

EXPLANATORY MEMORANDUM TO THE WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 (CONSEQUENTIAL PROVISIONS) REGULATIONS 2015

This Explanatory Memorandum has been prepared by the Natural Resources Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Well-being of Future Generations (Wales) Act 2015 (Consequential Provisions) Regulations 2015.

Carl Sargeant AM

Minister for Natural Resources

1. Description

- 1.1 These Regulations make consequential provisions in relation to section 15 of, and paragraph 19 of Schedule 2 to, the Well-being of Future Generations (Wales) Act 2015 ('the Act'). The Regulations amend the timing of the first reporting period for the Auditor General's examinations in relation to the Act and also the deadline for the Future Generations Commissioner for Wales to submit his/her estimates of income and expenses for financial year 2016-17.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 There are no issues of special interest for the Constitutional and Legislative Affairs Committee.

3. Legislative background

- 3.1 Section 15 of the Act confers a power on the Auditor General for Wales to carry out examinations in order to assess the extent to which the specified public bodies have acted in accordance with the sustainable development principle in both the setting and taking steps to meet their well-being objectives. The Auditor General must carry out at least one examination of each of the public bodies within each 5 year 'reporting period'.
- 3.2 The 'reporting period' is defined as starting a year before the planned date of the next ordinary Assembly general election and ending a year and a day before the following election.
- 3.3 Paragraph 19 of Schedule 2 to the Act imposes a duty on the Future Generations Commissioner for Wales ('the Commissioner') to prepare an estimate of income and expenses of the Commissioner and the Commissioner's staff for each financial year after the one in which he/she was appointed. The estimate of income and expenses must be submitted to the Welsh Ministers at least five months before the beginning of the financial year to which it relates.
- 3.4 Section 53 of the Act enables the Welsh Ministers, by regulations, to make consequential provision for the purpose of giving full effect to provisions of the Act. These Regulations are made in exercise of that power and, by virtue of section 54(4) of the Act, are subject to the affirmative resolution procedure.

4. Purpose & intended effect of the legislation

- 4.1 It is intended that the duty on specified public bodies to set well-being objectives and take all reasonable steps to meet them will come into force on 1st April 2016. As this is less than a year before the next Assembly general election, in order to provide clarity, these Regulations specify that the first reporting period for the Auditor General's examinations under section 15 will start one month before that election. This means that the first reporting period will start on 5th April 2016 and end on 5th May 2020. The timing of subsequent reporting periods is not affected.

- 4.2 Given the timeframe for appointment of the Commissioner the effect of these Regulations is that instead of being required to submit his/her estimate of income and expenses for 2016-17 to the Welsh Ministers by November 2015, the Commissioner will be required to submit them three months after being appointed. This change will give the Commissioner a reasonable amount of time in which to prepare his/her first estimate of income and expenses.

5. Consultation

- 5.1 No consultation has taken place since these Regulations have no effect on the business, public or voluntary sectors and make consequential technical provision only.

6. Regulatory Impact Assessment (RIA)

- 6.1 The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a Regulatory Impact Assessment given that there is no impact on business, charities or voluntary bodies as the Regulations simply make technical consequential provision in relation to two provisions of the Act. An Impact Assessment has therefore not been prepared for this instrument.