



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Wales Bill: Supplementary Statement (Statement no 2)
DATE 10 January 2017
BY Rt Hon Carwyn Jones AM, First Minister

1. This written statement is laid under Standing Order 30 – Notification in relation to UK Parliament Bills. Standing Order 30 requires a written statement to set out provisions in a relevant UK Bill which modify the functions of the Welsh Ministers, the Counsel General, the Assembly or Assembly Commission, and which do not require a Legislative Consent Motion under Standing Order 29.

2. The Wales Bill (the Bill) was introduced in the House of Commons on 7 June 2016. The Bill is now completing the House of Lords Report stage. The latest version of the Bill can be found at the link below:

[Bill documents — Wales Bill 2016-17 — UK Parliament](#)

3. This statement is supplementary to the [first statement laid under Standing Order 30 on 21 November 2016](#). That statement included relevant modifications to functions contained in the provisions of the Bill as it was introduced in the House of Lords, and as the UK Government proposed to amend it by the close of Lords Committee Stage. This supplementary statement sets out at **Annex 1**, any relevant modifications to functions included by amendments made to the Bill at Lords Report stage.

Policy objectives

4. The UK Government's objectives for the Bill are to implement those elements of the St David's day [Command Paper](#) that require legislative changes. The Bill amends the Government of Wales Act 2006 in order to move to a reserved powers model of devolution, and devolves certain further powers recommended by the Silk Commission.

Relevant provisions in the Bill

5. Annex 1 summarises the modifications to functions as a result of amendments to the Bill at Lords Report stage as required by Standing Order 30, in addition to those previously

notified in the first statement under Standing Order 30.

Reasons for making these provisions in the Wales Bill

6. It is considered appropriate for the provisions listed in the Annex to this statement to be included in the Wales Bill because the provisions either could not be made by an Assembly Act, or could be made by an Assembly Act only with UK Ministerial consent.

**STANDING ORDER WRITTEN STATEMENT : WALES BILL:
UK GOVERNMENT AMENDMENTS TABLED FOR LORDS REPORT STAGE**

Clause / Schedule No	Amendment No	Subject of Amendment
Clause 5	9	Requires the Secretary of State to consult the Electoral Commission before making regulations to combine an Assembly election with various Parliamentary and European Parliamentary elections and by-elections
After Clause 17	72A	Increases to £1,000 million the maximum aggregate sum which the Welsh Ministers may borrow by way of loan for the purpose of meeting capital expenditure.
Clause 35	27	Extends the mutual duty of consultation prior to the exercise of a relevant pilotage function to those whom the Secretary of State or the Welsh Ministers have delegated the function of making a harbour revision order under section 42A of the Harbours Act 1964.
After Clause 35	28	Requires Ministers of the Crown to consult the Welsh Ministers prior to the exercise of relevant harbour functions in cases where at least one of the relevant harbours is in Wales.
Clause 37	38	Provides that regulations under section 36C(2) of the Electricity Act 1989 may provide for Acts of the Assembly to apply with specified modifications to the variation of a generating station consent.
Before Clause 47	54	Transfers to the Welsh Ministers various functions relating to Welsh fishing boats (i.e. boats whose home port is in Wales) exercisable beyond the seaward limits of the Welsh zone.
After Clause 49	56	Confers power on the Welsh Ministers to limit, by Order, the number of gaming machines authorised under a betting premises licence for which the maximum charge for use is over £10 (e.g. fixed odds betting terminals). This power applies only to betting premises licences granted after this clause comes into force. Such an Order is subject to the affirmative procedure in the Assembly.
Schedule 4	112 – 114	Broadens the scope of those Minister of the Crown functions under section 5(1) and (2)(a) of the Sea Fisheries Act 1968 which are exercisable concurrently with the Welsh Ministers. This deals with functions exercisable in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone.

Clause / Schedule No	Amendment No	Subject of Amendment
		<p>The amendments are largely technical, to clarify which functions of a Minister of the Crown or the Marine Management Organisation under the Sea Fish (Conservation) Act 1967 and the Fisheries Act 1981 are exercisable concurrently with the Welsh Ministers.</p> <p>An additional function, under section 30(2) of the Fisheries Act 1981 (power to make Orders required for enforcing EU restrictions or obligations relating to sea fishing) is made exercisable concurrently with Welsh Ministers.</p>
Schedule 4, para 4	114A	<p>In addition to functions under section 6 of the Crime and Disorder Act 1998 (strategies for combatting crime and disorder or re-offending in areas in Wales), the following functions of the Secretary of State are to be exercisable jointly with the Welsh Ministers:</p> <p><u>Marine and Coastal Access Act 2009</u> <i>Sections 45, 46 and 47, Schedule 5</i> Functions of preparing, amending and reviewing a joint marine policy statement. <i>Section 70(6)</i> The function of combining inquiries in connection with the determination of applications for a marine licence.</p> <p><u>Marine Strategy Regulations 2010</u> <i>Regulation 19. Regulation 20</i> Giving directions, and guidance, to a public authority in respect of retained and devolved functions for the purposes of implementing Directive 2008/56/EC establishing a framework for EU action in the field of marine environmental policy.</p>
Schedule 6	118-119	<p>Allows the Welsh Ministers to delegate, by regulations, responsibility for determining applications under section 36 of the Electricity Act 1989 for consent to energy planning development consent for generating stations up to 350MW. They may also, by regulations, delegate responsibility for determining applications for variations of consent given under section 36. Those regulations are, in both cases, subject to the negative Assembly procedure.</p>

Amendment numbers can be found in the following links:

Hyperlink [HL Bill 77-I Marshalled list for Report](#)
[HL Bill 77-II Second marshalled list for Report](#)