



## **Constitutional and Legislative Affairs Committee**

**Report: CLA(4)-02-11 : 29 June 2011**

**The Committee reports to the Assembly as follows:**

**Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

### **Negative Resolution Instruments**

#### **CLA6 - The Housing Renewal Grants (Prescribed Form and Particulars) (Revocation) (Wales) Regulations 2011**

Procedure: Negative.

Date made: 14 June 2011.

Date laid: 16 June 2011.

Coming into force date: 7 July 2011

#### **CLA7 - The Barry College Further Education Corporation and Coleg Glan Hafren Further Education Corporation (Dissolution) Order 2011**

Procedure: Negative.

Date made: 14 June 2011.

Date laid: 17 June 2011.

Coming into force date: 1 August 2011

### **Affirmative Resolution Procedure**

#### **CLA8 - The Scheme for Construction Contracts (England and Wales) Regulations 1998 (Amendment) (Wales) Regulations 2011**

Procedure: Affirmative.

Date made: Not stated.

Date laid: Not stated.

Coming into force date: 1 October 2011

#### **CLA9 - The Construction Contracts (Wales) Exclusion Order 2011**

Procedure: Affirmative.

Date made: Not stated.

Date laid: Not stated.

Coming into force date: 1 October 2011

**Instruments that raise reporting issues under Standing Order 21.2 or 21.3.**

### **Affirmative Resolution Procedure**

**CLA5 - The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011**

**Procedure:** Affirmative.

**Date made:** 2001.

**Date laid:** Not stated.

**Coming into force date:** 6 July 2011.

The Committee agreed the Report under S.O.21.3 on this statutory instrument, which is attached as Annex 1.

### **Other Business**

#### **Role of the Committee and Working Methods during the 4th Assembly**

**Paper: CLA(4)-02-11(p1)**

The Committee considered the paper from the Committee Clerk and discussed its role and general approach to its remit.

The Committee agreed:

- that it was content with the working arrangements for subordinate legislation outlined in paragraphs 10-16 of paper CLA(4)-02-11(p1);
- to use its discretion under Standing Order 21.11, to delegate to the Committee Chair its functions under Standing Order 21.9 (European Subsidiarity) during any non-sitting week.
- to ask the Research Service to scope an Inquiry into the arrangements for delegating powers to the Welsh Ministers through Acts of the UK Parliament. The inquiry would also look at related issues such as the operation of Devolution Guidance Notes. The aim would be for an Inquiry to start early in the autumn term; and
- to ask the Research Service to scope possible inquiries on Welsh Governmental structures and the Governance of the Crown Estates to start later in the Autumn and, for the slightly longer term, on the question of a separate Welsh jurisdiction.

The Committee agreed that it would be helpful to have a separate paper in due course looking at the European aspects of the Committee's remit.

The Committee also agreed to invite the Counsel General to attend a meeting of the Committee at a later time to gain a better understanding of his role and its relationship with the work of the Committee.

**David Melding AM**

Chair, Constitutional and Legislative Affairs Committee

**29 June 2011**

## **Annex 1**

### **Constitutional and Legislative Affairs Committee**

(CLA(4)-02-11)

CLA5

### **Constitutional and Legislative Affairs Committee Report**

**Title: The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011**

#### **Procedure: Affirmative**

The Education (Wales) Measure 2009 (“the Measure”) amended Part 4 of the Disability Discrimination Act 1995, which related to discrimination in schools, to enable children themselves to make a disability discrimination claim to the Special Educational Needs Tribunal for Wales. The Equality Act 2010 repeals the Disability Discrimination Act 1995.

This Order, made under section 20 of the Measure, amends the Measure to remove the provisions that amended the Disability Discrimination Act 1995, and to insert instead corresponding and other appropriate provisions amending the Equality Act 2010.

#### **Technical Scrutiny**

No points are identified for reporting under Standing Order 15.2 in respect of this instrument.

#### **Merits Scrutiny**

The Assembly is invited to pay special attention to this instrument under Standing Order 21.3(i) in that, for the following reasons, it raises matters of legal importance–

This Order is made under unique circumstances. When the Assembly considered the Measure, extensive changes to equality legislation were under consideration at Westminster. However, it was not clear what the final form of those changes would be or the timescale for their implementation. For that reason, the Measure gave Welsh Ministers the unusual power referred to above to make extensive amendments to a Measure being considered by the Assembly

Section 20 limits the nature of the permitted amendments, but because the changes arising from the Equality Act 2010 are so extensive, those amendments do not precisely reflect the legislation passed by the Assembly. The changes made to the Measure by this

Order correspond as closely as is practicable to what was agreed by the Assembly, ensuring that the rights given to children by the Measure are secured under the new arrangements.

**David Melding AM**

Chair, Constitutional and Legislative Affairs Committee

**29 June 2011**