



July 2009

Dear Sir / Madam

Consultation on *The National Assembly for Wales (Legislative Competence)  
(Culture and other fields) Order 2009*

1. As part of its consideration of the above Legislative Competence Order, the National Assembly for Wales' Legislation Committee No.4 is calling for evidence on the [\*The National Assembly for Wales \(Legislative Competence\) \(Culture and other fields\) Order 2009.\*](#)

[What is a Legislative Competence Order?](#)

2. A Legislative Competence Order ("Order") is a 'subordinate' piece of legislation which transfers specific powers from the UK Parliament to the National Assembly.

3. In practice, this means that each new Order will add a new matter (or matters) into the relevant field in [Schedule 5 of the Government of Wales Act 2006](#), providing the National Assembly with the power to make Measures (laws) within the policy areas defined by the matter.

4. In the Assembly, there will be a two stage process for considering an Order, involving:

- i) the scrutiny of a proposed Order by a committee; and
- ii) the approval, by the Assembly, of a draft Order.

5. *The National Assembly for Wales (Legislative Competence) (Culture and other fields) Order 2009* proposes enhancing the National Assembly's current legislative competence by inserting 3 new matters into Schedule 5 of the Government of Wales Act 2006:

- i) **Matter 2.1 (ancient monuments and historic buildings):** The functions of local authorities in the support, improvement and promotion of the appreciation by the public of archaeological remains, ancient monuments, buildings and places of historical or architectural interest, and historic wrecks.
- ii) **Matter 3.1 (culture):** The functions of local authorities in the support, improvement and promotion of museums, galleries and libraries, arts and crafts, archives and historical records, and cultural activities and projects.
- iii) **Matter 16.4 (sport and recreation):** The functions of local authorities in the support, improvement and promotion of sport and recreational activities.

#### **What does this Legislative Competence Order seek to achieve?**

6. The Explanatory Memorandum that accompanies the proposed Order states:

“The Welsh Assembly Government’s aim is to widen participation to the full range of arts, cultural, sport and recreational services and activities. Low income, background or where people live should not be a barrier to access and participation to high quality cultural experiences.

The key role that Welsh local authorities play in the provision of cultural services and activities to their local communities is fully recognised. It is in this context that ‘One Wales’ identified as a key area strengthening and supporting the role of local authorities in the development and delivery of arts and cultural services and activities across Wales.

To deliver this, ‘One Wales’ contains a commitment to placing a statutory obligation on local authorities to promote culture and encourage partnership to deliver high quality cultural experiences for their communities.

The proposed Order is required to provide competence to enable the Assembly to implement the One Wales commitment and achieve its policy objectives”.

#### **What is the committee’s role?**

7. The role of Legislation Committee No. 4 is to consider and report on the proposed Order (the first part of the two stage process outlined in paragraph 4 above). In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the general principles of the proposed Order and whether legislative competence in the area identified in Matters 2.1, 3.1 and 16.4 be conferred on the Assembly; and

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- ii) whether the terms of the proposed Order are too broadly or too narrowly defined.

#### How you can help - the consultation questions

8. Further details of the proposed Order and the accompanying Explanatory Memorandum can be found on the National Assembly's website at:  
<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-legislative-competence-orders/bus-legislation-lco-culture-2009.htm>
9. Evidence about the proposed Order was provided by the Minister for Heritage on 8 July, and a transcript of this evidence is also available on the above website.
10. The Committee would like to invite you to submit written evidence to assist in its scrutiny of the proposed Order. In particular, we would welcome your views on the questions listed in Annex 1.
11. If you wish to submit evidence, please send an electronic copy of your submission to [legislationoffice@wales.gsi.gov.uk](mailto:legislationoffice@wales.gsi.gov.uk) and entitle the e-mail *Consultation - Cultural Duty Order*.
12. Alternatively, you can write to:  
Owain Roberts, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.
13. Submissions should arrive by 4 September 2009. It may not be possible to take into account responses received after this date.
14. Further information on the legislative process can be found at:  
<http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance/bus-legislation-guidance-measures.htm>
- 15.1 When preparing your submission, please keep the following in mind:
- your response should address the issues before the Committee. Please reference your response using the title applied above;
  - the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings;
  - **If you do not want your response or name published, it is important that you clearly specify this in your submission and your reasons for this.** However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including company information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA);

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- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

16. The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation during the autumn term.

17. If you have any queries, please contact Gareth Williams, Committee Clerk on 029 2089 8008 or Owain Roberts, Deputy Clerk on 029 2089 8101.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael German', with a stylized flourish at the end.

**Michael German AM**  
**Committee Chair**

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*The National Assembly for Wales (Legislative Competence) (Culture and other fields) Order 2009*

Consultation Questions

1. What are your views on the general principle that legislative competence in the areas identified in Matters 2.1, 3.1 and 16.4 be conferred on the Assembly?
2. What are your views on the terms of the proposed Order? For example, are they too narrowly or too broadly drawn?
3. What are your views on the specific exclusions to Matter 2.1 and Matter 3.1, and the exceptions contained in Article 3?

*(The exclusions and exceptions are explained in paragraphs 20 to 28 of the [Explanatory Memorandum to the proposed Order](#))*

4. Do you have any additional comments relating to the proposed Order?