June 2012**, was highly critical of the UK Government’s approach, calling on it ‘to abandon its plans to introduce a power of recall for MPs and to use the parliamentary time this would free up to better effect’.⁶⁰

The Cabinet Office [*responded*](#) to the Committee’s report on **22 October 2012**, stating that it remains ‘committed to introducing a mechanism for the recall of MPs and will consider further the Committee’s recommendations alongside detailed and careful consultation with our stakeholders in determining our policy on recall’.⁶¹

Further information about the draft Bill and its impact on Welsh MPs and AMs is provided in the [*Assembly Research Paper: Recall of MPs Draft Bill*](#).

5.3. Lobbying

On **20 January 2012**, the UK Government issued a consultation document entitled [*Introducing a Statutory Register of Lobbyists*](#). On the same day, the House of Commons’ Political and Constitutional Reform Committee set up its own inquiry and consultation on the proposals. The Committee published its highly critical [*report*](#) on **13 July 2012**, which called on the ‘Government to scrap its plans to introduce a statutory register of lobbyists’.⁶²

⁵⁸ National Assembly for Wales, Ballots for Bills, [*Bill-039 Rebecca Evans*](#), [accessed 7 May 2013]

⁵⁹ UK Parliament, [*Draft Bills 201012*](#) [accessed 7 May 2013]

⁶⁰ UK Parliament, House of Commons Political and Constitutional Reform Committee, [*Press Release: Committee criticises Government’s proposals to introduce a power of recall for MPs*](#), 28 June 2012 [accessed 7 May 2013]

⁶¹ UK Parliament, House of Commons Political and Constitutional Reform Committee, [*Recall of MPs: Government response to the Committee’s First Report of Session 2012-13*](#), 22 October 2012, paragraph 71 [accessed 7 May 2013]

⁶² UK Parliament, House of Commons Political and Constitutional Reform Committee, [*Press Release: Plans for statutory register of lobbyists should be scrapped, say MPs*](#), 13 July 2012 [accessed 7 May 2013]

The Cabinet Office published a summary of responses to its consultation in **July 2012**, along with an indication of the next steps in developing the policy. The summary's introduction stated that revised policy proposals 'will be published in the form of a White Paper and draft Bill during this session of Parliament'.⁶³

On **2 May 2013**, the Assembly's Standards of Conduct Committee published its report on [Lobbying and Cross-Party Groups](#). The report stopped short of calling for a statutory register of lobbyists, and instead recommended 'that guidance on lobbying and access to Members is adopted by Assembly resolution'.⁶⁴

The report also recognised that 'the Assembly already has robust systems in place to ensure transparency and openness in the way that Assembly Members deal with external organisations and individuals'.⁶⁵

5.4. Parliamentary Privilege

A commitment to introduce a draft Bill on reforming parliamentary privilege was first included in the Queen's Speech for the 2010-12 Session.⁶⁶ Although no draft Bill has been introduced to date, the Cabinet Office published a [Green Paper consultation](#) between **April and September 2012**. The Green Paper in particular raised 'the question of whether changes are needed to ensure that privilege does not provide an inappropriate immunity for parliamentarians from criminal prosecution, to reinforce the principle of fair and equal treatment in law'.⁶⁷

The Green Paper is currently being scrutinised by a Joint Committee of both Houses of the UK Parliament.⁶⁸ The Joint Committee is required to report by **28 June 2013**.

⁶³ Cabinet Office, [A Summary of Responses to the Cabinet Office's Consultation Document 'Introducing a Statutory Register of Lobbyists'](#), July 2012, page 4 [accessed 7 May 2013]

⁶⁴ National Assembly for Wales, Standards of Conduct Committee, [Report 03-13 to the Assembly on Lobbying and Cross-Party Groups](#), May 2013, page 18 [accessed 7 May 2013]

⁶⁵ National Assembly for Wales, [Press Release: National Assembly's open and transparent approach to lobbying validated by Committee report](#), 2 May 2013 [accessed 7 May 2013]

⁶⁶ Number 10 website, [Queen's Speech - Parliamentary Privilege Draft Bill](#), 25 May 2010 [accessed 7 May 2013]

⁶⁷ Cabinet Office, [Parliamentary Privilege](#), 26 April 2012, page 5 [accessed 7 May 2013]

⁶⁸ UK Parliament, [Joint Select Committee on Parliamentary Privilege](#) [accessed 7 May 2013]