

National Assembly for Wales
Research paper

The Welsh Government's Legislative Programme: 2013 update

July 2013

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National Assembly for Wales
Research paper

The Welsh Government's Legislative Programme: 2013 update

July 2013

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This paper provides an overview of the Welsh Government's five year legislative programme to date, including details of the Bills already introduced and those foreshadowed for the forthcoming 2013-14 session.

The paper also includes details of consultations conducted by the Welsh Government on Bills that are yet to be introduced, along with information about other Bills that the Welsh Government will be bringing forward before the next Assembly elections in May 2016.

The First Minister will be making a statement on the Welsh Government's legislative programme in Plenary on 16 July 2013.

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The Welsh Government's Legislative Programme: 2013 update

1. Introduction

On **12 July 2011**, the First Minister, the Rt. Hon. Carwyn Jones AM, made a statement in Plenary outlining the Welsh Government's legislative programme for the next five years.¹

The statement included details of **21 Bills** that the Welsh Government intended to introduce during the course of the fourth Assembly up until the next Assembly elections in May 2016. Since then, the First Minister has provided annual legislative statements to the Assembly to announce which Bills the Welsh Government will introduce during the course of that year.

The Welsh Government has introduced a total of **11 Bills** during the fourth Assembly (since May 2011). Of these:

- 4 have been passed by the Assembly and have received Royal Assent;²
- 2 have been passed by the Assembly and are awaiting Royal Assent;
- 5 are currently subject to scrutiny in the Assembly;

The Welsh Government has consulted, or is currently consulting, on a further **13 Bills**. The Welsh Government has also stated its intention to introduce a further **3 Bills**, which have not yet been subject to consultation.

This paper provides: details of the Welsh Government's progress to date on its legislative programme; information about the Bills foreshadowed for the 2013-14 session, and details of consultations conducted on Bills that are yet to be introduced in the Assembly. The First Minister will be making a statement on the legislative programme in Plenary on **16 July 2013**.

The Bills mentioned in this paper are all Welsh Government Bills and not Assembly Member, committee or Assembly Commission-proposed Bills.

¹ National Assembly for Wales, RoP, *Plenary: The Welsh Government's Legislative Programme 2011-16*, 12 July 2011

² These are: *Local Government Byelaws (Wales) Act 2012*; *School Standards and Organisation (Wales) Act 2013*; *Food Hygiene Rating (Wales) Act 2013*; *Public Audit (Wales) Act 2013*.

2. Bills introduced in the 2012-13 session

2.1. *Local Government (Democracy) (Wales) Bill*

The Bill³ was introduced by the then Minister for Local Government and Communities, Carl Sargeant AM, on **26 November 2012**,⁴ but following a change in ministerial portfolios, Lesley Griffiths AM became Minister for Local Government and Government Business, and she took over as the Member in charge from **18 March 2013**.⁵

The Bill followed a White Paper consultation on 'Promoting Welsh Local Democracy' which took place between **May** and **August 2012**,⁶ which was in turn based on the recommendations of the Mathias review, published in **June 2011**.⁷ The Bill aims to

- reform the Local Government Boundary Commission for Wales;
- amend the *Local Government (Wales) Measure 2011* in relation to the responsibilities of the Independent Remuneration Panel for Wales and the structure of local authority audit committees;
- improve the public's access to information concerning town and community councils;
- amend Part 3 of the *Local Government Act 2000* to facilitate the creation of joint standards committees by local authorities;
- enable councils that wish to separate the ceremonial and civic functions associated with the council chairman or mayor from those of presiding over meetings of the council; and
- **[Following an amendment made to the Bill at Stage 3 on 18 June 2013]** enable the Independent Remuneration Panel for Wales to make recommendations regarding the salaries of senior officers within Welsh local authorities.

The Bill was considered at Stage 1 and 2 by the Communities, Equality and Local Government Committee. Stages 3 and 4 were held in Plenary on **18 June 2013**⁸ and has yet to receive Royal Assent.

³ [Local Government Democracy \(Wales\) Bill \[as introduced\]](#)

⁴ Welsh Government, Carl Sargeant (Minister for Local Government and Communities), [Local Government \(Democracy\) \(Wales\) Bill](#), Cabinet Written Statement, 26 November 2012

⁵ Welsh Government, Carwyn Jones (First Minister), [Cabinet Reshuffle](#), Cabinet Written Statement, 14 March 2013

⁶ Welsh Government, [Consultation: Promoting Local Democracy: A Welsh Government White Paper](#), 17 May 2012

⁷ Welsh Government, [The Report of the Mathias Review](#), 22 June 2011

⁸ National Assembly for Wales, RoP, [Plenary](#), 18 June 2013

2.2. *Human Transplantation (Wales) Bill*

The Bill⁹ was introduced by Lesley Griffiths AM, Minister for Health and Social Services, on **3 December 2012**.¹⁰ Following a change in ministerial portfolios, Mark Drakeford AM took over as the Minister in charge from 18 March 2013.

The Bill aims to increase the number of organs and tissues available for transplant by introducing a soft opt-out system of organ and tissue donation in Wales. The Bill was the subject of two consultations: the first on a White Paper setting out options for legislation on organ and tissue donation,¹¹ and the second on a draft Bill.¹²

The Bill was considered at Stages 1 and 2 by the Health and Social Care Committee. Stage 3 and 4 proceedings took place in plenary on **2 July 2013**¹³ and the Bill has yet to receive Royal Assent.

2.3. *Social Services and Well-being (Wales) Bill*

This Bill¹⁴ was introduced by the Deputy Minister for Children and Social Services, Gwenda Thomas AM, on **28 January 2013**,¹⁵ and it was remitted to the Health and Social Care Committee for Stage 1 scrutiny, which has until **19 July 2013** to report on its general principles.

The Bill seeks to reform and integrate social services law for people, and makes provision about:

- improving the wellbeing outcomes for people who need care and support, and carers who need support;
- co-ordination and partnership by public authorities, with a view to improving the wellbeing of people;
- complaints and representations relating to social care and palliative care; and
- local authorities' social service functions and that of the Welsh Ministers to intervene in a local authority's exercise of its social services functions.

Further information about the Bill (as introduced) is available in a Bill summary¹⁶ prepared by the Research Service. A Storify¹⁷ summary of the online comments made about the Bill is also available.

⁹ [Human Transplantation \(Wales\) Bill \[as introduced\]](#)

¹⁰ Welsh Government, Lesley Griffiths (Minister for Health and Social Services), [Human Transplantation \(Wales\) Bill](#), Cabinet Written Statement, 3 December 2013

¹¹ Welsh Government, [Consultation: Proposals for Legislation on organ and tissue donation: A Welsh Government White Paper](#), 7 November 2011

¹² Welsh Government, [Consultation: Draft Human Transplantation \(Wales\) Bill](#), 18 June 2012

¹³ National Assembly for Wales, RoP, Plenary, 2 July 2013

¹⁴ [Social Services and Well-being \(Wales\) Bill \[as introduced\]](#)

¹⁵ Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [Social Services and Well-being \(Wales\) Bill](#), Cabinet Written Statement, 28 January 2013

¹⁶ National Assembly for Wales, [Bill Summary: Social Services and Well-being \(Wales\) Bill](#), February 2013

2.4. *Active Travel (Wales) Bill*

This Bill¹⁸ was introduced by the Minister for Local Government and Communities, Carl Sargeant AM, on **18 February 2013**,¹⁹ but the Minister for Culture and Sport, John Griffiths AM, took over as the Member in charge following a change in ministerial portfolios as part of the March 2013 reshuffle.

The Bill aims to increase the number of people walking and cycling, and it places a requirement on local authorities to continuously improve facilities and routes for walkers and cyclists and to prepare maps identifying current and potential future routes for their use. The Bill will also require new road schemes to consider the needs of pedestrians and cyclists at the design stage.

The Bill was considered at Stages 1 and 2 by the Enterprise and Business Committee. Stages 3 and 4 will take place at the beginning of the autumn term. A Research Service Bill summary²⁰ is available separately.

2.5. *Further and Higher Education (Governance and Information) (Wales) Bill*

This Bill²¹ was introduced by the then Minister for Education and Skills, Leighton Andrews AM, on **29 April 2013**.²² It is currently being considered at Stage 1 by the Children and Young People Committee, which must report on the Bill's general principles by **19 July 2013**. Following Leighton Andrews's resignation on 25 June 2013, Huw Lewis AM took over as the Member in charge.

The Bill aims to enhance the autonomy and decision-making abilities of further education institutions by removing and modifying the existing legislative controls on them. The Bill would also allow data relevant to student grants and loans kept by Her Majesty's Revenue and Customs to be shared with the Welsh Ministers and anyone to whom the Welsh Ministers delegate or transfer functions. The data-sharing gateway is part of a project to modernise Student Finance Wales's delivery service, and to simplify and create efficiencies in the service.

Further details can be found in the Research Service Bill summary.²³

¹⁷ National Assembly for Wales, [Social Services & Well-being \(Wales\) Bill: Storify](#)

¹⁸ [Active Travel \(Wales\) Bill \[as introduced\]](#)

¹⁹ National Assembly for Wales, RoP, [Plenary: Statement: Introduction of the Active Travel \(Wales\) Bill](#), 19 February 2013

²⁰ National Assembly for Wales, [Bill Summary: Active Travel \(Wales\) Bill](#), March 2013

²¹ [Further and Higher Education \(Governance and Information\) \(Wales\) Bill \[as introduced\]](#)

²² National Assembly for Wales, RoP, [Plenary: Statement: Introduction of the Further and Higher Education \(Governance and Information\) \(Wales\) Bill](#), 30 April 2013

²³ National Assembly for Wales, [Bill Summary: Further and Higher Education \(Governance and Information\) \(Wales\) Bill](#), May 2013

2.6. *Education (Wales) Bill*

The Bill²⁴ was introduced by the Minister for Education and Skills, Huw Lewis AM, on **1 July 2013**. It has been referred to the Children and Young People Committee, which has until **22 November 2013** to report on its general principles.

The Bill covers a number of areas relating to education in Wales. In particular it seeks to legislate in relation to:

- The **Education workforce**, by placing a requirement on teachers and learning support workers in schools and further education providers to register with a reformed Education Workforce Council that will have powers to: provide advice on professional standards, continuing professional development and initial training; and to investigate and act on any claims of professional misconduct or incompetence. The Bill will also enable Welsh Ministers to develop a code of conduct and practice for the education workforce;
- The **registration and approval of independent schools in respect of special educational needs** by introducing a single registration process for independent schools wishing to admit learners with a statement of SEN;
- **Specialist post-16 education for learners with learning difficulties and/or disabilities** by making local authorities responsible for managing the transition and assessment process for learners who have special education needs up to the age of 25 (rather than age 19, as currently), and for securing specialist FE provision , where necessary;
- **School term dates**, by placing a duty on local authorities and the governing bodies of voluntary aided and foundation schools to co-operate and co-ordinate with each other in setting school term dates, to ensure that the dates are the same or as similar as they can be; and
- The **appointment and removal of Her Majesty's Chief Inspector and appointment of HM Inspector of education and training in Wales**.

Initially, the Welsh Government had intended to include provisions in the Bill relating to reforming the legislative framework for additional learning needs and registration of children educated at home, but these have been removed from the Bill as introduced.

The Bill is the product of a number of separate consultations, which are summarised below:

²⁴ [*Education \(Wales\) Bill \[as introduced\]*](#)

- In relation to the Education workforce, the Welsh Government initially consulted on ‘Proposals to amend the requirements for registration of the education workforce in Wales’²⁵ between 16 December 2011 and 30 March 2012. This was followed by a second consultation between 10 September and 19 October 2012 which set out more detail relating to the functions and operations of a registration body.²⁶
- The proposals relating to reforming the registration and approval of independent schools in respect of special educational needs were consulted on by the Welsh Government between 20 September and 1 November 2012.²⁷
- Consultation on proposals relating to the responsibility for assessing the need for and arranging specialist post-16 education for learners with learning difficulties and/or disabilities was undertaken as part of a wider exercise in relation to reforming the assessment framework for special educational needs. The Welsh Government conducted a consultation on this issue between 26 June and 19 October 2012.²⁸ Details of the proposals relating to assessing the need for and arranging specialist post-16 education for learners with learning difficulties is included in Chapter 10 of the consultation.
- A consultation on school term dates was undertaken by the Welsh Government between 3 September and 26 November 2012.²⁹
- The Welsh Government has not carried out a consultation on the proposals relating to the appointment and removal of Her Majesty’s Chief Inspector and appointment of HM Inspectors of education and training in Wales.

2.7. *Agricultural Sector (Wales) Bill*

The Bill³⁰ was introduced by the Minister for Natural Resources and Food, Alun Davies AM, as an **Emergency Bill** on **8 July 2013**.

The Bill delegates a number of powers to Welsh Ministers to make subordinate legislation in relation to the wages of agricultural workers. In particular, it:

- provides the Welsh Ministers with the power to make **Agricultural Wages Orders**;

²⁵ Welsh Government, [Consultation: Proposals to amend the requirements for the registration of the education workforce in Wales](#), 16 December 2011

²⁶ Welsh Government, [Consultation: Proposals for registration of the education workforce in Wales](#), 10 September 2012

²⁷ Welsh Government, [Consultation: Reform of the registration and approval of Independent Schools in respect of special education needs](#), 20 September 2012

²⁸ Welsh Government, [Consultation: Forward in partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs](#), 26 June 2012

²⁹ Welsh Government, [Consultation: School term dates: Proposals for reforming how school term dates are set for all maintained schools in Wales](#), 3 September 2012

³⁰ *Agricultural Sector (Wales) Bill* [as introduced]

- provides Welsh Ministers with a power to establish a new **Agricultural Advisory Panel for Wales** to carry out functions such as promoting careers in agriculture, advising the Welsh Ministers on the content of an agricultural wages Order and on any other matters relating to the agricultural sector; and
- enables the **Agricultural Advisory Panel for Wales** to carry out the functions provided to it by the Welsh Ministers relating to the operation of the agricultural sector, including promoting careers in agriculture and making recommendations to the Welsh Ministers to specify minimum terms and conditions.

The Bill was introduced in light of the passing of the *Enterprise and Regulatory Reform Act 2013*³¹ at Westminster, which included provisions that abolished the **Agricultural Wages Board for England and Wales**.

The Bill's introduction also followed a short consultation conducted by the Minister between 1 May and 26 June on 'The future of the Agricultural Wages Board, the Agricultural Wages Committee and the Agricultural Dwelling House Advisory Committee in Wales'.³² A summary of responses to the consultation was published by the Welsh Government on 8 July 2013.³³

Following a vote in Plenary on **2 July 2013**, the Assembly agreed for the Bill to be treated as an Emergency Bill, which involved a much curtailed legislative process.

³⁴ This is the first time that the Emergency Bill procedure was used in the Assembly.

In practice, this meant that the Bill was not referred to an Assembly Committee for detailed consideration and that the Stage 1 debate and vote on the Bill's general principles took place the day after the Bill's introduction, on 9 July 2013. Stage 2 proceedings are scheduled to take place in a Committee of the Whole Assembly on 16 July with Stages 3 and 4 to follow in plenary on 17 July.

³¹ [Enterprise and Regulatory Reform Act 2013](#)

³² Welsh Government, [Consultation: The future of the Agricultural Wages Board, the Agricultural Wages Committee and the Agricultural Dwelling House Advisory Committee in Wales](#), 1 May 2013

³³ Welsh Government, [The Future of the Agricultural Wages Board \(AWB\) consultation: Summary of responses](#), July 2013

³⁴ Further information about Emergency Bills can be found in the Research Service [Quick Guide: Emergency Bills](#)

3. Bills foreshadowed in 2013-14

3.1. *Public Sector Workforce Bill*

Although a commitment to bring forward a Public Sector Workforce Bill was not included in the Welsh Government's initial five year legislative programme, the then Minister for Local Government and Communities, Carl Sargeant AM, conducted a Green Paper consultation on such a Bill between **8 May** and **31 July 2012**.³⁵ The Green Paper proposed legislation in the following areas:

- to enable Welsh Ministers to issue statutory guidance on matters affecting the devolved public service workforce, including a process to govern the adoption of agreements arising out of the workforce partnership council;
- to place a duty on devolved public service organisations to promote and apply partnership working as it affects workforce matters; and
- to establish a two-tier and TUPE (Transfer of Undertakings (Protection of Employment) Regulations) code for devolved public services organisations in Wales.

The Welsh Government had originally intended to publish the finalised Bill in the spring,³⁶ but it has not yet been formally introduced.

A summary of responses to the Green Paper was published on **2 May 2013**.³⁷ A total of 47 responses were received. In announcing the publication of the summary report, the Minister for Local Government and Government Business, Lesley Griffiths AM, stated that:

The consultation responses highlight two key areas for consideration by the Welsh Ministers. There were a number of calls for increased leadership on public service workforce matters from the Welsh Ministers. It was also evident from the responses there is confusion regarding the standing and coverage of the existing Two-Tier Workforce Codes, with different parts of the public service uncertain if they were included within the Codes, or if the Codes remained in force.

The decision by the UK Government to dis-apply the equivalent English Codes has not affected the standing of the Welsh Codes. The Welsh Two-Tier Workforce Codes remain in force and should be respected. I do believe the difference between the existing statutory and non-statutory Codes needs to be addressed and that clarity on the coverage of the Codes is required.³⁸

³⁵ Welsh Government, *Working Together for Wales: The Public Service Workforce*, 8 May 2012

³⁶ See National Assembly for Wales, RoP, *Plenary: Statement: Legislative Programme*, 17 July 2012

³⁷ Welsh Government, *Green Paper – summary of response*, Consultation on Working Together for Wales: The Public Service Workforce, May 2013

³⁸ Welsh Government, Lesley Griffiths (Minister for Local Government and Government Business), *Summary of Responses to the Green Paper – 'Working Together for Wales: The Public Service Workforce'*, 2 May 2013

3.2. *Housing Bill*

Between **8 December 2011** and **17 February 2012**, the then Minister for Housing, Regeneration and Heritage, Huw Lewis AM, held a consultation on a document entitled 'Meeting the Housing Challenge; Building a consensus for action'.³⁹ The Welsh Government published a summary of responses to the consultation shortly afterwards which the Minister indicated will inform the content of the Bill.⁴⁰

This consultation was followed on **21 May 2012** by a White Paper consultation.⁴¹ In announcing the White Paper, the Minister stated that the document describes 'proposals for new legislation and other, non-legislative, action'.⁴² He also provided details of those proposals in the White Paper that would require action through primary legislation, namely:

- a statutory duty on local authorities to prevent homelessness, and ensure even better help available for those who do become homeless.
- ending family homelessness in Wales by 2019.
- a mandatory registration and accreditation scheme for private sector landlords which will assist individuals and families by regulating the practices of landlords, lettings agents and managing agents. Good private sector landlords will benefit from these changes as it will not allow bad practice to continue.
- tackling the waste and blight of empty properties by giving local authorities discretionary power to increase council tax on properties empty for longer than one year.
- ensuring that Gypsy and Traveller communities are provided with new housing sites by local authorities where there is clear evidence of need.
- providing more housing options for people to meet their needs by defining Community Land Trusts and enabling a new co-operative housing tenure.
- strengthening the strategic role of local authorities to identify and address local housing needs.⁴³

The Minister also confirmed that he would be introducing a Housing Bill based on the White Paper's proposals in '**autumn 2013**'.⁴⁴ Proposals contained in the White Paper relating to tenancy reform will, however, be taken forward in a separate Tenancy Reform Bill (see section 4.6).

³⁹ Welsh Government, *Meeting the Housing Challenge: Building a consensus for action*, December 2011

⁴⁰ Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), *Meeting the Housing Challenge - Building a Consensus for Action*, Cabinet Written Statement, 8 December 2011

⁴¹ Welsh Government, *Homes for Wales: A White Paper for Better Lives and Communities*, May 2012

⁴² Welsh Government, *A White Paper for Better Lives and Communities*, 21 May 2012

⁴³ Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), *Launch of the Housing White Paper*, Cabinet Written Statement, 21 May 2012

⁴⁴ Ibid

The consultation closed on **17 August 2012** and a total of 194 submissions were received. Details of the responses were provided by the Minister in a statement to plenary on **2 October 2012**,⁴⁵ which was accompanied by the publication of a summary of the responses by the Welsh Government.⁴⁶

Following the March 2013 cabinet reshuffle, responsibility for this Bill now comes under the responsibility of the Minister for Housing and Communities, Carl Sargeant AM.

3.3. Health (Budgets) Bill

On **10 June 2013**, the Minister for Health and Social Services, Mark Drakeford AM, announced that the Welsh Government would be introducing a new Bill giving NHS organisations greater flexibility to manage their budgets early in the next Assembly term. The Bill would propose that the statutory requirement for local health boards to balance their books over a one-year period should be changed to a three-year cycle. The Minister said:

A significant downside of the current financial regime is that it may encourage short-term decision making around the current year. Introducing this change will help the NHS focus its service planning, workforce and financial decisions over a longer and more sustained period rather than focusing too much on a one year, and specifically end of March, approach.

Let me be absolutely clear that moving to a three year financial planning regime does not in any way mean a diminution of the rigour with which Health Boards have to manage their finances.

The National Assembly for Wales Finance Committee, Health and Social Care Committee and the Public Accounts Committee have all recommended that a more flexible planning framework for the NHS, including the management of their finances across financial years, should be introduced.

The Bill is scheduled to be introduced early in the next Assembly term and, if passed, the new financial regime would come into effect for the 2014/15 financial year.⁴⁷

⁴⁵ National Assembly for Wales, RoP, *Plenary: Statement: Responses to the Housing White Paper*, 2 October 2012

⁴⁶ Welsh Government, *Consultation – Summary of Responses, Homes for Wales: A White Paper for Better Lives and Communities*, October 2012

⁴⁷ Welsh Government, Press Release, *New legislation to reform NHS financial regime* 10 June 2013.

3.4. Sustainable Development Bill

On **8 May 2012**, the then Minister for Environment and Sustainable Development, John Griffiths AM, announced that he would be launching a consultation on the Welsh Government's proposals for a Sustainable Development Bill. The consultation document stated that the Bill's purpose would be to:

- Legislate to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales; and
- Create an independent sustainable development body for Wales.⁴⁸

In announcing the consultation, the Minister stated that:

We want all organisations to speed up the pace of change towards sustainable development, and to get excellent value from our finite resources, delivering on behalf of citizens. This is why we are bringing forward legislation now, to commit government, at local and at national level, along with other organisations delivering devolved public services, to this journey.⁴⁹

The Minister also confirmed that he expected 'to introduce the Bill to the National Assembly for Wales in autumn 2013'.⁵⁰

The consultation closed on **18 July 2012**. A total of 3927 responses were received, of which the large majority (3749) were made up of two standard responses sent by members of the public on behalf of WWF and Oxfam, each contributing 3163 and 586 responses respectively. The Welsh Government published a summary of responses shortly following the consultation closing date.⁵¹

This initial consultation was followed on **3 December 2012** by the publication of a White Paper consultation on a Sustainable Development Bill. The White Paper in particular sought views on:

- the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales;
- the proposals for an independent sustainable development body;
- the proposed phasing and implementation of the duty, including the timing for the creation of the independent sustainable development body; and
- the proposals to improve the accountability framework for sustainable development in Wales.⁵²

⁴⁸ Welsh Government, *Consultation Document: Proposals for a Sustainable Development Bill*, May 2012, paragraph 1

⁴⁹ Welsh Government, John Griffiths (Minister for Environment and Sustainable Development), *White Paper - Proposals for legislation on a Sustainable Development Bill*, Cabinet Written Statement, 3 December 2012

⁵⁰ Ibid

⁵¹ Welsh Government, *Summary of consultation responses: Proposals for a Sustainable Development Bill*, July 2012

⁵² Welsh Government, *Consultation: Sustainable Development Bill - White Paper*, 3 December 2012

The consultation closed on **4 March 2013** and a total of 473 responses were received. 177 of these were standards responses sent from members of the Welsh Language campaign group Cymdeithas yr Iaith. 142 of the responses were received from members of the public sending a response on behalf of Friends of the Earth Cymru.

The Minister for Communities and Tackling Poverty (who is now the Minister responsible for the Bill following the 14 March 2013 reshuffle) issued a summary report of the responses received to the consultation.⁵³ The report reiterated previous commitments that the Bill will be introduced in the **autumn of 2013**.⁵⁴

3.5. Planning Reform Bill

On **30 September 2011**, the then Minister for Environment and Sustainability, John Griffiths AM announced the establishment of an **Independent Advisory Group** ('IAG') to form an evidence base for a Planning Bill. The group was chaired by former Welsh Director of the Planning Inspectorate John Davies MBE, and included a further six representatives covering a wide variety of planning backgrounds, including environmental organisations, the construction industry, local government and planning law.⁵⁵

The IAG held a consultation exercise between 11 November 2011 and 3 February 2012. It also met on seven separate occasions between October 2011 and March 2012. It was originally due to report its findings to the Welsh Government in May 2012.⁵⁶ The IAG report was published in **September 2012**⁵⁷ alongside the results of a public attitudes survey⁵⁸ and other research to identify ways to simplify the development management system where adopted Local Development Plans are in place⁵⁹.

In **January 2013** the Welsh Government also published research by Hyder Consulting into the consenting performance of renewable energy schemes.⁶⁰ The Welsh Government has said that in preparing the White Paper and draft Bill it will take the IAG report and other research and findings into account, such as the Assembly Sustainability Committee's January 2011 report on their inquiry into planning in Wales.⁶¹

⁵³ Welsh Government, Huw Lewis (Minister for Communities and Tackling Poverty), [Summary of consultation on the Sustainable Development White Paper](#), Cabinet Written Statement, 15 May 2013

⁵⁴ Welsh Government, [Summary of Consultation Responses – A Sustainable Wales: Better Choices for a Better Future](#), May 2013 paragraph 18

⁵⁵ Welsh Government, [Independent Advisory Group](#), 29 November 2011

⁵⁶ Welsh Government, [Welsh Planning Review: Outputs, timing and measure of success](#), 9 November 2011

⁵⁷ Welsh Government, [Towards a Welsh Planning Act: Ensuring the Planning System Delivers](#), 17 September 2012

⁵⁸ Welsh Government, [Public attitudes towards the planning system in Wales](#), 17 September 2012

⁵⁹ Welsh Government, [A New Approach to Managing Development in Wales: Towards a Welsh Planning Act](#), 17 September 2012

⁶⁰ Welsh Government, [Evaluation of consenting performance of renewable energy schemes](#), 30 January 2013

⁶¹ Welsh Government, [Planning Bill Q&A](#), 8 February 2013

The content of the Bill will also be informed by the responses already submitted to the 'Sustaining a Living Wales' Green Paper, in addition to the forthcoming White Paper and draft Bill consultation that is due to take place at the end of 2013.⁶²

The Minister for Regeneration and Housing, Carl Sargeant AM, told Plenary on **12 June 2013** that the Planning Reform Bill would be introduced into the Assembly before the 2014 Summer Recess.⁶³ The First Minister also recently confirmed that there would be a separate Planning Consolidation Bill after the Reform Bill (See Section 5.2 below).

⁶² Welsh Government, *Planning Bill: How it all fits together*

⁶³ National Assembly for Wales, Plenary, *RoP: OAQ(4)0274(HR)*, 12 June 2013

4. Other Bills consulted upon

The following are Bills that the Welsh Government has consulted on but has yet to announce when they will be formally introduced.

4.1. *Piercing (Age of Consent) (Wales) Bill*

On **18 October 2011**, the then Minister for Health and Social Services, Lesley Griffiths AM, issued a consultation document on cosmetic piercing of young people.⁶⁴ The aim of the document was to ‘consult on the need to introduce legislation to ensure parental consent for cosmetic piercing procedures carried out on young people’. In particular, it set out the following issues for consideration:

Although a cosmetic piercing can generally be reversed (for example the jewellery removed), problems such as swelling, infection, bleeding, allergies, tear or injury are common. Research in England has shown that over 25% of people who have a cosmetic piercing (other than the earlobes) experience problems and around 50% of those consider it serious enough to seek further help.

Sometimes having a cosmetic piercing can also cause nerve damage and scarring and there is a very small risk of blood viruses such as hepatitis. There have also been very rare cases where people who already had health problems have died following a cosmetic piercing.

Currently local authorities in Wales can require cosmetic piercers to register their businesses and to follow rules relating to cleanliness and hygiene. There is however no age restriction for cosmetic piercing and therefore a young person can have a cosmetic piercing without their parent or guardian’s permission as long as they understand what they are having done and the risks involved. The consultation aims to seek views on how to make cosmetic piercing safer for young people in Wales.⁶⁵

In the accompanying statement, the Minister emphasised that ‘A decision on the need to legislate will be taken following a full analysis of the consultation responses’.⁶⁶

The consultation closed on **31 January 2012** and a summary of the 228 responses received was subsequently published by the Welsh Government.⁶⁷

⁶⁴ Welsh Government, [*Consultation Document: Cosmetic Piercing of Young People: A consultation to get views on how to make cosmetic piercing safer for young people*](#), 18 October 2011

⁶⁵ Welsh Government, [*Consultation Document: Cosmetic Piercing of Young People: A consultation to get views on how to make cosmetic piercing safer for young people*](#), 18 October 2011

⁶⁶ National Assembly for Wales, *RoP, Plenary*, 18 October 2011, page 1

⁶⁷ Welsh Government, [*Consultation – Summary of responses*](#), Cosmetic piercing of young people: A consultation to get the views on how to make cosmetic piercing safer for young people, May 2012

In a written statement issued on **30 May 2012**, the Minister confirmed her intention to:

move forward with proposals to make legislation which will cover issues such as:

- A minimum age of consent for cosmetic piercing. This will require a young person, below 16 years of age, to be accompanied by a parent or guardian when they want to have a cosmetic piercing procedure. This will include more common piercings, such as piercings of the ear lobes.
- A definitive age restriction for intimate cosmetic piercing (a piercing of the nipples or genitalia). This will prohibit cosmetic piercing operators carrying out intimate cosmetic piercings on young people below 18 years of age.
- A requirement for the cosmetic piercing operator to undertake a pre-treatment consultation for all cosmetic piercing procedures, irrespective of the age of the person who wants to have the cosmetic piercing. This pre-consultation will cover as a minimum:
 - o Whether the person being pierced has any health problems that may put them at greater risk if they have the piercing.
 - o How the piercing will be done, including any possible problems.
 - o How to look after the piercing to prevent infection.

The purpose of this legislation is to reduce the number of infections and post-procedure complications associated with cosmetic piercings in Wales.⁶⁸

The Minister concluded however that ‘the appropriate legislative vehicle for this proposed new legislation and timescales for introduction have yet to be determined’ and that ‘It is my intention for further details to be published for full consultation, once finalised’.⁶⁹

4.2. Prevention of Youth Offending Bill

On **12 July 2011**, the First Minister announced the Welsh Government’s intention to consult on a Prevention of Youth Offending Bill which would strengthen the delivery of services to children and young people entering and leaving the youth justice system ‘by making clear the vulnerabilities of those within the system and establishing duties on local partnerships to address them’.⁷⁰ A commitment to introduce the Bill was reiterated in the Welsh Government’s Programme for Government.⁷¹

⁶⁸ Welsh Government, Lesley Griffiths (Minister for Health and Social Services), *Cosmetic Piercing of Young People*, Cabinet Written Statement, 30 May 2012

⁶⁹ Ibid

⁷⁰ National Assembly for Wales, RoP, *Plenary: The Welsh Government’s Legislative Programme 2011-16*, 12 July 2011

⁷¹ Welsh Government, *Programme for Government: Safer Communities for All*, July 2011

On **18 September 2012**, the then Minister for Local Government and Communities, Carl Sargeant AM, issued a Green Paper consultation on proposals to improve services to meet the needs of children and young people who are at risk of entering, or are already in, the youth justice system.⁷² In particular, the consultation set out ‘the current landscape of youth justice provision in Wales’ and sought views on ‘whether there is a need for primary legislation in order to improve services’.⁷³

In addition to the formal consultation, the Welsh Government also held consultation events in Merthyr Tydfil, Llandudno Junction and Swansea between **October and November 2012**, to identify whether there was a need for a Bill in this area.

The consultation closed on **11 December 2012**. No summary of responses has been published by the Welsh Government to date.

4.3. The Ending Violence Against Women and Domestic Abuse Bill

The Welsh Government’s initial five year programme included a commitment to bring forward a Domestic Abuse (Wales) Bill to place a duty on relevant public sector bodies to have a ‘domestic abuse and violence against women strategy’ in place.

The previous Welsh Government published ‘The Right to be Safe’,⁷⁴ its six year integrated strategy for tackling all forms of violence against women and domestic abuse, along with an **implementation plan for 2010-13**,⁷⁵ in **March 2010**. This followed an earlier Welsh Government domestic abuse strategy. ‘Tackling Domestic Abuse: a Partnership Approach’ that was launched in 2005.

⁷² Welsh Government, [*Consultation: Green Paper Consultation on Proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System*](#), 18 September 2012

⁷³ Welsh Government, Carl Sargeant (Minister for Local Government and Communities), [*Green Paper Consultation on proposals to improve services to meet the needs of children and young people who are at risk of entering, or are already in, the youth justice system, Cabinet Written Statement*](#), 18 September 2012

⁷⁴ Welsh Government, [*The Right to be Safe*](#), March 2010

⁷⁵ Welsh Government, [*The Violence Against Women and Domestic Abuse – Implementation Plan 2010-13*](#), March 2010

A White Paper consultation and policy and legislative proposals to end violence against women, domestic abuse and sexual violence, was issued by the then Minister for Local Government and Communities, Carl Sargeant AM, on **23 November 2012**.⁷⁶ The Minister stated that the proposals in the White Paper focused on three specific areas:

- improving leadership and accountability;
- improving education and awareness; and
- strengthening services in Wales.⁷⁷

The consultation closed on **22 February 2013**.

The Minister also announced that he had established a Ministerial Task and Finish group early in 2012 'to inform the initial policy development and scope of the proposed legislation'.⁷⁸ The Task and Finish Group produced a report in **August 2012**, however, it is not available publicly. The Welsh Government's Violence Against Women and Domestic Abuse Team also undertook 3 engagement events across Wales between **January and February 2013**, which involved over 300 individuals, including specialist sector groups and service users.⁷⁹

4.4. Environment Bill

On **30 January 2012**, the then Minister for Environment and Sustainability, John Griffiths AM, launched 'Sustaining a Living Wales', a Green Paper on a new approach to natural resource management in Wales.⁸⁰ The Green Paper follows a consultation undertaken by the previous Welsh Government between September and **December 2010** on a new natural environment framework for Wales, entitled 'A Living Wales'.⁸¹

The Green Paper consultation was intended to inform both the **Environment Bill** and the **Planning Bill** (see section 3.5). The consultation closed on **31 May 2012** and the Welsh Government published a summary of the responses received in **September 2012**.⁸²

⁷⁶ Welsh Government, Carl Sargeant (Minister for Local Government and Communities), [*Publication of White Paper Consultation on policy and legislative proposals to end violence against women, domestic abuse and sexual violence*](#), Cabinet Written Statement, 23 November 2012

⁷⁷ Welsh Government, [*Consultation on legislation to end violence against women and domestic abuse \(Wales\)*](#), 26 November 2012

⁷⁸ Ibid

⁷⁹ Welsh Government, [*Consultation on legislation to end violence against women and domestic abuse \(Wales\)*](#), 26 November 2012

⁸⁰ Welsh Government, [*Consultation: Sustaining a Living Wales*](#), 30 January 2012

⁸¹ Welsh Government, [*Consultation: A Living Wales – a new framework for our environment, our countryside and our seas*](#), 15 September 2010

⁸² Welsh Government, [*Report on responses to the consultation document: 'Sustaining a Living Wales: A Welsh Government Green Paper on a new approach to natural resource management in Wales'*](#), September 2012

According to the Green Paper, the Welsh Government's central proposal is to 'move to an ecosystems approach to environmental regulation and management'.⁸³ In particular, the new approach will aim to:

- improve the resilience and diversity of our environment and its supporting biodiversity;
- provide simpler and more cost-effective regulation;
- offer greater certainty for decision-makers.⁸⁴

In a statement issued on **23 October 2012**, the Minister made the following comments in relation to the Environment Bill:

The next phase of the natural resource management planning work is to put in place the legislative framework for the environment by delivering the environment Bill, **and my intention is to issue a White Paper next year** [RS emphasis]. In doing so, we will focus on engagement with the full range of partners and sectors so that we are clear about the challenges and potential conflicts and making the most of the synergies and opportunities. At the same time, we will ensure that the development of our approach to natural resource planning goes hand in hand with our wider strategic objectives, including our focus on the improvement of the planning system.⁸⁵

4.5. *Public Health Bill*

On **29 November 2012**, the then Minister for Health and Social Services, Lesley Griffiths AM, issued a Green Paper consultation to collect views about whether a Public Health Bill is needed in Wales. In the accompanying statement, the Minister said that:

A great deal has already been achieved to improve and protect the health of our people. However, overall health in Wales does not fully match our aspirations. In particular, there is an urgent need to do more to prevent ill health occurring in the first place and to tackle health inequalities. This Green Paper starts a wider 'big health debate' about whether introducing new legislation would be an effective way of making further progress in key areas such as these, with the overall aim of achieving a healthier and fairer society. It provides us with a valuable opportunity to explore the role legislation could have in helping us achieve our overall aspirations for the health and wellbeing of people in Wales and in addressing some of the complex challenges to health which we face in the 21st Century.

The purpose of this Green Paper is to collect views about whether a Bill dealing with these issues is needed in Wales. It is not intended as a consultation on a detailed legislative proposal but instead signals the first step in the potential development of new legislation.⁸⁶

⁸³ Ibid, page 1

⁸⁴ Ibid

⁸⁵ National Assembly for Wales, RoP, *Plenary: Statement: The Outcomes of the 'Sustaining a Living Wales' Consultation*, 23 October 2012

⁸⁶ Welsh Government, Lesley Griffiths, (Minister for Health and Social Services), *Green Paper consultation to collect views about whether a public health Bill is needed in Wales*, Cabinet Written Statement, 29 November 2012

The Green Paper suggests that the purpose of a new Bill would be to ‘place statutory duties on bodies to consider public health issues’⁸⁷ which could encompass all or some of the following approaches:

- requiring Welsh Ministers to consider health issues when formulating policy;
- requiring appropriate bodies to consider health issues with a view to reducing health inequalities;
- requiring appropriate bodies to consider health issues with a view to strengthening prevention of health problems; and
- requiring appropriate bodies to consider health issues with a view to strengthening community involvement in decisions which affect their health and their health services.⁸⁸

The Green Paper also cites examples of Public Health Acts in **Sweden** and **Norway** which the Welsh Government argues ‘make a strong symbolic statement about the fundamental importance of a population-wide effort to improve health, and entrench particular requirements for action to do so’.⁸⁹

The consultation closed on **20 February 2013**. In light of the 371 responses received, the Minister stated that:

A clear majority of respondents were supportive of the general policy direction and subjects explored in the Green Paper. There was particular support for achieving a ‘Health in All Policies’ approach in Wales, in order to address the various factors across policy areas which can impact on overall health and wellbeing. A number of responses also offered more general views or focused on particular areas of public health, such as tackling tobacco use or addressing obesity. Overall, the responses provided a wealth of comments, ideas and suggestions about the role legislation could have in improving and protecting health in Wales.⁹⁰

The Minister added that he will ‘continue to reflect on the consultation responses as we consider the next steps in this important work’.⁹¹ A summary of the consultation responses is available on the Welsh Government’s website.⁹² The summary added that:

A final decision has not yet been taken about whether a Public Health Bill will be developed, and **the Welsh Government is not committed to introducing legislation in relation to any of the areas outlined in the Green Paper** *[RS emphasis]*.⁹³

⁸⁷ Welsh Government, [Green Paper: A consultation to collect views about whether a Public Health Bill is needed in Wales](#), 29 November 2012, paragraph 4.5

⁸⁸ Ibid, paragraph 5.2

⁸⁹ Ibid

⁹⁰ Welsh Government, Mark Drakeford, (Minister for Health and Social Services), [Summary of Responses to the Green Paper consultation to collect views about whether a Public Health Bill is needed in Wales](#), Cabinet Written Statement, 23 May 2013

⁹¹ Welsh Government, Mark Drakeford, (Minister for Health and Social Services), [Summary of Responses to the Green Paper consultation to collect views about whether a Public Health Bill is needed in Wales](#), Cabinet Written Statement, 23 May 2013

⁹² Welsh Government, [Green Paper – Summary of Responses](#), May 2013

⁹³ Ibid

4.6. Tenancy Reform Bill

The White Paper consultation on the Housing Bill, which took place between **21 May** and **17 August 2012**, included a commitment to ‘take forward tenancy reform, via a separate Bill, within the lifetime of this Assembly’.⁹⁴ The White Paper added that such a Bill may be based on proposals originally put forward by the Law Commission in their **May 2006** report on Renting Homes⁹⁵ and in the accompanying *draft Rented Homes Bill*.⁹⁶

On **6 July 2012**, the then Minister for Housing, Regeneration and Heritage, Huw Lewis AM, issued a consultation on ‘Proposals for a Better Private Rented Sector in Wales’⁹⁷ which closed on the same date as the White Paper consultation on 17 August 2012. In announcing the consultation document, the Minister stated the Welsh Government’s intention to ‘introduce a licensing scheme for landlords and letting and management agents’⁹⁸ in the private rented sector. A summary of responses to the consultation was published in **February 2013**.⁹⁹

On **9 April 2013**, the Law Commission published an additional report on ‘Renting Homes in Wales’¹⁰⁰ following calls from the Welsh Government for the Commission to review and update its recommendations for the reform of housing law.¹⁰¹

The publication of the Law Commission’s report was followed on **20 May 2013** by the issuing of an additional White Paper consultation by Minister for Housing and Regeneration, Carl Sargeant AM entitled ‘Renting Homes – a better way for Wales’.¹⁰² In announcing the proposals, the Minister stated that:

Our proposals set out a new legislative framework for renting a home, which I believe will provide a fairer, more transparent and flexible system for both tenants and landlords. At the heart of the new arrangements will be two types of rental contract:

- A “secure contract” modelled on the current secure tenancy issued by local authorities
- A “standard contract” modelled on the assured shorthold tenancy that is used mainly in the private rented sector

⁹⁴ Welsh Government, *A White Paper for Better Lives and Communities*, 21 May 2012, paragraph 21

⁹⁵ Law Commission, Renting Homes: The Final Report, *Volume 1: Report*, May 2006

⁹⁶ Law Commission, Renting Homes: The Final Report, *Volume 2: Draft Rented Homes Bill*, May 2006

⁹⁷ Welsh Government, *Proposals for a Better Rented Sector in Wales*, 6 July 2012

⁹⁸ Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), *Proposals for a Better Rented Sector in Wales – Consultation Paper*, Cabinet Written Statement, 6 July 2012

⁹⁹ Welsh Government, *Summary of the consultation responses: Proposals for a Better Rented Sector in Wales*, February 2013

¹⁰⁰ Law Commission, *Renting Homes in Wales*, 9 April 2013

¹⁰¹ Law Commission, *Renting Homes in Wales*, 9 April 2013, paragraph 1.1

¹⁰² Welsh Government, *Renting Homes White Paper: A Better Way for Wales*, 20 May 2013

The new arrangements will apply to social landlords and their tenants, and also to the private rented sector. They will improve the efficiency of the housing system by creating a level playing field for landlords, enabling them to work more closely together in meeting the housing needs of our population. It will also mean a fairer deal for tenants, who will have comparable rights and responsibilities, irrespective of who they rent their home from.¹⁰³

The White Paper adds that the Welsh Government plans to introduce the Bill in 2015.¹⁰⁴ The consultation will run until **16 August 2013**.¹⁰⁵

4.7. *Statutory Third Sector Compacts Bill*

The First Minister's **12 July 2011** statement included a commitment to consult on legislation which would make Third Sector compact arrangements between local authorities and the third sector intermediary bodies (County Voluntary Councils) a statutory requirement.

To date, the Welsh Government has commissioned two external companies, Practical Wisdom R2Z and Wavehill Ltd, to undertake research and prepare a report on its behalf to help inform its decisions on whether to introduce legislation in this area. The report was published in **February 2013**.¹⁰⁶ It concluded that:

there are three broad options among those to be explored:

- Do nothing;
- Develop existing compact-based and legal frameworks to impose greater control or influence over compacts;
- Introduce new statutory obligations in respect of compacts.

We reject the first option on the grounds that too much doing nothing has contributed to the problems of uneven implementation and loss of momentum that now need to be dealt with. We think that the second option is worth a try, since the basics are in place and only need to be booting up, action can take place without delay and this will serve notice on the compact world that this is the last step before turning to more heavy-duty methods. **We therefore think that the third option should be held in reserve and adopted only if nothing else works** [*RS emphasis*].¹⁰⁷

¹⁰³ Welsh Government, Carl Sargeant (Minister for Housing and Regeneration), [*Publication of the Welsh Government White Paper: Renting Homes – a better way for Wales*](#), Cabinet Written Statement, 20 May 2013

¹⁰⁴ Welsh Government, [*Renting Homes White Paper: A Better Way for Wales*](#), 20 May 2013, paragraph 26

¹⁰⁵ Welsh Government, [*Renting Homes White Paper*](#), 20 May 2013

¹⁰⁶ Welsh Government, [*Government Social Research: The Case for Statutory Compacts between Welsh Local Authorities and the Third Sector: Summary Report and Recommendations*](#), February 2013

¹⁰⁷ Welsh Government, [*Government Social Research: The Case for Statutory Compacts between Welsh Local Authorities and the Third Sector: Summary Report and Recommendations*](#), February 2013, page 29

On **16 May 2013**, the Minister for Communities and Tackling Poverty, Huw Lewis AM, launched a consultation document on the relationship between the Welsh Government and the Third Sector in Wales. In his accompanying Ministerial Statement, the Minister stated that:

The outcomes from the consultation will help shape the future of the working and funding relationship between Welsh Government and the Third Sector in Wales.¹⁰⁸

The Consultation Document added in relation to a future Bill that:

New legislation to strengthen the use of such compacts in Wales is being considered and research has been commissioned to inform future decisions about this.¹⁰⁹

The consultation will close on **8 August 2013**.

4.8. Higher Education (Wales) Bill

On **2 July 2012**, the then Minister for Education and Skills, Leighton Andrews AM, issued a White Paper consultation on a Further and Higher Education (Wales) Bill.¹¹⁰

The proposals in the White Paper relating to Further Education institutions were largely incorporated into the *Further and Higher Education (Governance and Information) (Wales) Bill*, which was introduced by the Welsh Government on **29 April 2013** (further information about the Bill is included in section 2.5 of this document). However, the proposals in the White Paper relating to the reshaping of the framework of accountability and control over the Higher Education Funding Council for Wales ('HEFCW') were not included.

On **6 March 2013**, the Minister issued a written statement in which he acknowledged that the proposals relating to higher education needed further development before being brought forward in a Bill. He stated that:

With regard to higher education I have asked my officials to undertake further analysis and development of the White Paper proposals. I will bring forward provisions relating to higher education reform through legislation later in this Assembly term.¹¹¹

This statement was followed on **20 May 2013** by the publication of the Welsh Government's response to the White Paper's Higher Education proposals which also included a further technical consultation on a revised regulatory framework for higher education in Wales.¹¹² The Minister has also confirmed his intention to

¹⁰⁸ Welsh Government, Huw Lewis (Minister for Communities and Tackling Poverty), *Continuity and Change - Refreshing the Relationship between Welsh Government and the Third Sector in Wales*, 16 May 2013

¹⁰⁹ Welsh Government, *Consultation Document: Continuity and Change - Refreshing the Relationship between Welsh Government and the Third Sector in Wales*, 16 May 2013, paragraph 1.23

¹¹⁰ Welsh Government, *Further and Higher Education (Wales) Bill*, 2 July 2012

¹¹¹ Welsh Government, Leighton Andrews (Minister for Education and Skills), *Welsh Government Summary of Responses to the White Paper - Further and Higher Education (Wales) Bill 2013*, Cabinet Written Statement, 6 March 2013

¹¹² Welsh Government, *Higher Education (Wales) Bill: Technical consultation*, 20 May 2013

'bring forward provisions relating to higher education reform through legislation later in this Assembly's term.'¹¹³ The consultation will close on **29 July 2013**.

The Welsh Government's Higher Education policy statement, which was issued by the Minister on 11 June 2013, also included a commitment to:

bring forward legislation to ensure that HEFCW has appropriate powers and duties in relation to quality assurance and regulation of the HE sector which take account of the new funding arrangements for higher education provision.¹¹⁴

4.9. Regulation and Inspection Bill

On **28 June 2012**, the Deputy Minister for Social Services, Gwenda Thomas AM, announced that provisions relating to the inspection of the social care workforce and social care services in Wales would not be included in the *Social Services (Wales) Bill* as originally intended (further information about the Bill is included in section 2.3 of this document).¹¹⁵ This was in light of comments received by stakeholders during the Welsh Government's consultation on the White Paper on the Bill which closed on **1 June 2012**.¹¹⁶

In announcing her decision, the Deputy Minister also stated her intention to introduce a separate social care Bill during the current Assembly to 'address the regulation and inspection of the social care workforce and social care services in Wales'.¹¹⁷ In a separate statement issued on **27 June 2013**, the Deputy Minister confirmed her intention to publish a White Paper 'in September this year [2013], followed by a Bill within the lifetime of this Government'.¹¹⁸

¹¹³ Welsh Government, Leighton Andrews (Minister for Education and Skills), *Welsh Government Response to the Further and Higher Education (Wales) Bill 2013 White Paper and further Technical Consultation*, Cabinet Written Statement, 20 May 2013

¹¹⁴ Welsh Government, *Policy statement on higher education*, 11 June 2013, page 26

¹¹⁵ Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), *Post-Consultation Update on the Social Services (Wales) Bill*, Cabinet Written Statement, 28 June 2013

¹¹⁶ Welsh Government, *Consultation: Social Services and Well-being (Wales) Bill*, 12 March 2013

¹¹⁷ Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), *Post-Consultation Update on the Social Services (Wales) Bill*, Cabinet Written Statement, 28 June 2013

¹¹⁸ Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), *Policy Statement for Social Services Regulation and Inspection*, Cabinet Written Statement, 27 June 2013

5. Remaining Bills not consulted upon

5.1. *Heritage Bill*

The First Minister's statement on **12 July 2011** included a commitment to bring forward a Heritage Bill aimed at streamlining and modernising the current wide range of controls available to help protect historic assets in Wales.¹¹⁹

This reflects a commitment in the Welsh Labour manifesto to 'introduce a Heritage Protection Bill to strengthen the protection of listed buildings in Wales'.¹²⁰ It also follows the publication of a joint Welsh Government and Department for Culture, Media and Sport White Paper in March 2007¹²¹ and a draft Heritage Protection Bill at Westminster in April 2008.¹²² It was expected that the Bill would be formally introduced by the then Labour UK Government during the 2008-09 parliamentary session but no time was found.

The Welsh Government's website states that the aim of the Bill will be to:

- ensure that historic sites and buildings are protected to the best possible standard;
- to keep the character of Wales' historic landscapes and towns;
- to help people access, understand and care about their place and history and to appreciate the importance of local heritage.¹²³

The Bill also follows the publication of the **Historic Environment Strategy**¹²⁴ by the Minister for Culture and Sport, John Griffiths AM, in **May 2013**. The Strategy sets out the role of the historic environment in delivering tangible social, economic and environmental benefits for Welsh communities and aims to lay foundations for the forthcoming Bill.

The Welsh Government's website states that a White Paper consultation will be launched on the Bill in **summer 2013**,¹²⁵ ahead of the Bill's introduction in **2014**.¹²⁶

5.2. *Planning Consolidation Bill*

Following the introduction of the *Planning Reform Bill* (see section 3.5 above), the First Minister indicated on **14 May 2013** that the Welsh Government would also be bringing forward 'further planning consolidation Bill [that] will bring together all existing Acts and further streamline the planning process'.¹²⁷ No additional information about the Bill's consultation processes and introduction dates were provided.

¹¹⁹ National Assembly for Wales, RoP, *Plenary: The Welsh Government's Legislative Programme 2011-16*, 12 July 2011

¹²⁰ Welsh Labour Party, *Welsh Labour Manifesto 2011: Standing up for Wales*, page 104

¹²¹ Welsh Government and Department for Culture, Media and Sport, *Heritage Protection for the 21st Century*, 8 March 2007

¹²² *Draft Heritage Protection Bill*

¹²³ Welsh Government, *Heritage Bill*, 7 December 2012

¹²⁴ Welsh Government, *Historic Environment Strategy for Wales*, May 2013

¹²⁵ Welsh Government, *Heritage Bill*, 7 December 2012

¹²⁶ Welsh Government, *Historic Environment Strategy for Wales*, 23 October 2012

¹²⁷ National Assembly for Wales, *RoP, Plenary: Statement: Progress on Implementing "Energy Wales"*, 14 May 2013

6. Bills dropped from the Legislative Programme

During the course of the legislative programme to date, the Welsh Government has reconsidered the need to introduce the following Bills.

6.1. *Control of Dogs (Wales) Bill*

Although the Welsh Government's initial five year programme did not include a commitment to bring forward legislation relating to the control of dogs, the First Minister stated on **17 July 2012** that the Welsh Government would be 'consulting on the Control of Dogs Bill in the autumn' and that the 'Bill would be introduced next spring'.¹²⁸

The then Minister for Environment and Sustainable Development, John Griffiths AM, issued a consultation¹²⁹ on a *draft Control of Dogs (Wales) Bill* on **22 November 2012**.¹³⁰ The consultation closed on **1 March 2013** and the Welsh Government published a summary of the responses soon after.¹³¹

In a statement issued on **2 May 2013**, however, the Minister for Natural Resources and Food, Alun Davies AM, confirmed that the Welsh Government would not be bringing forward the Bill and would instead seek regulation-making powers on dangerous dogs for Welsh Ministers through a UK Government Bill. The Minister stated that:

In discussions with the Home Office and Defra, it has become clear that there may be value in a joint collaborative approach. I will continue discussions with the UK Government with a view to considering whether early UK Parliamentary legislation would be the best vehicle to take forward our proposals in a coherent way. We will continue to work with Defra to ensure that their proposals to amend the Dangerous Dogs Act will include provision to make it an offence for dogs to be out-of-control on private premises and provide protection for assistance dogs.¹³²

He added however that he would 'retain the option of introducing a Welsh bill if we are unable to reach agreement on these UK legislative options'.¹³³

The Queen's Speech for the 2013-14 Parliamentary Session, which was delivered to the UK Parliament on **8 May 2013**, included a commitment to bring forward a *Anti-Social Behaviour, Crime and Policing Bill*,¹³⁴ which had its first reading in the House of Commons on **9 May 2013**. According to the UK Government, the Bill includes provisions to strengthen the powers to tackle irresponsible dog

¹²⁸ National Assembly for Wales, RoP, *Plenary: Legislative Programme*, 17 July 2012

¹²⁹ Welsh Government, *Consultation: Proposals for a draft Control of Dogs (Wales) Bill*, 23 November 2013

¹³⁰ Welsh Government, John Griffiths (Minister for Environment and Sustainable Development, *Draft Control of Dogs (Wales) Bill*, Cabinet Written Statement, 22 November 2012

¹³¹ Welsh Government, *Control of Dogs (Wales) Bill: Welsh Government Consultation - summary of responses*, 2 May 2013

¹³² Welsh Government, Alun Davies (Minister for Natural Resources and Food), *The Draft Control of Dogs (Wales) Bill*, Cabinet Written Statement, 2 May 2013

¹³³ Ibid

¹³⁴ *Anti-Social Behaviour, Crime and Policing Bill 2013-14*

ownership by extending to private places the offence of owning and/or being in charge of a dog that is dangerously out of control.

Following the Bill's introduction at Westminster, the Welsh Government tabled a Legislative Consent Motion in relation to provisions in the Bill that make amendments to the *Dangerous Dogs Act 1991*.¹³⁵

6.2. *Children and Young Persons (Wales) Bill*

The Welsh Government's initial legislative programme included a commitment to bring forward a *Children and Young Persons (Wales) Bill* to 'build on the Children's Rights Measure ... and expand the role of the Children's Commissioner for Wales'.¹³⁶ However, on **17 July 2012**, the First Minister stated that:

We said that we would introduce a children and young persons Bill to build upon the introduction of the Rights of Children and Young Persons (Wales) Measure 2011, to strengthen our approach to supporting looked-after children, to establish a single adoption service for Wales, to review our position on safeguarding, to set national standards, and to consider the role and function of the local safeguarding children boards. To achieve an integrated approach to service delivery, we are taking forward these commitments through the social services Bill and the delivery of 'Sustainable Social Services for Wales'.¹³⁷

In giving evidence to the Children and Young People Committee on **9 May 2013**, the Children's Commission for Wales, Keith Towler, indicated that the Welsh Government had dropped the Bill altogether. He told Members that:

Previously, in the legislative programme, we had a children's Bill that was going to move forward the work on rights and, within that, there was a commitment to look at the legislation for the children's commissioner. That no longer exists; we do not have that within the legislative programme.¹³⁸

At the same meeting, however, the following exchange took place between Simon Thomas AM and the Minister for Communities and Tackling Poverty, Huw Lewis AM:

Simon Thomas: The children's commissioner had some technical points about how he dealt with complaints. He said that he needed the legislation that formed his office to keep pace with due regard and the developments in Welsh legislation ... Do you have any intention to bring forward a children's Bill during this Assembly that could address some of the commissioner's concerns about the technical aspects, but also some wider issues that may need addressing?

¹³⁵ Welsh Government, *Legislative Consent Memorandum: Anti-Social Behaviour, Crime and Policing Bill, Provisions relating to the introduction of community protection notices, public spaces protection orders, closure notices, and amendments to the Dangerous Dogs Act 1991*, May 2013

¹³⁶ National Assembly for Wales, RoP, *Plenary: The Welsh Government's Legislative Programme 2011-16*, 12 July 2011

¹³⁷ National Assembly for Wales, RoP, *Plenary: Legislative Programme*, 17 July 2012

¹³⁸ National Assembly for Wales, RoP, *Children and Young People Committee: Scrutiny of Welsh Government Compliance with Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 and the Updated Getting it Right Action Plan*, 9 May 2013

Huw Lewis: First things first: I need to talk to the commissioner. I have a meeting in my diary with the commissioner coming up. I am aware that his office has had concerns about legislation as it relates to the role of the commissioner. That is what we are talking about. I will need to explore that with him and understand precisely what it is about. As you say, I know that it is technical, and I do not have a lawyer with me at the moment. We need to have that discussion first. It would be silly to commit to a chunk of legislation on the basis of my second-hand hearing of reports from the commissioner that there is a concern here. I need to understand this first.¹³⁹

6.3. *Local Government (Collaborative Measures) (Wales) Bill*

The First Minister told Members in plenary on **12 July 2011** that the Welsh Government would introduce a *Local Government (Collaborative Measures) (Wales) Bill* which would ‘facilitate the process of local authorities making joint appointments, requiring them to consider doing so for posts of specified seniority, and create powers for the Auditor General for Wales to inspect and report on compliance with this duty, and for the Welsh Ministers to intervene in cases of failure’.¹⁴⁰

However, on **24 January 2012**, the then Minister for Local Government and Communities, Carl Sargeant AM, announced that the Welsh Government had reconsidered the need to introduce such a Bill. He stated that:

I am now minded that there is no immediate need for further legislation in the area of collaboration, but I will issue statutory guidance later this year. Through the work of the public service leadership group, I will closely monitor the progress that the various parts of the compact make, and, should it falter or slow, I will reconsider this position on legislation.¹⁴¹

¹³⁹ National Assembly for Wales, RoP, *Children and Young People Committee: Scrutiny of Welsh Government Compliance with Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 and the Updated Getting it Right Action Plan*, 9 May 2013

¹⁴⁰ National Assembly for Wales, RoP, [Plenary](#), 12 July 2011

¹⁴¹ National Assembly for Wales, RoP, [Plenary](#), 24 January 2012

Annexe A: Summary table

Bills passed

Act title	Introduction date	Date of Royal Assent
<u><i>Local Government Byelaws (Wales) Act 2012</i></u>	28 November 2011	29 November 2012
<u><i>School Standards and Organisation (Wales) Act 2013</i></u>	23 April 2012	4 March 2013
<u><i>Food Hygiene Rating (Wales) Act 2013</i></u>	28 May 2012	4 March 2013
<u><i>Public Audit (Wales) Act 2013</i></u>	9 July 2012	29 April 2013
<i>Local Government (Democracy) (Wales) Act 2013</i>	26 November 2012	TBC
<i>Human Transplantation (Wales) Act 2013</i>	3 December 2012	TBC

Bills already introduced and currently subject to Assembly scrutiny

Bill title	White Paper / Draft Bill / Consultation dates	Introduction date
<u><i>Social Services and Well-being (Wales) Bill</i></u>	<u>White Paper</u> (12 March 2012 – 1 June 2012)	28 January 2013
<u><i>Active Travel (Wales) Bill</i></u>	<u>White Paper</u> (9 May 2012 – 14 August 2012)	18 February 2013
<u><i>Further and Higher Education (Governance and Information) (Wales) Bill</i></u>	<u>White Paper</u> (2 July 2012 – 24 September 2012)	29 April 2013
<i>Education (Wales) Bill</i>	<u>Consultation Document</u>	1 July 2013

	<p>on Proposals to amend the requirements for registration of the education workforce in Wales (16 December 2011 - 30 March 2012)</p> <p>Additional Consultation Document on Proposals for registration of the education workforce in Wales (10 September 2012 - 19 October 2012)</p> <p>Consultation Document on special educational needs (26 June 2012 - 19 October 2012)</p> <p>Consultation Document on school term dates (3 September and 26 November 2012)</p>	
<i>Agricultural Sector (Wales) Bill [Emergency Bill]</i>	Consultation Document (1 May 2013 - 26 June 2013)	8 July 2013

Bills foreshadowed for the 2013-14 session

<i>Public Sector Workforce (Wales) Bill</i>	Green Paper (8 May 2012 - 31 July 2012)	Autumn 2013
<i>Housing Bill</i>	<p>Consultation Document (8 December 2011 - 17 February 2012)</p> <p>White Paper (21 May 2012 - 17 August 2012)</p>	Autumn 2013
<i>Sustainable Development Bill</i>	<p>Consultation Document (8 May 2012 - 18 July 2012)</p> <p>White Paper (3 December</p>	Autumn 2013

	2012 – 4 March 2013)	
<i>Health (Budgets) Bill</i>	No consultation	Early in the 2013-14 term
<i>Planning Reform Bill</i>	Green Paper on Sustaining a Living Wales (30 January 2012 – 31 May 2012) White Paper and Draft Bill to be published towards the end of 2013. ¹⁴²	Before the 2014 summer recess

Other Bills which are currently or have been the subject of consultation

<i>Domestic Abuse (Wales) Bill</i>	White Paper (26 November 2012 – 22 February 2013)	The First Minister stated in July 2011 that the Bill would be introduced in the next two years. ¹⁴³
<i>Prevention of Youth Offending Bill</i>	Green Paper on proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System (18 September 2012 – 11 December 2012)	Not specified
<i>Higher Education (Wales) Bill</i>	White Paper on Further and Higher Education (Wales) Bill (2 July 2012 – 24 September 2012) Technical Consultation on the Higher Education (Wales) Bill (20 May 2013)	Not specified

¹⁴² Welsh Government, [Planning Bill: timeline](#), 23 April 2013

¹⁴³ Ibid

	- 29 July 2013)	
<i>Environment Bill</i>	Green Paper on Sustaining a Living Wales (30 January 2012 - 31 May 2012)	2014-15 session
<i>Tenancy Reform Bill</i>	White Paper (20 May 2013 - 16 August 2013)	2015
<i>Statutory Third Sector Compacts Bill</i>	Consultation Document on refreshing the relationship between Welsh Government and the Third Sector (16 May 2013 - 8 August 2013)	The First Minister has stated that this Bill will be introduced towards the end of the fourth Assembly. ¹⁴⁴
<i>Public Health (Wales) Bill</i>	Green Paper (29 November 2012 - 20 February 2013)	The First Minister has stated that this Bill will be introduced sometime during the second half of the legislative programme. ¹⁴⁵
<i>Regulation and Inspection Bill</i>	White Paper on Social Services and Well-being (Wales) Bill (12 March 2012 - 1 June 2012) Additional White Paper consultation to be issued in September 2013. ¹⁴⁶	Not specified
<i>Piercing (Age of Consent) (Wales) Bill</i>	Consultation Document (18 October 2011 - 31 January 2012)	Not specified

¹⁴⁴ Ibid

¹⁴⁵ National Assembly for Wales, [RoP: Plenary](#), 12 July 2012

¹⁴⁶ Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [Policy Statement for Social Services Regulation and Inspection](#), Cabinet Written Statement, 27 June 2013

Remaining Bills not consulted upon

<i>Heritage Bill</i>	White Paper consultation to be launched in summer 2013. ¹⁴⁷	2014 ¹⁴⁸
<i>Planning Consolidation Bill</i>	No consultation	Not specified

Bills removed from the Legislative Programme

<i>Local Government (Collaboration Measures) (Wales) Bill</i>	No consultation	On 24 January 2012, the Minister for Local Government and Communities at the time stated that the Welsh Government would not be bringing forward the Bill. ¹⁴⁹
<i>Children and Young Persons (Wales) Bill</i>	No consultation	
<i>Control of Dogs (Wales) Bill</i>	Draft Bill (23 November 2012 – 1 March 2013)	On 2 May 2013, the Minister for Natural Resources and Food stated that the Welsh Government will be taking forward its proposals in relation to dangerous dogs through the UK Government's <i>Anti-Social Behaviour, Crime and Policing Bill</i> , rather than through an Assembly Bill. ¹⁵⁰

¹⁴⁷ Welsh Government, [Heritage Bill](#), 7 December 2012

¹⁴⁸ Welsh Government, [Historic Environment Strategy for Wales](#), 23 October 2012

¹⁴⁹ National Assembly for Wales, RoP, [Plenary: The Simpson Compact with Local Government](#), 24 January 2012

¹⁵⁰ Welsh Government, Alun Davies (Minister for Natural Resources and Food), [The Draft Control of Dogs \(Wales\) Bill](#), Cabinet Written Statement, 2 May 2013