

Constitutional and Legislative Affairs Committee

Meeting Venue:
Committee Room 2 – Senedd

Meeting date:
30 April 2012

Meeting time:
14:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Steve George
Committee Clerk
029 2089 8242
CLA.Committee@wales.gov.uk

Olga Lewis
Deputy Committee Clerk
029 2089 8154

Agenda

- 1. Introduction, apologies, substitutions and declarations of interest**
- 2. Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

Negative Resolution Instruments

CLA128 – The National Curriculum (Assessment Arrangements on Entry to the Foundation Phase) (Wales) (Revocation) Order 2012

Negative Procedure. Date made 23 March 2012. Date laid 27 March 2012. Coming into force date 18 April 2012

CLA132 – The Beef and Pig Carcase Classification (Wales) (Amendment) Regulations 2012

Negative Procedure. Date made 26 March 2012. Date laid 28 March 2012. Coming into force date 18 April 2012

CLA135 – The Food Hygiene (Wales) (Amendment) Regulations 2012

Negative Procedure. Date made 28 March 2012. Date laid 30 March 2012. Coming into force date 1 May 2012

CLA136 – The Fire Safety (Employees' Capabilities) (Wales) Regulations 2012
Negative Procedure. Date made 8 April 2012. Date laid 16 April 2012. Coming into force date 12 May 2012

Affirmative Resolution Instruments

CLA129 – The Recognised Persons (Monetary Penalties) (Determination of Turnover) (Wales) Order 2012

Affirmative Procedure. Date made not stated. Date laid not stated. Coming into force date 9 May 2012

CLA130 – The Mental Health (Regional Provision) (Wales) Regulations 2012

Affirmative Procedure. Date made not stated. Date laid not stated. Coming into force date in accordance with regulation 1(2)

CLA137 – The Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012

Affirmative Procedure. Date made 2012. Date laid not stated. Coming into force date 1 October 2012

3. Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3

Negative Resolution Instruments

None

Affirmative Resolution Instruments

None

4. Committee Correspondence

CLA110 – The Isle of Anglesey Local Authorities (Change to the Years of Ordinary Elections) Order 2012 (Pages 1 – 2)

Papers:

CLA(4)-09-12(p1) – Letter from the Chair to the Minister dated 16 March 2012

CLA(4)-09-12(p2) – The Minister's response dated 31 March 2012

5. Committee Inquiries: Inquiry into the establishment of a separate

Welsh jurisdiction

Professor Iwan Davies, LLB (Cantab), LLM, PhD (Wales) of Gray's Inn, Barrister, Pro-Vice-Chancellor, School of Law, Swansea University

Professor Iwan Davies, Pro-Vice-Chancellor, School of Law, Swansea University

6. Date of the next meeting

14 May 2012

Paper to Note

CLA(4)-08-12 – Report of the Meeting 23 April 2012

Transcript

View the [meeting transcript](#).

7. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

A Committee may resolve to exclude the public from a meeting or any part of a meeting where:

(vi) the Committee is deliberating on the conclusions or recommendations of a report it proposes to publish

8. Consideration of the evidence submitted to Inquiry to date

Agenda Item 4.1

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol Constitutional and Legislative Affairs Committee

Carl Sargeant AM
Minister for Local Government and Communities
5th Floor
Tŷ Hywel
Cardiff Bay
CF99 1NA

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



16 March 2012

Dear Minister

CLA110 - The Isle of Anglesey Local Authorities (Change to the Years of Ordinary Elections) Order 2012

The Constitutional and Legislative Affairs Committee considered the above Statutory Instrument at its meeting on 12 March 2012 and agreed that I should bring to your attention the Committee's report made under Standing Order 21.3 on the merits of the Instrument.

The Committee agreed to invite the Assembly to pay special attention to this Instrument on the grounds "that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly" (Standing Order 21.3(ii)).

The Committee's report was laid in the Table Office on 15 March 2012 and is attached for information. I would be grateful if you could consider the report and let the Committee have your response in due course.

I am copying this report to the First Minister for information and have also arranged for the report and this letter to be drawn to the attention of Assembly Members.

Yours sincerely

David Melding AM
Chair

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Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CLA110
Ein cyf/Our ref qA988616

David Melding AM
Chair Constitution and Legislative
Affairs Committee
National Assembly for Wales
Cardiff Bay
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31st March 2012

Der David

CLA110 – The Isle of Anglesey Local Authorities (Change to the Years of Ordinary Elections) Order 2012

Thank you for your letter of 16 March 2012 and copy of the Constitutional and Legislative Affairs Committee's report on the above Order.

The Committee's report highlighted the point that the Order has the effect of putting Anglesey on a different electoral cycle from other Welsh counties. The Explanatory Memorandum explained that a consultation was taking place on the proposal to delay the election of county and community councillors in all local authorities in Wales from 2016 to 2017.

That consultation has now closed and I recently announced my decision that I intended to introduce an Order to delay the election of county and community councillors in Wales by one year. The effect of this will be that the election of councillors on the Isle of Anglesey will be brought back into synchronisation with the elections of councillors across Wales.

You will also be aware of the debate that took place on 21 March following the motion by Peter Black AM and Aled Roberts AM to annul the Order. There is nothing further I can add to what I said in that debate.

I am grateful for the Committee's consideration of the Order.

Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Constitutional and Legislative Affairs Committee

Report: CLA(4)-07-12 : 23 April 2012

The Committee reports to the Assembly as follows:

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

Negative Resolution Instruments

CLA123 – The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 9 March 2012.

Date laid: 14 March 2012.

Coming in to force date: 9 April 2012

CLA126 – The National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012

Procedure: Negative.

Date made: 14 March 2012.

Date laid: 16 March 2012.

Coming in to force date: 9 April 2012

CLA127 – The Land Compensation Development (Wales) Order 2012

Procedure: Negative.

Date made: 15 March 2012.

Date laid: 16 March 2012.

Coming in to force date: 6 April 2012

CLA131 – The Fire and Rescue Services (National Framework) (Wales) Order 2012

Procedure: Negative

Date made: 24 March 2012.

Date laid: 27 March 2012.

Coming in to force date: 20 April 2012

CLA133 – The Firefighters' Pension Scheme (Wales) (Contributions) (Amendment) Order 2012

Procedure: Negative

Date made: 28 March 2012.
Date laid: 29 March 2012.
Coming into force date: 1 April 2012

CLA134 – The Firefighters’ Pension (Wales) Scheme (Contributions) (Amendment) Order 2012

Procedure: Negative
Date made: 28 March 2012.
Date laid: 29 March 2012.
Coming into force date: 1 April 2012

Affirmative Resolution Instruments

None

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA124 – The Controlled Waste (England and Wales) Regulations 2012

Procedure: Negative.
Date made: 12 March 2012.
Date laid before Parliament: 15 March 2012
Date laid before the National Assembly for Wales: 15 March 2012
Coming into force date: 6 April 2012

The Committee agreed the Report under S.O.21.2 and S.O.21.3 on this statutory instrument, which is attached as Annex 1.

Other Business

Committee Correspondence

Consultation on a Separate Legal Jurisdiction for Wales

The Committee noted the Counsel General’s invitation to respond to the Welsh Government’s consultation on a Separate Legal Jurisdiction for Wales, which was launched 27 March 2012.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

23 April 2012

Annex 1

Constitutional and Legislative Affairs Committee

(CLA(4)-08-12)

CLA124

Constitutional and Legislative Affairs Committee Report

Title: The Controlled Waste (England and Wales) Regulations 2012

Procedure: Negative

This instrument revokes and replaces the Controlled Waste Regulations 1992, and is made on a composite basis with the Department for Environment, Food and Rural Affairs. It classifies waste as household, industrial or commercial waste, and also lists the types of waste for which local authorities may make a charge for collection and disposal. The instrument enables local authorities (as waste collection authorities under the Environmental Protection Act 1990) to charge under section 45 of that Act for the disposal of waste arising from a wider range of non-domestic premises than the 1992 Regulations permitted; it also consolidates previous amendments, and includes some amended and updated definitions and classifications to improve the clarity of the Regulations and bring them into line with other recent legislation. It also provides that certain litter and refuse is to be treated under Part 2 of the Environmental Protection Act 1990 in the same way as waste collected under section 45 of the Act.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 (ix) in respect of this draft instrument – that it is not made in both English and Welsh.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 (ii) in respect of this draft instrument – that it gives rise to issues of public policy likely to be of interest to the Assembly.

The Regulations will allow local authorities to charge for the collection and disposal of waste arising from non-domestic properties (except for charity shops selling donated goods and ‘re-use’ organisations to the extent that the waste came from domestic property, and village halls used for public meetings) whereas now they only charge for collection. It also enables litter collected on premises occupied by

establishments to be charged in the same way as other non – hazardous waste generated on the site.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

23 April 2012