



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Deregulation Bill**

DATE **February 2014**

BY **Alun Davies, Minister for Natural Resources and Food**

The Deregulation Bill was introduced in the House of Commons on 23 January 2014. The Bill was originally published in draft on 1 July 2013 for pre-legislative scrutiny.

This written statement is laid under Standing Order 30 – Notification in relation to UK Parliament Bills. This statement relates to a provision in the Bill that will modify the Welsh Ministers’ functions, but which does not require a Legislative Consent Motion under Standing Order 29.

The UK Government has stated that its policy objectives are to reduce the burden of excessive or unnecessary regulation on businesses, civil society, public bodies, the taxpayer or individuals, and thus to facilitate growth.

The Bill is wide ranging and includes a number of provisions which relate to matters which are devolved in Wales, either within the Assembly’s legislative competence or relating to Welsh Ministers’ functions. This statement is concerned with the provision in Schedule 16, Part 2, paragraph 17 of the Bill which repeals section 101A(5) of the Water Industry Act 1991.

Section 101A makes provision about the duty on sewerage undertakers to provide a public sewer for domestic sewerage purposes where the conditions prescribed by section 101A(2) are satisfied. There are properties in England and Wales that are served by private sewerage treatment systems that are not connected to a public sewer. Owners or occupiers of properties served by private sewerage treatment systems that are not connected to a public sewer, may apply to the licensed sewerage undertaker for the area where the premises is located for connection to a public sewer under the conditions prescribed by section 101A of the Act.

The undertaker must assess the situation and decide whether it believes it has a duty to provide a public sewer. In Wales, the undertaker must take into account any guidance issued by the Welsh Ministers when making any determination.

By repealing section 101A (5) of the Water Industry Act 1991, the Bill will remove the statutory requirement for the Welsh Ministers to consult the Natural Resources Body, OfWAT, (the economic regulator for the water industry); or any other appropriate bodies or persons, before issuing guidance on the provision of a public sewer under section 101A of that Act. It removes a similar requirement on the UK Government in respect of England.

The Welsh Government considers that it is appropriate for this provision to apply in Wales. The duty to consult is not required as the Welsh Government has well established policies and systems which go beyond the requirements that will be repealed in the Water Industry Act. Our policies and systems require us to engage with stakeholders, including the bodies named in the Water Industry Act 1991, when developing new policies and these are followed when developing and producing relevant guidance. This process of engagement is, in practice more extensive than that set out under section 101A(5) of the Water Industry Act 1991 to consult. This provision in the Deregulation Bill therefore removes an unnecessary legislative requirement which will not adversely affect any interested parties in Wales.

It is considered appropriate for this provision to be made by means of the Deregulation Bill, because the provision could not be made by an Assembly Act.