

Constitutional Affairs Committee

Report CA(3)-12-10

Date: 29 April 2010
Time: 13.00
Venue: Committee Room 4, Tŷ Hywel

CONTENTS

The Committee met on 29 April 2010. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, William Graham AM, Rhodri Morgan AM. There were no apologies.

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 and 15.3

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

- CA433 - The Food Labelling (Nutrition Information) (Wales)(Amendment) Regulations 2010
Negative Procedure Date made 25 March 2010. Date laid 30 March 2010. Coming into force date 20 April 2010
- CA435 - The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2010
Negative Procedure Date made 9 April 2010. Date laid 12 April 2010. Coming into force date 12 April 2010
- CA436 - The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010
Negative Procedure Date made 19 April 2010. Date laid 20 April 2010. Coming into force date 26 July 2010

The Legal Adviser informed the Committee that another piece of legislation on the same subject (CA402 - The Safeguarding Vulnerable Groups Act 2006 (Controlled Activity) (Wales) Regulations 2010) has been signed and made by the Deputy Minister for Social Services. When considering this statutory instrument at its meeting 11 March 2010 the Committee was concerned that the Explanatory Memorandum to these Regulations stated that the Welsh Regulations were intended to come into force on 1 April 2010, subject to related regulations being made at Westminster. The Regulations had now been made.

Other Business

CA425 - The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2010

The Committee reported these Regulations under Standing Orders 15.2 and also 15.3(ii) (on the grounds “that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.”) 25 March 2010. It was noted that the way in which the use of the Welsh language has been treated in legislation on this subject had been the subject of previous reports by the Committee and its predecessor under Standing Order 15.2 and 15.3. Although the Committee took oral evidence from the representatives of the Food Standards Agency Wales and the Deputy Director of the Legal Services Department of the Welsh Government, it was agreed to invite the Deputy Minister for Social Services Gwenda Thomas AM to seek further clarification.

The Committee took oral evidence from the Deputy Minister for Social Services, Gwenda Thomas AM. Having assured the Committee that she takes the issue of bilingualism in Wales very seriously and that the Food Standards Agency is committed to its Welsh language policy the Deputy Minister informed the Committee that she will make amendments to the principal regulations - “The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007” within the next two months to allow the use of Welsh descriptions. The Committee was content with the Minister’s approach.

Committee Correspondence

Secretary of State for Wales Rt Hon Peter Hain MP’s written evidence to the Inquiry into the Developments in Schedule 5 to the Government of Wales Act 2006, including Exceptions to Matters

The Committee considered the Secretary of State for Wales Rt Hon Peter Hain MP’s written evidence to the Inquiry into the Developments in Schedule 5 to the Government of Wales Act 2006, including Exceptions to Matters.

Response from the Counsel General and Leader of the Legislative Programme John Griffiths AM to the Chair’s letter regarding CA390 - The Scallop Fishing (Wales) Order 2010

The Committee noted the response from the Counsel General and Leader of the Legislative Programme John Griffiths AM to the Chair’s letter regarding CA390 - The Scallop Fishing (Wales) Order 2010.

Proposed Carers Strategies (Wales) Measure – additional information from the Deputy Minister for Social Services

The Committee noted further information on existing legislation that provided clarification of provisions in the proposed Measure (e.g., the Mental Capacity Act) and a note reflecting on the lessons learned from the process of securing the Carers' Legislative Competence Order (in particular seeking Whitehall clearance) and on joint working between the Wales Office and the Welsh Government. The additional information was provided by the Deputy Minister for Social Services Gwenda Thomas AM.

Janet Ryder AM
Chair, Constitutional Affairs Committee

29 April 2010