

# **Legislation Committee**

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# New Era for Legislation Committee

- Definitely scope for an extended role for the Committee
- Committee no longer constrained by section 58 of GOWA which sets out its powers and which were considered by WAG only to relate to the legality and not merits of subordinate legislation
- Assembly now free to give wide/wider powers to the Legislation Committee

# WAG - Types of legislation made after GOWA

From various enabling powers:

- UK Acts
- EU Regulations
- Measures
- Subordinate Legislation:
  - SIs
  - Non-SIs
- SIs:
  - General SIs
  - Local SIs
- Non SIs:
  - Those made by WAG
  - Those confirmed by WAG

# WAG -Provisions in the Bill- General SIs made under Acts

- Unlike GOWA 98 not all WAG general SIs will automatically go to Assembly for consideration and voting
- Only those SIs which in England are required to be voted upon by Parliament in an Act will come before the Assembly
- All other general SIs will be debated by the Assembly only after AM motion

# WAG - General SIs made under Measures

- In making Measures the Assembly can decide on Assembly procedures

# WAG - Local SIs and all other subordinate legislation

- The Bill makes no provision for any Assembly procedure
- Measures might make specific provisions
- Otherwise WAG makes such legislation with no Assembly control

# Assembly- Types of legislation made after GOWA

- Measures made under Orders in Council
- Unusually possible provisions in UK Acts of Parliament
- Possible provisions retained by the Assembly rather than transferred to WAG

# Scrutiny available to Assembly

- Types of considerations:
  - Merits consideration
  - Legal consideration
  - Consultation with public
  - Inquiry
- Procedures:
  - Plenary (only short debate) on merits
  - Any other consideration must be in Committee:
    - Types of Committee: Subject Committees, Standing Committees, Legislative Committee, Merits Committee, Regulatory Committee



# Scrutiny Role of the Assembly

- Ideally the Assembly or a Committee should scrutinise all subordinate legislation made by WAG, but practically this is impossible because of the new work under the Bill (draft Orders in Council and measures)
- the Assembly or Committee should be scrutinising its own legislation too

# **WAG legislation -What Assembly scrutiny is appropriate?- Plenary**

- **WAG legislation:** The Assembly (in Plenary) will need to consider:
  - A limited number of general SIs which have to be discussed and voted on by the Assembly
  - Any other general SIs if a motion is put by an AM
  - No other subordinate legislation to be considered by the Assembly or Committee (although COULD be important legislation)

# **WAG legislation -What other Assembly scrutiny is appropriate?**

- Constraints: time limitation
  - 46 AMs
  - Consideration must also be given to draft Orders in Council and draft Measures
  - Given possible wide application, consideration of the merits of general WAG SI necessary to look at those SIs which have to be discussed and voted upon by the Assembly

# **Assembly legislation- What Assembly scrutiny is appropriate?**

- **Assembly legislation:**
  - Draft Orders in Council and Measures (Merits and Law): should be considered by dedicated Standing Committees who should take evidence from WAG Officials and the public. Would involve considerable amount of time.
  - Any other powers of Assembly to make subordinate legislation should similarly be considered by such Committees before plenary.

# Scrutiny by the Assembly of UK Bills relevant to Wales

- UK Bills will continue to affect Wales giving powers to WAG (10-15 per year), consideration of these separate from WAG's consideration necessary to inform the Assembly .
- Present system far too slow to keep up with Bills' progress in Parliament. An Assembly Committee needs to do this job under new system. What type of Committee?

# Scrutiny by the Assembly of EU Legislation relevant to Wales

- At present we cannot suggest an effective scrutiny of such instruments because of their considerable number and the limited time of AMs.

# Role of a new Legislation Committee

- Committee needs to continue to consider the legality of all general SIs whether or not to be debated by plenary
- Must continue to draw the Assembly's attention to any such legislation which appears to be legally flawed
- As regards other subordinate legislation WAG makes 100s of instruments every year, we cannot see that a legislation Committee has the capacity to consider them all
- It is considered that additionally with its expertise the Committee should consider all Bills giving powers to WAG and summarise their contents, particularly drawing attention to where such legislation comes across Orders in Councils and Measures
- Additionally consideration (if feasible) of the merits of WAG general SIs by the Legislation Committee or a special Merits Committee?