



Constitutional and Legislative Affairs Committee

Report: CLA(4)-12-11 : 21 November 2011

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

CLA55 – The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2011

Procedure: Negative.

Date made: 5 November 2011

Date laid: 8 November 2011

Coming into force date: 30 November 2011

CLA56 – The Private Dentistry (Wales) (Amendment) Regulations 2011

Procedure: Negative.

Date made: 6 November 2011.

Date laid: 9 November 2011.

Coming into force date: 1 January 2012

Affirmative Resolution Instruments

None

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

None

Affirmative Resolution Instruments

CLA52 – The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011

Procedure: Affirmative.

Date made: 2011.

Date laid: Not stated.

Coming into force date: 6 June 2012

**CLA53 – The Red Meat Industry (Wales) Measure 2010
(Amendment) Order 2011**

Procedure: Affirmative.

Date made: Not stated.

Date laid: Not stated.

Coming into force date: 1 April 2012

The Committee agreed the Reports under S.O.21.2 and S.O.21.3 on these statutory instruments, which are attached as Annexes 1 – 2.

Other Business

Committee Inquiries: Inquiry into the Granting of Powers to Welsh Ministers in UK Laws

The Committee took oral evidence from the Farmers' Union of Wales, represented by Mr Andrew Gurney, Policy Officer (Land Use) and Mr Gavin Williams, Chairman of the Union's Land Use and Parliamentary Committee and from the First Minister the Rt. Hon Carwyn Jones AM, who was accompanied by Dr Hugh Rawlings, Director, Constitutional Affairs and Inter-Governmental Relations, Welsh Government.

Resolution to Meet in Private

In accordance with Standing Order 17.42(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence submitted thus far on the Inquiry into the Granting of Powers to Welsh Ministers in UK Laws.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

21 November 2011

Annex 1

Constitutional and Legislative Affairs Committee

(CLA(4)-12-11)

CLA52

Constitutional and Legislative Affairs Committee Report

Title: The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011

Procedure: Affirmative

These Regulations make provision about care co-ordination and care and treatment planning for patients using secondary mental health services.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this draft instrument:

Merits Scrutiny

Under Standing Order 21.3(ii) (gives rise to issues of public policy likely to be of interest to the Assembly) the Assembly is invited to pay special attention to the following instrument.

These Regulations are part of a suite of regulations made by the Welsh Ministers under powers conferred on them by provisions of the Mental Health (Wales) Measure 2010 ("the Measure") designed to develop and enhance mental health services in Wales.

Under Part 2 of the Measure patients accepted into secondary mental health services in Wales will have a dedicated care co-ordinator. Provision is made by the Regulations relating to the criteria which must be satisfied before a person can be appointed as a care co-ordinator.

The Measure also provides that service providers (Local Health Boards and local authorities) will act in a co-ordinated manner to improve the effectiveness of the mental health services provided to the patient.

The Measure ensures that each individual patient will have a tailored care and treatment plan developed by the care co-ordinator in consultation with the patient and overseen by the co-ordinator with a view to achieving the outcomes which the services provided to the patient are designed to achieve.

These provisions are unique to Wales.

As these Regulations are subject to the affirmative procedure they will be debated by the Assembly in Plenary.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

21 November 2011

Annex 2

Constitutional and Legislative Affairs Committee

(CLA(4)-12-11)

CLA53

Constitutional and Legislative Affairs Committee Report

Title: The Red Meat Industry (Wales) Measure 2010 (Amendment) Order 2011

Procedure: Affirmative

This Order amends Part 1 of Schedule 2 to the Red Meat Industry (Wales) Measure 2010 ('the Measure') by replacing the component tables in paragraphs 5 and 6 to increase the maximum rate of levy that may be charged for the production and slaughter/ export components of the red meat levy.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. The Order is to be made using powers granted to Welsh Ministers by section 5(4) of the Measure in respect of which no commencement order has yet been made. Whilst it is expected that such an order will be made before the plenary debate, the power is not available as this report is being prepared. [Standing Order 21.2(i) – that there appears to be doubt whether it is intra vires]

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

21 November 2011