

Constitutional Affairs Committee

Report: CA(3)-17-10 : 24 June 2010

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Time: 1.00 pm

Venue: Committee Room 4, Tŷ Hywel

Assembly Members in attendance

Janet Ryder, North Wales (Chair)

Alun Davies, Mid and West Wales

William Graham, South Wales East

Rhodri Morgan, Cardiff West

Apologies were received from 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 or 15.3

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

- **CA452** – The Health Protection (Notification) (Wales) Regulations 2010
Procedure: Negative
Date made: 8 June 2010
Date laid: 10 June 2010
Coming into force date: for the purpose of all regulations except regulation 4 - 26 July 2010; for the purpose of regulation 4 - 1 October 2010

Although the Committee did not agree any reporting points under S.O.15.2 or 15.3, Members discussed the concerns brought to the Committee's attention by the National AIDS Trust. The Committee agreed to bring these concerns to the attention of the Minister for Health and Social Services Edwina Hart MBE AM.

Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2 or 15.3

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

- **CA453 - The Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010**
Procedure: Negative
Date made: 8 June 2010
Date laid: 10 June 2010
Coming into force date: 26 July 2010

The Committee agreed the Report under S.O.15.2 on this Order, which is attached as Annex 1.

Other Business

Discussion on Implications of UK Government Legislative Programme

In the light of the Queen's speech, which outlined the UK Government's Legislative Programme for 2010-2011 and the Secretary of State for Wales' statement to the Assembly on the legislative programme, the Committee agreed to invite the Rt Hon Cheryl Gillan MP, Secretary of State for Wales and David Davies MP, Chair of the Welsh Affairs Committee to the Committee to discuss the approach to scrutiny of UK Bills that affected Wales.

Janet Ryder AM
Chair, Constitutional Affairs Committee

24 June 2010

Annex 1

Constitutional Affairs Committee

(CA(3)-17-10)

CA453 - The Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010

Constitutional Affairs Committee Report

Title: The Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010

Procedure: Negative

This Order brings into force on 26 July 2010 certain provisions of the Health and Social Care Act 2008 (“the Act”) which amend the Public Health (Control of Disease) Act. These include revised and expanded powers to make health protection regulations, both with regard to the spread of infection or contamination from international travel, and with regard to domestic provision for protecting against, or responding to, infection or contamination.

Technical Scrutiny

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument:-

Paragraph 11 of the Schedule to the English Regulations states that “for the purposes of the certification and the body, section 43 of the 1984 Act continues in force (notwithstanding its repeal by the 2008 Act)”, whereas the Welsh version of the Regulations only makes specific reference to the purposes of the certification, and does not make specific reference to “the body”. (Standing Order 15.2 (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts.

Merits Scrutiny

No points are identified for reporting under Standing Order 15.3 in respect of this instrument at this stage.

Janet Ryder AM

Chair, Constitutional Affairs Committee

26 June 2010

The Government has responded as follows:

The Government accept that an error has been made in the Welsh version of the Order as indicated in the report but are satisfied that it would be proper to treat the error as a minor typographical/clerical error which may be corrected on publication.