

# Subordinate Legislation Committee

## Report (SLC (3) 22-09)

**Date:** 7 October 2009  
**Time:** 9.30am  
**Venue:** Committee Room 1, Senedd

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The Committee met on 7 October 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Alun Davies AM, William Graham AM. Apologies were received from Joyce Watson AM and Mike German AM. There were no substitutions.

The Committee reports to the Assembly as follows:

### **Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2**

### **Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

#### **SLC329 – The Children Act 1989, Care Standards Act 2000 and Adoption and Children Act 2002 (Miscellaneous Amendments) (Wales) Regulations 2009**

Negative Procedure. Date made 15 September 2009. Date laid 21 September 2009. Coming into force date 12 October 2009

#### **SLC331 - The Education (Independent Schools) (Unsuitable Persons) (Wales) Regulations 2009**

Negative Procedure. Date made 20 September 2009. Date laid 21 September 2009. Coming into force date 12 October 2009

#### **SLC332 - The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009**

Negative Procedure. Date made 19 September 2009. Date laid 25 September 2009. Coming into force date 19 October 2009

#### **SLC333 - The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009**

Negative Procedure. Date made 24 September 2009. Date laid 28 September 2009. Coming into force date 20 October 2009

#### **SLC335 - The Tuberculosis Eradication (Wales) Order 2009**

Negative Procedure. Date made 28 September 2009. Date laid 30 September 2009. Coming into force date 21 October 2009

**Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2**

**Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

**SLC330 – The Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009**

Negative Procedure. Date made 17 September 2009. Date laid 21 September 2009. Coming into force date 12 October 2009

The Committee's Report under S.O.15.2 on these Regulations is attached as Annex 1.

**Other Business**

**European and External Affairs Committee's report on Cross Border Health Care**

The Members noted the European and External Affairs Committee's report on Cross Border Health Care and the Minister's response to that report. The Members observed that this issue was of interest to the Committee as it would regulations arising from the EU Directive would come before the Committee. Members noted the EEAC report was being debated in Plenary on 7<sup>th</sup> October 2009. It was agreed to arrange an informal meeting with the Chair of the European and External Affairs Committee to discuss this issue and other matters related to both Committees' work.

**Agenda Items 5 and 6 – Consideration of the Committee's Draft Report on Child Poverty Bill and Consideration of a Draft Paper on the Review of Statutory Instruments**

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence and recommendations for the Committee's Draft Report on Child Poverty Bill and to consider the Draft Paper on the Review of Statutory Instruments

**Janet Ryder AM  
Chair, Subordinate Legislation Committee**

**7 October 2009**

## **Annex 1**

### **Subordinate Legislation Committee**

**(SLC(3)-21-09)**

**SLC330**

### **Subordinate Legislation Committee Report**

#### **Title: The Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009**

These Regulations make amendments to various sets of regulations made under the Education Act 1996, the School Standards and Framework Act 1998, and the Education Act 2002 to reflect changes that will arise as a result of the commencement of the barring provisions in the Safeguarding Vulnerable Groups Act 2006 (“the SVGA”) and the commencement of new provisions (inserted by the SVGA) in the Police Act 1997.

#### **Procedure: Negative**

#### **Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument for the following reasons –**

Regulation 8 (2) (a) (ii) of the English text erroneously duplicates a reference to the Police Act 1997. Firstly, by referring to “the Police Act 1997” itself, and then by referring to “that Act”. [Standing Order 15.2 (vi)].

Regulation 8 (2) (a) (ii) of the Welsh text is inconsistent with the English text as it omits a reference to the Police Act and instead refers to “Deddf honno” (“that Act”). [Standing Order 15.2 (vii)].

#### **Janet Ryder AM**

Chair, Subordinate Legislation Committee

**7 October 2009**

#### **The Government has responded as follows:-**

#### **The Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009**

The response is that the Government accept the report points and we will lay an amending SI to correct the mistakes in time for it to commence no later than 6 November. The original SI is on 12 October and so there is not time to commence the amending SI before that date.