



National Assembly for **Wales**
Cynulliad Cenedlaethol **Cymru**

UK Government Legislative Programme 2006-07

This paper provides an overview of the content and progress through Parliament and the Assembly of UK bills that were remitted to, and considered, by the committees of the Second Assembly.

It details the powers conferred by each bill and the extent to which they provide the Assembly with wider and more permissive powers, including Measure making powers.

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UK Government Legislative Programme 2006-07

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Gwasanaeth Ymchwil yr Aelodau: Papur Ymchwil



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UK Government Legislative Programme 2006-07

1 Introduction

This paper provides an overview of the content and progress through Parliament and the Assembly of UK bills that were remitted to, and considered, by the committees on the Second Assembly.

It details the powers conferred by each bill and the extent to which they provide the Assembly with wider and more permissive powers, including Measure making powers.

Most of the UK bills in this paper were announced in the Queen's Speech in November 2006¹ but some bills have been published subsequently.

It is now increasingly common for bills to be published in draft form to allow pre-legislative scrutiny over a period of months. The Climate Change Bill and the Local Transport Bill have both been published as draft bills.

Information is included on actions taken by the National Assembly for Wales, such as committee scrutiny and assessments of the implications in terms of devolved powers.

2 Key points

Six bills were formally remitted² to committees of the Second Assembly.

- the Local Government and Public Involvement in Health Bill (Local Government and Public Services Committee)
- the Further Education and Training Bill (Education and Lifelong Learning Committee)
- the Climate Change Bill (Environment, Planning and Countryside Committee)
- the Mental Health Bill (Health and Social Services Committee)
- the Road Transport Bill (Enterprise, Innovation and Networks Committee)
- the Digital Switchover Bill (Culture, Sport and Welsh Language Committee).

Measure making powers

The Further Education and Training Bill and the Local Government and Public Involvement in Health Bill both include clauses conferring Measure making powers for Wales.

Outcomes

Four of the committees presented formal reports on the relevant bills to Plenary³.

There was a full debate in Plenary on the Health and Social Services Committee's Report on the Mental Health Bill on Wednesday 28 February 2007⁴.

¹ Bills announced in the Queen's Speech, 15 November 2006, <http://www.commonleader.gov.uk/output/Page1745.asp>

² National Assembly for Wales, Record of Proceedings, 28 November 2006, http://www.wales.gov.uk/cms/2/ChamberSession/380313AC00046B17000028C300000000/6d14e55c77435247232cb1bbe49e86b0.htm#_Toc153253478

³ National Assembly for Wales; Documents Laid: 9 January 2007; 7 February 2007; 22 February 2007; 29 March 2007: <http://www.assemblywales.org/bus-home/bus-guide-docs-pub/bus-business-documents.htm>



The two draft bills weren't published in time for the relevant committees to report to Plenary before the end of the Second Assembly.

When relevant, each of the committees included the relevant bills in their committee legacy reports.

⁴ Record of Proceedings, 28 February 2007, <http://www.assemblywales.org/bus-home/bus-chamber/bus-chamber-second-assembly/bus-chamber-second-assembly-rop.htm?ds=2007%2F2&submit=Submit>



3 Bills remitted to Committees of the Second Assembly

Bill	Parliamentary Stage	Assembly Stage
<p>Climate Change Bill</p> <p>The Bill will form part of the UK Government's strategy to tackle climate change and address the issues raised by the government-commissioned Stern Review on the economics of climate change. The review concluded that the cost of inaction will be far higher than tackling climate change now.</p> <p>The legislation aims to put in place a long term goal and framework for emissions reductions in order to provide a firm basis on which business could plan ahead.</p>	<ul style="list-style-type: none">13/03/07 Draft Climate Change Bill published <p>The Joint Committee on the Draft Climate Change Bill will report on the draft Bill by 25 July 2007.</p>	<p>14/03/07 Following an oral update to Committee, the EPC Minister was questioned by Members on the key issues in the consultation.</p> <p>25/01/07 Proposals for a Climate Change Bill considered by Committee</p> <p>28/11/06 Bill remitted to the Assembly's Environment, Planning and Countryside Committee</p>



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Key clauses and further information

The draft Bill provides a legal framework to manage future greenhouse gas emissions. It aims to provide a clear, credible and long term framework that will provide greater clarity and confidence for businesses and individuals to plan and invest in delivering the changes needed to move to a low carbon economy.

In summary the Bill:

- ◆ makes challenging carbon dioxide reductions targets for 2020 and 2050 legally binding;
- ◆ introduces a system of 'carbon budgeting' capping emissions over five-year periods – with three budgets set ahead to help businesses plan and invest with increased confidence;
- ◆ creates a new independent body to advise on the setting of carbon budgets and to report on progress;
- ◆ contains enabling powers to make future policies to control emissions quicker and easier to introduce; and
- ◆ introduces a new system of Government reporting to Parliament including on climate change adaptation policies.

Further information about the draft Bill is available on the Department for Environment, Food and Rural Affairs web-site at:

<http://www.defra.gov.uk/environment/climatechange/uk/legislation/index.htm>



Bill	Parliamentary Stage	Assembly Stage
<p>Digital Switchover (Disclosure of Information) Bill</p> <p>The Bill allows social security information to be shared with the BBC in order to assist the delivery off the Digital Switchover Help Scheme.</p> <p>The Help Scheme, which the BBC will help establish and fund, will provide practical help for people aged 75 and over or with a significant disability to help them manage the transition from analogue to digital-only television. This process of digital switchover takes place by ITV region between 2007 and 2012.</p>	<ul style="list-style-type: none"> • 18/06/07 Royal Assent – The Digital Switchover (Disclosure of Information) Act 2007 • 22/05/07 Lords: 3rd Reading • 15/05/07 Lords: Report stage • 22/03/07 Lords: Committee stage • 28/02/07 Lords: 2nd Reading • 30/01/07 Lords: 1st Reading • 29/01/07 Commons: 3rd Reading • 16/01/07 Commons: Committee stage • 18/12/06 Commons: 2nd Reading • 16/11/06 Commons: 1st Reading 	<p>13/12/06 Bill considered by Committee</p> <p>28/11/06 Bill remitted to the Assembly's Culture, Welsh Language and Sport Committee</p> <p>The Committee considered the Bill on 13 December 2006. Members noted that the Bill would apply fully to Wales, as to the remainder of the United Kingdom. It conferred no functions on the National Assembly or any Welsh public bodies. The Committee noted the Bill and reported to the Assembly on the 9 January 2007 that no further consideration by the Assembly or its committees was necessary.</p>
<p><i>Key clauses and further information</i></p> <p>The Bill will apply fully to Wales, as to the remainder of the United Kingdom. It confers no functions on the National Assembly or any Welsh public bodies. It permits the supply of information held by the Secretary of State. There is no corresponding information held by the National Assembly, and therefore no corresponding function that could be given to the Assembly. No specifically Welsh issues have been identified.</p> <p>Further information about the Bill is available on the UK Parliament web-site at: http://www.publications.parliament.uk/pa/pabills/200607/digital_switchover.htm</p>		



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Bill	Parliamentary Stage	Assembly Stage
<p>Further Education and Training Bill [HL]</p> <p>This Bill implements proposals contained in the Department for Education and Skills' (DfES) White Paper "<i>Further Education: Raising Skills, Improving Life Chances</i>" which was published on 27 March 2006.</p>	<ul style="list-style-type: none"> • 12/06/ - 14/06/07 Commons: Committee stage • 21/05/07 Commons: 2nd Reading • 07/03/07 Commons: 1st Reading • 06/03/07 Lords: 3rd Reading • 27/02/07 Lords: Report stage • 23/01, 25/01/07 Lords: Committee stage • 13/12/06 Lords: 2nd Reading • 20/11/06 Lords: 1st Reading 	<p>22/02/07 Committee's report on the Bill laid before the Assembly</p> <p>01/02/07 Bill considered by Committee</p> <p>28/11/06 Bill remitted to the Assembly's Education, Lifelong Learning and Skills Committee</p>
<p><i>Key clauses and further information</i></p> <p>The Bill makes provision for:</p> <ul style="list-style-type: none"> ◆ Restructuring and streamlining the Learning and Skills Council (LSC) for England. The LSC will also have a duty to encourage diversity and choice and to consult with employers and learners; ◆ Transferring the power (in England) to incorporate further education institutions and to dissolve further education corporations from the Secretary of State for Education and Skills to the Learning and Skills Council. ◆ The Secretary of State to make regulations requiring all college principals to achieve a stipulated leadership qualification before taking up a new post ; ◆ The Privy Council to grant further education institutions in England powers to award their own foundation degrees. <p>Measure Making Powers</p> <p>The Bill (Clause 26 in Part 4) gives Measure making powers to the National Assembly for Wales in the field of education and training (amending the Government of Wales Act 2006 Schedule 5 Part 1 Field 5: Education and Training). These are:</p> <ul style="list-style-type: none"> ◆ Matter 5.1: the provision of facilities for post-16 education and training ◆ Matter 5.2: new provisions for the establishment and discontinuance of further education institutions and their management and governance; ◆ Matter 5.3: provision for new forms of learning delivery through collaborative arrangements; ◆ Matter 5.4: provision of financial resources in connection with post-16 education and training 		



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- ◆ Matter 5.5: the inspection of post-16 education and training and teacher training
- ◆ Matter 5.6: the provision of advice and information relating to post-16 education and training

Key clauses and further information

Provisions that apply to Wales or which affect Wales and England differently ⁵

- ◆ The Secretary of State's powers to direct removal of principals and senior post holders and to create and dissolve further education colleges will not be exercisable by the LSC in relation to Wales. These powers are currently exercisable by the Assembly and will in future be exercisable by the Welsh Ministers;
- ◆ Consent for colleges in Wales to form or acquire an interest in companies or charitable incorporated organisations for the purpose of conducting an educational institution would be obtained from the Welsh Ministers (in England it would be from the LSC);
- ◆ Further education colleges in Wales will be required to have regard to guidance from the Welsh Ministers about consulting learners and employers;
- ◆ Provision amending the requirement that industrial training boards demonstrate consensus for their levy proposals solely by reference to "relevant organisations" would apply in Wales;
- ◆ Provision generally requiring industrial training boards to submit levy proposals covering three years, rather than one, would also apply in Wales;
- ◆ Provision enabling the Learning and Skills Council to operate loans and shared services would operate in Wales only with the consent of Welsh Ministers.

Note: Following the merger of ELWa into the Welsh Assembly Government (April 2006), the functions akin to those undertaken by the Learning and Skills Council in England are exercised by Welsh Ministers in Wales.

Further information about the Bill is available on the UK Parliament web-site at:

http://www.publications.parliament.uk/pa/pabills/200607/further_education_and_training.htm

Bill	Parliamentary Stage	Assembly Stage
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⁵ Further Education and Training Bill [HL] Explanatory Notes
<http://www.publications.parliament.uk/pa/ld200607/ldbills/006/en/07006x--.htm>



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<p>Local Government and Public Involvement in Health Bill</p> <p>The <i>Local Government and Public Involvement in Health Bill</i> was published on 13 December 2006. Some provisions of the Bill apply in relation to England and Wales, but most of it applies in relation to England only.</p> <p>The Local Government Bill embraces the principles of 'double devolution', that is, devolving more central government jurisdiction to local government and more local government powers to local communities.</p>	<ul style="list-style-type: none"> • 23/05/07 Lords: 1st Reading • 22/05/07 Commons; 3rd Reading • 17/05/07 Commons: Report stage • 30/01/07 – 08/03/07 Commons: Committee stage • 22/01/07 Commons: 2nd Reading • 12/12/06 Commons: 1st Reading 	<p>29/03/07 Committee's report on the Bill laid before the Assembly</p> <p>18/01/07 Bill considered by Committee</p> <p>28/11/06 Bill remitted to the Assembly's Local Government and Public Services Committee</p>
<p><i>Key clauses and further information</i></p> <p>Part 12, together with Schedule 14, of the Bill makes amendments to Part 1 of Schedule 5 to the <i>Government of Wales Act 2006</i> conferring enhanced legislative competence (i.e. powers to make Measures) on the Assembly in specific fields. These are:</p> <ul style="list-style-type: none"> ◆ Matter 12.1: Powers to alter boundaries of counties and county boroughs (i.e. to effect a reorganisation of local government). ◆ Matter 12.2: The making, coming into force and confirming of a byelaw. ◆ Matter 12.3: The conduct of elected members, co-opted members and employees of the following local authorities in Wales. ◆ Matter 12.4: County council and county borough council strategies for promoting and improving the economic, social and environmental well-being of local authority areas in Wales or contributing to sustainable development in the United Kingdom. ◆ Matter 12.5: The making of arrangements by specified authorities in Wales to secure improvement in the exercise of their functions, i.e. provisions equivalent to the best value duties in Part 1 of the <i>Local Government Act 1999</i>. <p>The Bill also makes certain changes to the Best Value regime established under the <i>Local Government Act 1999</i>, including the abolition of certain requirements in England. These powers will continue to be available to the Welsh Ministers but the Assembly will be able to amend or replace these provisions. Clause 110 confers on the Welsh Ministers a power to modify enactments obstructing compliance with best value, and removes from the Secretary of State the power to do so in relation to Welsh best value authorities.</p> <p>While welcoming the Bill, the Finance, Local Government and Public Services Minister, Sue Essex AM stated:</p>		



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There is scope in this Bill to give yet further powers to the National Assembly. I will be discussing with the Secretary of State amendments to the Bill that would give Wales further powers but, as I have made clear, the Assembly Government has no intention of seeking amendments relating to local government electoral arrangements.⁶

At the end of its passage through the House of Commons some "tidying up" amendments have been made to the Bill in relation to Wales. For example, clause 117 amends the *Local Government Act 2000* in respect of the promotion of economic, social or environmental well-being etc. Section 5 of the 2000 Act enables the Secretary of State to, by order, amend, repeal, revoke or disapply an enactment which prevents or obstructs local authorities from exercising their powers to promote well-being. This has been amended so that the Secretary of State cannot make any provision under that section that affects Wales without consulting the Welsh Ministers. It also provides that the Secretary of State cannot make an order under that section to amend, repeal, revoke or disapply subordinate legislation made by Welsh Ministers or the National Assembly for Wales without the consent of the Welsh Ministers; or a Measure or Act of the National Assembly for Wales without the consent of the National Assembly (except when making incidental or consequential provision). Welsh Ministers are given an equivalent power to that of the Secretary of State under section 6 of the 2000 Act to modify enactments relating to local authority plans and strategies.

However, no further amendments have been made that give the Assembly further Measure powers.

Further information about the Bill is available on the UK Parliament web-site at:

http://www.publications.parliament.uk/pa/pabills/200607/local_government_and_public_involvement_in_health.htm

Bill	Parliamentary Stage	Assembly Stage
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⁶ Welsh Assembly Government, Press Release, *Local Government Minister welcomes new Bill*, 13 December 2006.



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<p>Mental Health Bill [HL]</p> <p>The publication of the <i>Mental Health Bill</i> (HL)⁷ on 16 November 2006 is the UK Government's third attempt in eight years to reform the <i>Mental Health Act 1983</i>.</p> <p>Proposals to reform the Act were initially published in 1999, followed by a draft bill in 2002 which was strongly opposed by mental health campaigners. A second draft bill was published in 2004, but this was also widely opposed and was heavily criticised by the Joint Committee on the Draft Mental Health Bill (2004). The UK Government abandoned it in March 2006 and instead announced its intention to press ahead with what many campaigners regard as the more controversial aspects of the previous draft mental health bills in a shorter, more 'streamlined' bill.⁸ This third bill seeks to amend the existing <i>Mental Health Act 1983</i>.</p>	<ul style="list-style-type: none">• 18/06/07 Commons: Report stage• 24/04 – 15/05/07 Commons: Committee stage• 16/04/07 Commons: 2nd Reading• 07/03/07 Commons: 1st Reading• 06/03/07 Lords: Report stage• 19/02, 26/02, 27/02/07 Lords: Report stage• 08/01, 10/01, 15/01, 17/01, 29/01/07 Lords: Committee stage• 28/11/06 Lords: 2nd Reading• 16/11/06 Lords: 1st Reading	<p>28/02/07 Committee's report on the Bill debated in Plenary</p> <p>07/02/07 Committee's report on the Bill laid before the Assembly</p> <p>25/01/07 Bill considered by the Committee</p> <p>28/11/06 Bill remitted to the Assembly's Health and Social Services Committee</p>
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⁷ *Mental Health Bill* 2006 (HL) as introduced in the House of Lords on 16 November 2006 <http://www.publications.parliament.uk/pa/ld200607/ldbills/001/2007001.pdf>

⁸ Department of Health, "Next steps for the Mental Health Bill", 23 March 2006

http://www.dh.gov.uk/PublicationsAndStatistics/PressReleases/PressReleasesNotices/fs/en?CONTENT_ID=4132068&chk=SbH%2BGa



Key clauses and further information

Part 1 of the Mental Health Bill sets out to amend the existing Mental Health Act 1983 to:

- ◆ Ensure that patients receive the treatment they need to protect themselves and the public from harm;
- ◆ Bring mental health law into line with modern service provision;
- ◆ Strengthen patient safeguards; and remedy incompatibilities with Human Rights legislation.

Part 2 of the Bill is also being used to introduce "Bournewood safeguards" through amending the Mental Capacity Act 2005. These changes provide for procedures to authorise the deprivation of liberty of a person resident in a hospital or care home who lacks capacity to consent.

Part 3 sets out general provisions such as transitional and consequential amendments.

The Mental Health Bill revives a number of proposals included in earlier draft legislation, which were heavily criticised and eventually dropped in March 2006. It aims to introduce powers of compulsory community treatment and enable preventive detention of people deemed to have dangerous and severe personality disorders. UK Government ministers have said that the Bill is essential to improve the safety of patients and the public. But the Mental Health Alliance has said that the measure is "flawed and profoundly disappointing".

The Health and Social Services Committee considered the Bill on 25 January 2007. A number of concerns were raised by key stakeholders in written and oral evidence to the Committee. The Law Society said that the Bill was 'deeply flawed' and Hafal said that it would be better to continue with the 1983 Act as drafted than have it amended by the Bill. Concerns centred on the following areas:

- ◆ The lack of a single definition of mental disorder;
- ◆ The lack of guiding principles on the fact of the Bill (a feature of Scottish mental health legislation);
- ◆ The definition of Appropriate Treatment Test which lacks sufficient legal certainty and is too vague as a basis for using coercive powers;
- ◆ Numerous concerns about Supervised Community Treatment;
- ◆ The right to independent advocacy is lacking (again, a feature of Scottish mental health legislation);
- ◆ The process of extending to patients the right to displace their Nearest Relative could be protracted and stressful;
- ◆ Concern that the replacement of Approved Social Workers with Approved Mental Health Professionals may have an adverse impact on patient experience;
- ◆ Current proposals to address the 'Bournewood Gap' fail to provide sufficient safeguards to protect the rights of individuals who have been deprived of their liberty.



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The majority of the Committee accepted the view that the Mental Health Bill is flawed and, as a consequence, voted to adopt the following resolution:

'The evidence to the Committee has demonstrated a consistent view that the proposed mental health legislation is deeply flawed. In the light of this evidence, the Committee's view is that the Minister seek framework powers in the Mental Health Bill.'

Territorial coverage

The Mental Health Bill applies to England and Wales. Many of the statutory instrument making powers are to be exercised by the appropriate authority, i.e. for Wales, it will be for Welsh Ministers. Under the Government of Wales Act 2006, Welsh Ministers will be responsible for implementing the Bill and developing statutory instruments and a Code of Practice in relation to Wales

Powers for Wales

At their meeting on 25 January 2007, Members of the Health and Social Services Committee asked the Minister why framework powers had not been sought. The Minister gave the following response:

"There are some concessions in the Bill in the sense of giving us regulation-making powers. You ask why if they do it differently in Scotland, we cannot do it differently in Wales, but the thing that persuaded me is that the exchanges over the border in Scotland with the English health service are not nearly as prevalent as they are in Wales; in other words, the porosity of the border between England and Wales, and the opportunities for patients and healthcare workers to find themselves working to two different regimes in what is a difficult and complex area as, having read a number of these papers, it seems so much is open to interpretation and so on. I was persuaded by the arguments that were put to me that, while there were potentially benefits in taking framework powers, the amount of uncertainty and confusion that would follow would probably create more problems than it would solve."

The issue of framework powers was raised with the Minister in March 2006 when the decision to drop the draft Mental Health Bill (2004) in favour of an amended 1983 Act was announced. Jenny Randerson AM asked the Minister to investigate if there is scope for seeking framework powers for those aspects of the legislation that are not Home Office driven, as per the UK Government's White Paper commitment. The Minister responded that he was happy to do that, saying that the Assembly Government generally takes that approach and that looking at framework powers would be one of the options once he has sight of the bill.

In a minority party debate on mental health on 21 November 2006, Brian Gibbons AM responded to an amendment calling for legislation affecting mental health services in Wales to be devolved by saying:



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"I looked at this very carefully. Despite the attractions of looking for framework legislation in several areas, in relation to the recently published Mental Health Bill, the practical difficulties and the discontinuities that could occur over the border between England and Wales suggest that, on balance, it would not be practical to seek full devolution in all areas of mental health. In fact, it would probably end up being detrimental to patients rather than helping them."

The Minister reiterated the points in a Plenary debate on the Bill on 28 February 2007.

Further information about the Bill is available on the UK Parliament web-site at:
http://www.publications.parliament.uk/pa/pabills/200607/mental_health.htm

Bill	Parliamentary Stage	Assembly Stage
Local Transport Bill (draft)	<ul style="list-style-type: none">The consultation period on the	28/11/06 Bill remitted to the Assembly's



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<p>The draft local transport Bill was published by the Department for Transport on 22 May 2007.</p>	<p>draft Bill ends on 07 September 2007</p>	<p>Enterprise, Innovation and Networks Committee</p>
<p><i>Key clauses and further information</i></p> <p>The provisions in the draft Bill are intended to support the UK Government's strategy to tackle increasing road congestion and to improve the quality of local bus services.</p> <p>The draft Bill contains provisions to amend the legal frameworks relating to:</p> <ul style="list-style-type: none">■ the operation of local bus services;■ the responsibilities of English local authorities in relation to local transport including the establishment and functions of Passenger Transport Authorities in England only; and■ the establishment and operation of local road user charging schemes <p>The draft Bill confers a number of new or expanded powers on the Welsh Ministers, in line with changes being made to certain powers of the Secretary of State in relation to England (excluding London).</p> <p>In Wales, the <i>Transport (Wales) Act 2006</i> already gives Welsh Ministers the power to establish Joint Transport Authorities, should voluntary collaborative arrangements between local authorities prove to be unsatisfactory.</p> <p>Part 4 of the Bill deals with PTAs which do not exist in Wales and so does not apply. There are also a small number of provisions that have a different effect in Wales as compared to England.</p> <p>The Assembly's former Economic Development and Transport Committee carried out joint scrutiny with the Welsh Affairs Committee of the draft Transport (Wales) Bill in 2004. Both Committees called for further powers for the Assembly over the provision of bus services in Wales. This recommendation was rejected by the UK and Welsh Assembly Governments.</p> <p>Further information about the draft Bill is available in a Members' Research Service Paper at: http://www.assemblywales.org/mrs071202_draft_local_transport_bill_research_paper.pdf</p>		



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and on the Department for Transport website at:

<http://www.dft.gov.uk/consultations/open/localtransportbill/>



4 Other Bills of interest

Bill	Parliamentary Stage	Assembly Stage
<p>Concessionary Bus Travel Bill [HL]</p> <p>The Bill will implement the pledge by Gordon Brown in the 2006 Budget to give free off-peak travel on local buses for over 60s and disabled people anywhere in England from April 2008. Such a scheme already operates in Wales.</p>	<ul style="list-style-type: none"> • 05/06/07 Commons: Committee stage • 14/05/07 Commons: 2nd Reading • 06/02/07 Commons: 1st Reading • 05/02/07 Lords: 3rd Reading • 29/01/07 Lords: Report stage • 08/01/07 Lords: Committee stage • 12/12/06 Lords: 2nd Reading • 27/11/06 Lords: 1st Reading 	
<p><i>Key clauses and further information</i></p> <p>The Bill replaces the section of the <i>Transport Act 2000</i> which contains the current mandatory bus travel concession for Wales and (most of) England with two new sections. One section provides for the new national concession for England (for journeys beginning outside the London bus network); the other restates the existing concessionary scheme in Wales.</p> <p>The only significant change to the legislation which might affect Wales is the inclusion of order-making powers enabling the Welsh Ministers and the Secretary of State to require, in their respective territories, the recognition of concessionary passes issued under each other's concessionary regimes, and those of Scotland and Northern Ireland. These powers could be used once all parties had agreed the practical arrangements of a reciprocal United Kingdom wide scheme. The Welsh Ministers' powers include power to adjust the way in which bus operators are reimbursed under the Welsh scheme, so that they can be reimbursed for carrying concessionaires from outside Wales.</p> <p>The Bill does not change the way the current Welsh scheme operates, nor does it affect the existing powers of Welsh Ministers to alter the scope of the scheme.</p> <p>Further information about the Bill is available on the UK Parliament web-site at: http://www.publications.parliament.uk/pa/pabills/200607/concessionary_bus_travel.htm</p>		

Bill	Parliamentary Stage	Assembly Stage
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<p>Culture (Scotland) Bill (draft)</p> <p>A draft Culture (Scotland) Bill was published on 14 December 2006 inviting the views of the public on how best to provide a legislative footing for plans to nurture Scotland's best creative and cultural talent. It follows a statement made to Parliament in January when Culture Minister Patricia Ferguson set out the Executive's vision for the strategic direction of future cultural policy.</p>	<ul style="list-style-type: none"> • Consultation period ends 31/03/07 	
<p><i>Key clauses and further information</i></p> <p>The main proposals shaping the draft Bill include:</p> <ul style="list-style-type: none"> ◆ Cultural entitlements that local authorities will provide, having obtained the views of local people on activities they want to access; ◆ A new cultural development body to be called Creative Scotland; ◆ Direct government funding of the main national performing companies; ◆ A new criminal offence in Scotland on dealing in tainted cultural objects. For instance, items of foreign monuments that have been stolen and brought here for sale. <p>Further information about the Bill is available on the Scottish Executive web-site at: http://www.scotland.gov.uk/News/Releases/2006/12/14094529</p>		

Bill	Parliamentary Stage	Assembly Stage
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<p>Human Tissue and Embryos Bill (Draft) [HL]</p> <p>The Bill will implement the policy proposals contained in the White Paper <i>Review of the Human Fertilisation and Embryology Act: Proposals for revised legislation (including establishment of the Regulatory Authority for Tissues and Embryos)</i> published in December 2006.</p>	<p>17/05/07 Draft Human Tissue and Embryos Bill published.</p> <p>The Joint Committee on the Draft Human Tissue and Embryos Bill will report on the draft Bill by 25 July 2007.</p>	
<p><i>Key clauses and further information</i></p> <p>The draft Bill was published by the Department of Health on 17 May 2007 and has 3 parts. Part 1 creates a new regulatory body, the Regulatory Authority for Tissue and Embryos (RATE) to replace the Human Fertilisation and Embryology Authority (HFEA) and Human Tissue Authority (HTA) and take over the regulation and distribution of blood and blood components from the Medicines and Healthcare Products Regulatory Agency (MHRA). Part 2 amends the <i>Human Fertilisation and Embryology Act 1990</i> and Part 3 clarifies the meaning of parenthood in cases involving assisted reproduction.</p> <p>In general, the Bill applies equally to Wales as it does to England and does not confer any functions on the National Assembly. Part 1 and Schedule 1 do contain provisions for a member of RATE to be appointed by the Welsh Ministers, for ministers to be advised of any issues impacting on Wales and for accounts and reports to be laid before the National Assembly. However, Parts 2 and 3 may have implications for the NHS in Wales and for the Welsh Assembly Government in any guidance they produce and issues covered by the Bill have been raised in the Health and Social Services Committee of the 2nd Assembly.</p> <p>The Bill is currently being considered by the Joint Committee on the Draft Human Tissue and Embryos Bill. The first meeting was held on 15 May 2007 and the Committee is currently taking evidence. It is expected to report before 25 July 2007 and is timetabled to be published in August 2007. The creation of RATE is part of a UK Government review of arms length bodies.</p> <p>Further information about the Bill is available on the Department of Health web-site at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_074718</p>		

Bill	Parliamentary Stage	Assembly Stage
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Legal Services Bill [HL]

In July 2003, the UK Government appointed Sir David Clementi to carry out an independent review of the regulatory framework for legal services in England and Wales. In December 2004, Sir David published a Report following his Review⁹. The Government subsequently published a white paper¹⁰ setting out proposals for the regulatory reform of legal services on 17 October 2005.

The draft Legal Services Bill¹¹ was introduced in Parliament on 24 May 2006. A Joint Committee on the Draft Legal Services Bill was established and published its report on 25 July 2006¹². The report raised a number of concerns including 'the level of government involvement in the proposed new regulatory system for legal services proposed in the draft Legal Services Bill as potentially damaging to the independence of the legal profession from government' and proposals to de-regulate the business structures within which legal services can be provided¹³. The *Legal Services Bill*¹⁴ received its first reading on 23 November in the House of Lords.

- 12/06/07 Commons: Committee stage
- 04/06/07 Commons: 2nd Reading
- 16/05/07 Commons: 1st Reading
- 15/05/07 Lords: 3rd Reading
- 16/04, 18/04, 08/05/07 Lords: Report stage
- 09/01, 22/01, 23/01, 06/02, 21/02, 06/03/07 Lords: Committee stage
- 06/12/06 Lords: 2nd Reading
- 23/11/06 Lords: 1st Reading

⁹ Clementi, D. (December 2004) *Report of the Review of the Regulatory Framework for Legal Services in England and Wales*
<http://www.legal-services-review.org.uk/content/report/report-chap.pdf>

¹⁰ Department for Constitutional Affairs, *The Future of Legal Services: Putting the Consumer First*, 17 October 2005: <http://www.dca.gov.uk/legalsys/folwp.pdf>

¹¹ Department for Constitutional Affairs (24 May 2006) *Draft Legal Services Bill, Explanatory Notes and Regulatory Impact Assessment*: <http://www.official-documents.gov.uk/document/cm68/6839/6839.pdf>

¹² Joint Committee on the Draft Legal Services Bill, *Volume 1 Report*, 25 July 2006, HC 1154-I, HL Paper 232-I: <http://www.publications.parliament.uk/pa/it200506/jtselect/jtlegal/232/232i.pdf>

¹³ Joint Committee on the Draft Legal Services Bill press notice, 25 July 2006: http://www.parliament.uk/parliamentary_committees/jcdlsb/jcdlsb_250706_pn2_.cfm

¹⁴ *Legal Services Bill [HL], Bill 9, 2006-07*: <http://www.publications.parliament.uk/pa/ld200607/ldbills/009/07009.i-v.html>. *Explanatory Notes can be accessed here:*
<http://www.publications.parliament.uk/pa/ld200607/ldbills/009/en/07009x--.htm>



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Bill	Parliamentary Stage	Assembly Stage
<p>Statistics and Registration Services Bill</p> <p>The Bill will create a new and independent Statistics Board, outside of Ministerial control, as a legal successor body to the ONS. The Board will be a Non-Ministerial Department, made up of a majority of external, non-executive, members. The Board will have a statutory responsibility to promote and safeguard the quality and comprehensiveness of all official statistics. With the exception of civil registration functions, the ONS's current responsibilities will transfer to the new Board, as will statistical functions of the Registrar General, including the Census. The Bill establishes the Registrar General as a corporation sole, and provides for proper employment status and rights for registration officers as local authority employees.</p>	<ul style="list-style-type: none">• 18/06/07 Lords: Report stage• 24/04, 02/05, 23/05/07 Lords: Committee stage• 26/03/07 Lords: 2nd Reading• 14/03/07 Lords: 1st Reading• 13/03/07 Commons: 3rd Reading• 13/03/07 Commons: Report stage• 16/01 – 25/01/07 Commons: Committee stage• 08/01/07 Commons: 2nd Reading• 21/11/06 Commons: 1st Reading	



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Key clauses and further information

Part 1 of the Bill extends to England and Wales, Scotland and Northern Ireland, apart from clause 59 on evidence in legal matters, which will be governed by the law in England and Wales. Part 2 on the Registration Service extends only to England and Wales, as Scotland and Northern Ireland each have their own General Register Office and Registrar General.

The Bill applies generally to Wales. The Board in Welsh is to be known as "Y Bwrdd Ystadegau". Wales is treated slightly differently to Scotland and Northern Ireland under sections relating to information on births, deaths and NHS registrations (sections 39 and 41), and sections relating to disclosure of information between public authorities and the Board (sections 44 and 48).

Section 6 defines official statistics as including those produced by a Welsh ministerial authority, and allows Welsh Ministers to specify by order other statistics to be included in the definition of official statistics. Section 11 allows Welsh Ministers to specify by order rules and principles relating to pre-release access to wholly Welsh devolved statistics. However section 62 specifies that, for the Welsh Ministers to make an order under sections 6 or 11, a draft of the instrument containing the order must first be approved by the National Assembly for Wales. Welsh Ministers will also have certain functions in relation to the Board, such as appointment to the Board and the issuing of directions if they feel there has been a failure by the Board.

Further information about the Bill is available on the UK Parliament web-site at:

http://www.publications.parliament.uk/pa/pabills/200607/statistics_and_registration_service.htm



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Bill	Parliamentary Stage	Assembly Stage
<p>Welfare Reform Bill</p> <p>The Welfare Reform Bill was initially introduced in the House of Commons on the 4th July 2006 and has been carried over from the previous Parliamentary session. In the previous session the Bill completed 12 out of 16 scheduled Standing Committee sittings.</p> <p>It was re-introduced in the Queen's Speech, November 2006, and had its first Reading in the 2006-07 session on the 16 November 2006.</p> <p>It brings forward the proposals discussed in the Welfare Reform Green Paper published in January 2006 called 'A new deal for welfare - Empowering people to work'¹⁷.</p>	<ul style="list-style-type: none"> • 04/05/07 Royal Assent – The Welfare Reform Act 2007 • 27/03/07 Lords: 3rd Reading • 19/03/07 Lords: Report stage • 20/02, 28/02, 01/03/07 Lords: Committee stage • 29/01/07 Lords: 2nd Reading • 10/01/07 Lords: 1st Reading • 09/01/07 Commons: 3rd Reading • 09/01/07 Commons: Report stage • 28/11/06 Commons: Committee stage • 16/11/06 Commons: 2nd Reading • 16/11/06 Commons: 1st Reading <p>2005-06 session:</p> <ul style="list-style-type: none"> • 24/07/06 Commons: 2nd Reading • 04/07/06 Commons: 1st Reading 	<p>27/09/06 Bill considered by Equality of Opportunity Committee</p>

¹⁷ 'A new deal for welfare - Empowering people to work' Green Paper, Department for Work and Pensions, 24 January 2006, http://www.dwp.gov.uk/welfarereform/legislation_green_paper.asp



Key clauses and further information

The Bill replaces incapacity benefits with a new Employment and Support Allowance, it reforms the way in which Housing Benefit is calculated for some claimants and introduces Housing Benefit sanctions to discourage anti-social behaviour. It introduces reforms to the administration of social security, mainly in relation to the detection and prevention of fraud. The Bill also introduces some minor amendments to legislation concerning bereavement benefits, Disability Living Allowance, the Social Fund, Vaccine Damage Payments, the Independent Living Funds and compensation for pneumoconiosis and related conditions.

Territorial coverage

Most measures in the Bill extend to England and Wales and Scotland but not to Northern Ireland. Some Clauses do not extend to Scotland. The Bill affects England and Wales in the same way. It does not contain any measures which affect the powers of The National Assembly for Wales.

On behalf of the National Assembly for Wales, the Department for Education, Lifelong Learning and Skills (DELLS) is leading the liaison with the Department for Work and Pensions on the impact of the Bill in Wales.

Further information about the Bill is available on the UK Parliament web-site at:

http://www.publications.parliament.uk/pa/pabills/200607/welfare_reform.htm

5 Other Bills

5.1 Communities and Local Government

Greater London Authority Bill

The Bill will give additional powers to the GLA (the Mayor of London and London Assembly) to support the delivery of better public services in London. The Bill elevates the Mayor's planning and housing powers significantly in response to the new challenges associated with delivering the London Olympics and increasing housing supply for the capital.

The Bill extends to England and Wales.

[Further information about the Bill](#)

5.2 Constitutional Affairs

Tribunals, Courts and Enforcement Bill [HL]

The Bill creates a new, simplified legal framework for tribunals. It will change the existing threshold criteria to allow a more diverse range of applicants to apply to become a judge, and will create a single piece of bailiff law governing the activities of all civil enforcement agents and greater regulation of those agents who are not Crown employees.

The Bill extends to England and Wales.

[Further information about the Bill](#)

5.3 Health

Draft Human Tissue and Embryo Bill

The Bill will ensure that the law that regulates human reproductive technologies is updated to reflect new technologies, and will promote public confidence in human reproductive technologies through effective regulatory controls.

The Bill extends to the United Kingdom.

[Further information about the draft Bill](#)

5.4 Home Office

Corporate Manslaughter and Corporate Homicide Bill

The Bill creates a new offence to be called corporate manslaughter (corporate homicide in Scotland) and will make it easier to prosecute organisations when their gross negligence leads to death. The Bill is carried over from the previous session 2005/06.

The Bill extends to the United Kingdom.

[Further information about the Bill](#)

Criminal Justice Bill

The Bill will toughen up trial processes for when an offender fails to appear without good reason; create new powers to tackle anti-social and violent behaviour, and; make sentencing processes clearer and address imbalances in the process for overturning convictions and releasing offenders.

The Bill extends to England and Wales.

Fraud (Trials without a Jury) Bill

The Bill will make amendments in relation to, section 43 of the Criminal Justice Act 2003, which provides for serious and complex fraud trials to take place without a jury.

The Bill extends to England and Wales.

[Further information about the Bill](#)

Offender Management Bill

The Bill aims to reduce re-offending and better protect the public by providing new arrangements for the provision of probation services, and other measures to improve the efficiency and effectiveness of how offenders are managed in custody and the community.

The Bill extends to England and Wales.

[Further information about the Bill](#)

Organised Crime Bill

The Bill will introduce a comprehensive package of new powers that will strengthen and improve the ability of law enforcement agencies to tackle and prevent serious organised crime, thereby reducing its harm to society.

The Bill extends to England, Wales and Northern Ireland, and some provisions will also apply to Scotland.

UK Borders Bill

The Bill will provide the immigration service with further powers to police the country's borders, tackle immigration crime, and make it easier to deport those who break the law.

[Further information about the Bill](#)

5.5 Northern Ireland

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Justice and Security (Northern Ireland) Bill

The Bill includes provision for jury reform and a new system of non-jury trial, following the repeal of the Diplock Court system; provision of powers for the armed forces, police and Secretary of State for Northern Ireland, and; provision for the extension of the remit of the Security Industry Authority to Northern Ireland and an extension of the powers of the Northern Ireland Human Rights Commission (NIHRC).

The Bill extends to Northern Ireland only.

[Further information about the Bill](#)

Northern Ireland (St Andrews Agreement) Bill

The Bill gives legislative effect to those elements of the St Andrews Agreement that require primary legislation and thereby paves the way for the restoration of the devolved institutions in Northern Ireland on 26 March 2007. The Bill received Royal Assent on 22 November 2006.

The Act extends to Northern Ireland only.

[Further information about the Bill/Act](#)

5.6 Trade and Industry

Consumers, Estate Agents and Redress Bill [HL]

The Bill contains measures to strengthen and streamline consumer representation by bringing together the National Consumer Council, Energywatch and Postwatch, giving consumers a more effective, single voice and offering better value for money.

The Bill extends to the United Kingdom.

[Further information about the Bill](#)

Draft Local Better Regulation Office Bill

The draft Bill would create a new independent body – the Local Better Regulation Office – which would aim to help businesses comply with trading standards and environmental health regulations.

The Bill extends to the United Kingdom.

5.7 Transport

Crossrail Bill

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The Bill will give the powers necessary for the construction and maintenance of Crossrail, a new east-west cross-London rail link, including new tunnels under central London. The Bill is carried over from the previous session 2005/06.

The Bill extends to England and Wales.

[Further information about the Bill](#)

5.8 Treasury

Consolidated Fund Bill

The Bill authorises the use of resources for the service of the years ending with 31st March 2007 and 31st March 2008 and to apply certain sums out of the Consolidated Fund to the service of the years ending with 31st March 2007 and 31st March 2008.

[Further information about the Bill](#)

Income Tax Bill

The Bill will restate, with minor changes, certain enactments relating to income tax; and for connected purposes.

[Further information about the Bill](#)

Investment Exchanges and Clearing Houses Bill

The Bill will confer a specific power on the Financial Services Authority to prevent UK recognised investment exchanges and recognised clearing houses from making changes to their rules which would impose an unnecessary regulatory burden on issuers of securities and other users of UK markets.

The Bill extends to the United Kingdom.

[Further information about the Bill](#)

Planning-gain Supplement (Preparations) Bill

The Bill will permit expenditure in preparation for the imposition of a tax on the increase in the value of land resulting from the grant of permission for development.

[Further information about the Bill](#)

5.9 Work and Pensions

Child Support Bill

The Bill will create a new organisation to deliver child support; create a system that allows all parents to make their own arrangements for child support; introduce more



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enforcement powers to deal with parents who repeatedly fail to pay maintenance, and; create a simple and more effective way of assessing, collecting and enforcing child maintenance.

The Bill extends to the United Kingdom

Pensions Bill

The Bill contains measures to reform the State Pension, establish a Delivery Authority for personal accounts, and some simplification of private pensions.

The Bill extends to the United Kingdom.

[Further information about the Bill](#)