

**National Assembly for Wales**  
Research paper

# The Welsh Government's Legislative Programme: 2014 update

July 2014

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Enquiry no: 14/1698

Paper number: 14/036

**National Assembly for Wales**  
Research paper

## **The Welsh Government's Legislative Programme: 2014 update**

July 2014

Steve Boyce, Gareth England and Alys Thomas

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 announced by the First Minister for the forthcoming 2014-15 session.

The paper also includes details of consultations conducted by the Welsh Government on Bills that are yet to be introduced.

The First Minister made a statement in Plenary on the Welsh Government's legislative programme in Plenary on 15 July 2014.

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# The Welsh Government's Legislative Programme: 2014 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.<sup>1</sup>

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 **17 Bills** during the fourth Assembly (since May 2011). Of these:

- **13** have been passed by the Assembly and have received Royal Assent;<sup>2</sup>
- **4** are currently subject to scrutiny in the Assembly.

Further information is available in annexe A.

This paper provides: details of the Welsh Government's progress to date on its legislative programme and information about the Bills announced by the First Minister for the 2014-15 session. The First Minister made a statement on the **2014-15 legislative programme** in Plenary on **15 July 2014**.

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

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

<sup>2</sup> 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 2013-14 session<sup>3</sup>

### 2.1. *National Health Service Finance (Wales) 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.<sup>4</sup>

The Bill was introduced by Mark Drakeford, Minister for Health and Social Services on **30 September 2013** and was remitted to the Finance Committee. It was agreed that Stage 1 proceedings were not required given the level of scrutiny of this policy undertaken by the Public Accounts Committee.

The purpose of the Bill is to change the current financial duties of Local Health Boards (LHBs) under the *National Health Service (Wales) Act 2006* from an annual statutory requirement for expenditure not to exceed resource limit, to a regime which considers the financial duty to manage its resources within approved limits over a three year period.

The [\*National Health Service \(Finance \(Wales\) Act 2014\*](#) became law on **27 January 2014**.

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<sup>3</sup> The Assembly Session runs from 23 September 2013 to 18 July 2014.

<sup>4</sup> Welsh Government, Press Release, *New legislation to reform NHS financial regime* 10 June 2013.

## 2.2. *Control of Horses (Wales) Bill*

During his announcement on the legislative statement in Plenary on **16 July 2013**, the First Minister, the Rt. Hon. Carwyn Jones AM, stated:

We are aware that fly-grazing, or the abandonment of horses, is an increasing problem for local authorities. The legislation that is currently available to local authorities has proved inadequate to tackle the issues on the scale that we are currently experiencing. It is therefore proposed that local authorities across Wales be given the tools to enable them to seize, impound and dispose of horses, through selling, re-homing or destruction in a humane manner, as appropriate and where circumstances dictate. We believe that legislation on fly-grazing and the abandonment of horses and ponies will deliver an effective solution to the problem, by making those individuals who fly-graze horses and ponies accountable for their actions, and through addressing the unacceptable nuisance of fly-grazing that causes social, public safety, economic and environmental harm, and places financial burdens on individuals and the taxpayer. Legislation that will tackle this problem will be brought forward before the end of this year.<sup>5</sup>

The Bill was introduced by Alun Davies AM, the then Minister for Natural Resources and Food on **14 October 2013**. The Business Committee remitted the Bill to Environment and Sustainability Committee and agreed that Stage 1 proceedings could be by-passed.

The purpose of the Bill is to provide local authorities with the power to seize, impound, sell or otherwise dispose of horses (including by arranging for their destruction) which are on land in their area without lawful authority and to provide local authorities with the power to recover costs where the owner or person acting for the owner can be identified.

The Bill became law in Wales on **27 January 2014**.

## 2.3. *Housing (Wales) Bill*

The [\*Housing \(Wales\) Bill\*](#) was introduced by Carl Sargeant AM, Minister for Housing and Regeneration on the 18 November 2013. The Business Committee remitted the Bill to the Communities, Equality and Local Government Committee.

The key purposes of the Bill are to:

- Introduce a compulsory registration and licensing scheme for private rented sector landlords and letting and management agents;
- Reform homelessness law, including placing a stronger duty on local authorities to prevent homelessness and allowing them to use suitable accommodation in the private sector;

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<sup>5</sup> National Assembly for Wales, RoP, Plenary 16 July 2013 [accessed 2 July 2014]

- Place a duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified.
- Introduce standards for local authorities on rents, service charges and quality of accommodation;
- Reform the Housing Revenue Account Subsidy system;
- Give local authorities the power to charge 50 per cent more than the standard rate of council tax on homes that have been empty for a year or more; and
- Assist the provision of housing by Co-operative Housing Associations.

The Bill passed at Stage 3 on **1 July 2014**.

#### *2.4. Higher Education (Wales) Bill*

The *[Higher Education \(Wales\) Bill](#)*, introduced by Huw Lewis AM, Minister for Education and Skills.

The Bill seeks to legislate to:

- ensure robust and proportionate regulation of institutions in Wales whose courses are supported by Welsh Government backed higher education grants and loans;
- safeguard the contribution made to the public good arising from the Welsh Government's financial subsidy of higher education;
- maintain a strong focus on fair access to higher education; and
- preserve and protect the institutional autonomy and academic freedom of universities.

The Bill seeks to achieve these objectives through:

- establishing a new regulatory framework applicable to all providers of higher education in Wales which seek automatic designation of their higher education courses for the purpose of student support;
- ensuring the new regulatory controls do not rely on HEFCW providing funding to those institutions and providers;
- requiring all higher education providers that benefit from the Welsh Government's financial subsidy in the form of statutory student fee loans or grants to have charitable status;
- requiring all higher education providers whose courses are automatically designated for statutory student support to commit to activity in support of equality of access to higher education; and

- building, as far as possible, on the existing system of controls established by HEFCW under its terms and conditions of funding.

The Bill is currently at **Stage 1** and has been remitted to the Children, Young People and Education Committee.

## *2.5. Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill*

The [Gender-based Violence, Domestic Abuse and Sexual Violence \(Wales\) Bill](#) was introduced by Lesley Griffiths, Minister for Local Government and Government Business on the **30 June 2014**. The Business Committee has remitted the Bill to the Communities, Equality and Local Government Committee.

The Welsh Government's initial five year programme for this Assembly 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',<sup>6</sup> its six year integrated strategy for tackling all forms of violence against women and domestic abuse, along with an **implementation plan for 2010-13**,<sup>7</sup> in **March 2010**. This followed an earlier Welsh Government domestic abuse strategy. 'Tackling Domestic Abuse: a Partnership Approach' that was launched in 2005.

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**.<sup>8</sup> 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.<sup>9</sup>

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

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<sup>6</sup> Welsh Government, [The Right to be Safe](#), March 2010

<sup>7</sup> Welsh Government, [The Violence Against Women and Domestic Abuse - Implementation Plan 2010-13](#), March 2010

<sup>8</sup> 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

<sup>9</sup> Welsh Government, [Consultation on legislation to end violence against women and domestic abuse \(Wales\)](#), 26 November 2012

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’.<sup>10</sup> 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.<sup>11</sup>

The *Domestic Abuse, Gender-based Violence and Sexual Violence (Wales) Bill*<sup>12</sup> was published on **30 June 2014**. The Explanatory Memorandum (EM) to the Bill states:

The Bill places duties on the Welsh Ministers, County and County Borough Councils (“Local Authorities”) and Local Health Boards to prepare and publish strategies aimed at ending domestic abuse, gender-based violence and sexual violence. The Bill further provides a power to the Welsh Ministers to issue guidance to relevant authorities [Local Authorities, Local Health Boards, National Health Service Trusts and Fire and Rescue Authorities] on how they should exercise their functions with a view to contributing to ending domestic abuse, gender-based violence and sexual violence. The Bill also contains provision for the appointment of a Ministerial Adviser.

The EM also provides a further indication of the purpose and intended effect of the Bill:

33. The Welsh Government’s principal policy aim in this area is to reduce the rates of domestic abuse, gender-based violence and sexual violence in Wales. The Bill supports this aim by seeking an improved public sector response to domestic abuse, gender-based violence and sexual violence. The main aims of the Bill are to improve arrangements to:

- a. promote awareness of, and to prevent, protect and support victims of domestic abuse, gender-based violence and sexual violence;
- b. strengthen the strategic leadership and accountability for domestic abuse, gender-based violence and sexual violence; and
- c. improve the consistency, quality and join-up of service provision in Wales.

On **1 July 2014** the Minister for Local Government and Government Business, Lesley Griffiths AM, made a plenary statement<sup>13</sup> on the Bill.

The Bill is currently at **Stage 1**.

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<sup>10</sup> Ibid

<sup>11</sup> Welsh Government, *Consultation on legislation to end violence against women and domestic abuse (Wales)*, 26 November 2012

<sup>12</sup> Welsh Government, *Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill* 30 June 2014

<sup>13</sup> National Assembly for Wales, RoP Plenary *Statement: Introduction of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill* 1 July 2014

## 2.6. *Wellbeing of Future Generations Bill (Wales) Bill*

The [\*Wellbeing of Future Generations \(Wales\) Bill\*](#) was published on **7 July 2014** and remitted to the Environment and Sustainability Committee.

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.<sup>14</sup>

The consultation closed on **18 July 2012**. The Welsh Government published a summary of responses shortly following the consultation closing date.<sup>15</sup>

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.<sup>16</sup>

The consultation closed on **4 March 2013**.

In **February 2014** Jeff Cuthbert, Minister for Communities and Tackling Poverty, announced a "national conversation" around the aims of the Bill.<sup>17</sup> The interim report [from the pilot National Conversation](#), summarising the main messages to come out of the conversation, was published on **7 July 2014**.<sup>18</sup>

The Bill is currently at **Stage 1**.

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<sup>14</sup> Welsh Government, [\*Consultation Document: Proposals for a Sustainable Development Bill\*](#), May 2012, paragraph 1

<sup>15</sup> Welsh Government, [\*Summary of consultation responses: Proposals for a Sustainable Development Bill\*](#), July 2012

<sup>16</sup> Welsh Government, [\*Consultation: Sustainable Development Bill – White Paper\*](#), 3 December 2012

<sup>17</sup> Welsh Government, Written Statement, [Written Statement by Jeff Cuthbert AM, Minister for Communities and Tackling Poverty, \*The Future Generations Bill – the Wales we Want by 2050\*](#), 18 February 2014.

<sup>18</sup> Cynnal Cymru, [\*An Interim Report from the pilot National Conversation on 'The Wales We Want'\*](#), July 2014

### 3. Bills announced for 2014-15

#### 3.1. *Planning (Wales) 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.<sup>19</sup>

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.<sup>20</sup> The IAG report was published in **September 2012**<sup>21</sup> alongside the results of a public attitudes survey<sup>22</sup> and other research to identify ways to simplify the development management system where adopted Local Development Plans are in place<sup>23</sup>.

In **January 2013** the Welsh Government also published research by Hyder Consulting into the consenting performance of renewable energy schemes.<sup>24</sup> The Welsh Government said that in preparing the White Paper and draft Bill it would 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.<sup>25</sup>

The content of the draft Bill is also informed by the responses already submitted to the 'Sustaining a Living Wales' Green Paper.

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<sup>19</sup> Welsh Government, *Independent Advisory Group*, 29 November 2011

<sup>20</sup> Welsh Government, *Welsh Planning Review: Outputs, timing and measure of success*, 9 November 2011

<sup>21</sup> Welsh Government, *Towards a Welsh Planning Act: Ensuring the Planning System Delivers*, 17 September 2012

<sup>22</sup> Welsh Government, *Public attitudes towards the planning system in Wales*, 17 September 2012

<sup>23</sup> Welsh Government, *A New Approach to Managing Development in Wales: Towards a Welsh Planning Act*, 17 September 2012

<sup>24</sup> Welsh Government, *Evaluation of consenting performance of renewable energy schemes*, 30 January 2013

<sup>25</sup> Welsh Government, *Planning Bill Q&A*, 8 February 2013

A [draft Planning Bill](#) and a consultation paper, *Positive Planning*, were published in **December 2013**. In the foreword the Minister for Housing and Regeneration, Carl Sargeant AM, stated:

I want Welsh Government to set an appropriate legislative and policy framework which gives clarity to planning authorities, planning applicants and the general public. I also want to see simplification of what is currently a highly complex system and greater collaboration in delivery of planning. I believe that the proposals in this consultation paper, along with those set out in the draft Planning (Wales) Bill, will take us in this direction.

It is important that planning legislation links effectively to other legislation in our programme and I am working closely with Cabinet colleagues responsible for the Environment, Heritage and Future Generations Bills to achieve this.<sup>26</sup>

The consultation closed on **26 February 2014**. The Environment and Sustainability Committee conducted [pre-legislative scrutiny](#) of the draft Bill in **March/April 2014**.

The Bill is expected to be published in **autumn 2014**.

### *3.2. The Qualifications (Wales) Bill*

On **29 September 2011**, the then Deputy Minister for Skills, Jeff Cuthbert AM, announced a review of the qualifications on offer to 14 to 19 year olds in Wales.

The review was overseen by an independent project board consisting of external advisers and internal Welsh Government officials and was chaired by Huw Evans OBE. The review ran from **September 2011 to November 2012**; the Project Board delivered its final report and recommendations<sup>27</sup> to the Deputy Minister on **28 November 2012**.

Among the 42 recommendations made in the Report was that:

- The Welsh Government should establish a single body (Qualifications Wales) that is responsible for the regulation and quality assurance of all non-degree level qualifications available in Wales. In time, Qualifications Wales should take responsibility for developing and awarding most qualifications for learners at 14 to 16.
- The Minister for Education and Skills, in a written statement on **5 December 2012**, announced that he would accept the Review Board's **recommendation 5 regarding the establishment of Qualifications Wales**. He also announced that Huw Evans OBE would chair a task and finish group to look at the early delivery of Qualifications Wales.

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<sup>26</sup> Welsh Government, [Positive Planning](#), 4 December 2014.

<sup>27</sup> Welsh Government, [Review of qualifications 14-19](#), 2013

The Deputy Minister for Skills made a further statement to Plenary on **29 January 2013**, announcing that the Welsh Government broadly accepted all of the review's remaining 41 recommendations.<sup>28</sup>

The Welsh Government subsequently carried out a public consultation on the establishment of Qualifications Wales, *Our Qualifications - Our Future: Consultation on proposals to establish a new qualifications body for Wales* between **1 October 2013 and 20 December 2013**. The consultation document outlined that new legislation would be required to establish Qualifications Wales as an independent statutory body.

It was proposed in the consultation that, upon its establishment Qualifications Wales would assume the regulatory functions currently held by the Welsh Government and that, in time, it will also be given awarding functions as recommended in Huw Evans' review. However, the Welsh Government said that Qualifications Wales would not be a fully-fledged awarding body in the traditionally understood sense. It would have overall central and strategic control over qualifications in Wales but would commission awarding bodies such as the Welsh Joint Education Committee (WJEC) to actually deliver the qualifications in practice.

A written statement<sup>29</sup> on the responses to the consultation was made on **2 June 2014** by the Minister for Education and Skills. In issuing a summary of the responses, the Minister said that:

I have carefully considered all responses, and these are informing the development of plans for the national qualifications body for Wales and the Bill which is due to be introduced to the Assembly before the end of this year.

The Children, Young People and Education Committee carried out pre-legislative scrutiny of the proposals expected to be in the *Qualifications (Wales) Bill* in May and June 2014. The Committee took evidence from Huw Evans OBE, the WJEC and the National Training Federation Wales in the course of its scrutiny.

The Committee published its report on **7 July 2014**. The Committee has made one overarching recommendation that, due to a lack of clarity over how the awarding process will operate and the awaited outcome from on-going reviews including the Curriculum and Assessment Review:

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<sup>28</sup> National Assembly for Wales, Plenary, *RoP*, 29 January 2014

<sup>29</sup> Welsh Government, Huw Lewis (Minister for Education and Skills), *Qualifications (Wales) Bill consultation and engagement activity - summary of responses*, Cabinet Written Statement, 2 June 2014

The Qualifications Wales Bill should be limited to establishing Qualifications Wales as a regulating body only. Future changes to its remit, including its role as an awarding body, should be brought forward in a subsequent Bill following full consideration of matters identified in relevant reviews, and once there is sufficient clarity on the awarding process.<sup>30</sup>

The Committee has made four additional recommendations for the Welsh Government to consider alongside this overarching recommendation and a further seven recommendations which will only need to be considered if the Welsh Government decides to include provision for both regulatory and awarding functions in the *Qualifications (Wales) Bill*.

The Bill is expected to be introduced in **autumn 2014**.

### **3.3. *Heritage (Wales) 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.<sup>31</sup>

This reflected a commitment in the Welsh Labour manifesto to 'introduce a Heritage Protection Bill to strengthen the protection of listed buildings in Wales'.<sup>32</sup> It also follows the publication of a joint Welsh Government and Department for Culture, Media and Sport White Paper in March 2007<sup>33</sup> and a draft Heritage Protection Bill at Westminster in April 2008.<sup>34</sup> 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 **Historic Environment Strategy**<sup>35</sup> was launched 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 aimed to lay foundations for a forthcoming Heritage Bill.

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<sup>30</sup> National Assembly for Wales, Children, Young People and Education Committee, *Pre-legislative scrutiny of the proposed Qualifications Wales Bill*, July 2014, p13

<sup>31</sup> National Assembly for Wales, RoP, *Plenary: The Welsh Government's Legislative Programme 2011-16*, 12 July 2011

<sup>32</sup> Welsh Labour Party, *Welsh Labour Manifesto 2011: Standing up for Wales*, page 104

<sup>33</sup> Welsh Government and Department for Culture, Media and Sport, *Heritage Protection for the 21st Century*, 8 March 2007

<sup>34</sup> *Draft Heritage Protection Bill*

<sup>35</sup> Welsh Government, *Historic Environment Strategy for Wales*, May 2013

Subsequently, the Welsh Government launched a consultation<sup>36</sup> on its proposals for the historic environment in **July 2013**. Following that, in a written statement in **January 2014**, the Minister stated that the Welsh Government would look at the ‘most appropriate means’ to deliver the proposals contained in the paper, stating that:

In some instances, changes to legislation will be needed, while, in others, guidance and other policy interventions will be more appropriate<sup>37</sup>.

In response to a number of responses received which related to prosecutions for unlawful damage to scheduled ancient monuments in Wales, the Government held a further six week consultation<sup>38</sup> on proposals which would aim to provide a deterrent that would assist in the protection of scheduled ancient monuments in Wales.

The Minister referred to the outcome of this consultation and provided an update on progress towards the Bill in a Written Statement on **12 June 2014**<sup>39</sup>.

The Minister noted that consultation responses showed “strong support” for the proposal to amend the *Ancient Monuments and Archaeological Areas Act 1979* to make it more difficult for a person accused of damaging scheduled monuments in Wales to employ a defence of ignorance of the monument’s status or location.

The Minister stated that the results of both consultations “have shaped the Heritage Bill’s proposals, which will contribute to three principal outcomes”:

- More effective protection for listed buildings and scheduled ancient monuments;
- Improved mechanisms for the sustainable management of the historic environment; and
- Greater transparency and accountability in decisions taken on the historic environment.

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<sup>36</sup> Welsh Government, *The future of our past: a consultation on the proposals for the Historic Environment of Wales*, 2013

<sup>37</sup> Welsh Government, John Griffiths (Minister for Culture and Sport), *Publication of summary report following the consultation The Future of Our Past: a consultation on proposals for the historic environment of Wales, Cabinet Written Statement*, 13 January 2014

<sup>38</sup> Welsh Government, *Proposed amendments to the criminal offences and defences in section 2, 28 and 42 of the Ancient Monuments and Archaeological Areas Act 1979*, March 2014

<sup>39</sup> Welsh Government, John Griffiths (Minister for Culture and Sport), *The Heritage Bill – update on progress*, Cabinet Written Statement, 12 June 2014

The statement also set out further information on measures to be included in the Bill:

The Bill will seek to give protection to the full range of nationally important archaeological sites in Wales and to create new **measures that would allow Cadw to take prompt and effective action to prevent damage to scheduled ancient monuments. Other proposals aim to make it easier to take action against those who have damaged or destroyed monuments.**

The Bill will also seek to **enable authorities to act quickly if a listed building is under threat from unauthorised works and give them greater flexibility in dealing with historic buildings that are suffering from neglect.**

Owners or developers who are considering sustainable new uses for unlisted historic buildings would benefit from the Bill's **proposals to relax the conditions for applications for certificates of immunity from listing.**

The proposal to **establish heritage partnership agreements in Wales** would allow owners of historic assets to enter into voluntary arrangements with consenting authorities to create integrated plans for their management over a period of years. This would free owners and the authorities from the burden of repeated applications for similar works, while encouraging a more consistent and coherent approach to the management of the buildings or monuments.

The sustainable management of the entire historic environment would be improved by **the proposal to place Wales' historic environment records, which provide detailed information and advice to local planning authorities, on a more stable footing.**

The **existing structures for the designation of nationally important historic assets would be made more open and transparent by the proposed introduction of formal consultation with owners and the creation of mechanisms for the review of decisions.**

The Bill will also include provision for an independent panel to advise on historic environment policy and strategy at a national level in Wales. In a previous Written Statement of **10 April 2014**<sup>40</sup> the Minister announced his intention to establish the panel on a statutory basis through the Bill, and stated that his officials had recently conducted a workshop with key stakeholders to inform the development of the legislative proposals.

The Heritage Bill is scheduled for introduction to the Assembly in **spring 2015**<sup>41</sup>.

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<sup>40</sup> Welsh Government, John Griffiths (Minister for Culture and Sport), *Towards an historic environment advisory panel for Wales and strategic plans for the historic environment sector*, Cabinet Written Statement, 10 April 2014

<sup>41</sup> Welsh Government, *Heritage Bill*, [checked 30 June 2014]

### 3.4. *Renting Homes (Wales) 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’.<sup>42</sup> 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 Homes<sup>43</sup> and in the accompanying *draft Rented Homes Bill*.<sup>44</sup>

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’<sup>45</sup> 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’<sup>46</sup> in the private rented sector. A summary of responses to the consultation was published in **February 2013**.<sup>47</sup>

On **9 April 2013**, the Law Commission published an additional report on ‘Renting Homes in Wales’<sup>48</sup> following calls from the Welsh Government for the Commission to review and update its recommendations for the reform of housing law.<sup>49</sup>

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’.<sup>50</sup> 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

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<sup>42</sup> Welsh Government, *A White Paper for Better Lives and Communities*, 21 May 2012, paragraph 21

<sup>43</sup> Law Commission, *Renting Homes: The Final Report, Volume 1: Report*, May 2006

<sup>44</sup> Law Commission, *Renting Homes: The Final Report, Volume 2: Draft Rented Homes Bill*, May 2006

<sup>45</sup> Welsh Government, *Proposals for a Better Rented Sector in Wales*, 6 July 2012

<sup>46</sup> 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

<sup>47</sup> Welsh Government, *Summary of the consultation responses: Proposals for a Better Rented Sector in Wales*, February 2013

<sup>48</sup> Law Commission, *Renting Homes in Wales*, 9 April 2013

<sup>49</sup> Law Commission, *Renting Homes in Wales*, 9 April 2013, paragraph 1.1

<sup>50</sup> 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.<sup>51</sup>

The Legislative Statement adds that the Welsh Government plans to **introduce the Bill in early 2015**.<sup>52</sup> The consultation closed in **16 August 2013**<sup>53</sup> and a **summary of responses** is available.

### *3.5. Social Services Regulation and Inspection (Wales) 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 and Well-being (Wales) Bill*<sup>54</sup> as originally intended.<sup>55</sup> 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**.<sup>56</sup>

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'.<sup>57</sup> 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'.<sup>58</sup>

The Welsh Government published a White Paper<sup>59</sup> on regulation and inspection on 30 September 2013. In launching the White Paper the Deputy Minister stated:

We believe that the current system of regulation and inspection is doing well, but recognise that it requires greater flexibility to meet the demands and changes that are expected in the future – where people are living longer and expecting more from the public services that support them despite the current economic climate. As these expectations grow, so too does the service delivery models evolve and adapt to meet them. This can lead to new and innovative models but these in turn create anomalies within the existing system. We must ensure that where these new service models develop, they can be subjected to regulation. Therefore, without prompt action to provide the necessary flexibility to do so, we will soon

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<sup>51</sup> 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

<sup>52</sup> Welsh Government, [Renting Homes White Paper: A Better Way for Wales](#), 20 May 2013, paragraph 26

<sup>53</sup> Welsh Government, [Renting Homes White Paper](#), 20 May 2013

<sup>54</sup> Now the [Social Services and Well-being \(Wales\) Act 2014](#)

<sup>55</sup> Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [Post-Consultation Update on the Social Services \(Wales\) Bill](#), Cabinet Written Statement, 28 June 2013

<sup>56</sup> Welsh Government, [Consultation: Social Services and Well-being \(Wales\) Bill](#), 12 March 2013

<sup>57</sup> Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [Post-Consultation Update on the Social Services \(Wales\) Bill](#), Cabinet Written Statement, 28 June 2013

<sup>58</sup> Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [Policy Statement for Social Services Regulation and Inspection](#), Cabinet Written Statement, 27 June 2013

<sup>59</sup> Welsh Government, [The Future of Regulation and Inspection of Care and Support in Wales](#), WG19628, September 2013

find our regulatory arrangements become out of date and restrictive. The policies contained within this White Paper will, we believe, support the regulators to carry out their revised functions and duties to help achieve the ambitions that we have set for better care and support in Wales.<sup>60</sup>

The consultation on the White Paper ran until **6 January 2014** and a summary of responses<sup>61</sup> was published on **28 April 2014**.

The Welsh Government intends to publish a Bill on regulation and inspection in **spring 2015**<sup>62</sup>.

### *3.6. Local Government (Wales) Bill*

The Commission on Public Service Governance and Delivery (“the Williams Commission”) was set up by the First Minister in **April 2013**. With a wide-ranging remit, it was tasked with examining all aspects of governance and delivery in the devolved public sector in Wales (with the exception of the reconfiguration of local health boards).

The Williams Commission’s report was published in **January 2014**.<sup>63</sup> It examined aspects of public service provision in Wales under five themes: complexity; scale and capability; governance, scrutiny and delivery; leadership and culture; and performance and performance management. It emphasised that public services in Wales ‘face severe and prolonged challenges’ while the effects of austerity would be felt for many years. As such, it stated that public services cannot cope with these pressures in their present configuration and that ‘radical change is needed for public services to survive in a viable and sustainable form’.

The report made clear that its recommendations need to be implemented ‘as a whole’ and that a systemic response is needed to what are systemic challenges. The Welsh Government and the National Assembly should not pick and choose among the recommendations made.

The Commission found that there was ‘a compelling need for change in local government structures and responsibilities’ – with issues around scale driving this. The Commission believed that small organisations in the public sector (and particularly small local authorities) faced ‘significantly greater risks and costs’. To address this issue, the report concludes that the 22 Welsh local authorities should be merged into larger units of between 10 and 12. It says that the key principles underpinning this change should be:

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<sup>60</sup> Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [\*The Future of Regulation and Inspection of Care and Support in Wales\*](#), Cabinet Written Statement, 30 September 2013

<sup>61</sup> Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), [\*The Future of Regulation and Inspection of Care and Support in Wales: Consultation – summary of responses\*](#), Cabinet Written Statement, 28 April 2014

<sup>62</sup> Ibid

<sup>63</sup> [\*Commission on Public Service Governance and Delivery, Report, January 2014\*](#)

- That there is a need to mitigate the risks of small scale while not compromising democratic responsiveness. The report says this is a ‘limiting factor’ that avoids having local authority areas that are too large or diverse, which ‘discounts the possibility’ of having as few as 7 or 8 local authorities closely following the NHS boundaries;
- That the new areas should be ‘as coherent as possible in terms of their needs and characteristics’ (using factors such as population sparsity, deprivation, use of the Welsh language, council tax levels and economic growth levels as a basis for the proposals);
- That reform should reduce complexity and enhance coterminosity, and that alignment with the NHS is ‘particularly critical’ as well as with eligibility for EU convergence funding;
- That reform should proceed by merging existing local authorities rather than redrawing boundaries completely from scratch. Creating new boundaries would be ‘a hugely time-consuming and costly exercise’ and mergers would be ‘much quicker and easier to prepare for and implement’.

The report then proposes four options for the future structure of local government in Wales, ranging from 10 to 12 local authorities, and stresses that the decision on this must be one for the Welsh Government and National Assembly.

In terms of the timing of change, the report emphasised that, due to the unsustainability of the current structure, change should be implemented ‘quickly and decisively’. It says that there is ‘clear scope for local authorities to begin to align their structures and operations in advance of formal merger’. It states that the Welsh Government, local authorities and key stakeholders ‘must agree the programme arrangements for mergers by Easter 2014 at the latest’, and that the whole programme can and should be completed by the Welsh Government by 2017-18.

In Plenary on **28 January 2014**, the First Minister said:

We will be working on our response to the commission in the coming months ... Let me talk about the timing. It is quite clear from the wording in the report that the report’s recommendations will need to be taken forward swiftly. As far as my party is concerned, we will be consulting between now and the end of March. We will then arrive at a formal party position and we intend then to move forward based on that position.<sup>64</sup>

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<sup>64</sup> [National Assembly for Wales, RoP, 28 January 2014](#)

Specifically with regard to local government mergers, the First Minister had said in Plenary on **21 January 2014** that he was ‘confident that this can be dealt with in the legislative programme, should it be the will of the Assembly that it should happen this side of the election’.<sup>65</sup>

On the 8 July 2014 the Welsh Government published its White Paper, *Devolution, Democracy and Delivery White Paper – Reforming Local Government*. The Minister’s statement said:

My White Paper will ask for views from Local Government, the wider public sector and the public themselves on the areas I outlined. It will result in a Bill, to provide powers necessary to enable mergers to take place in a coherent and planned way, for introduction in **January 2015**. [*RS emphasis*]

The Bill will include:

power to enable the Welsh Ministers to merge Local Authorities who wish to do so voluntarily, ahead of the main merger and reform programme;

provisions to enable the Local Democracy and Boundary Commission to start considering and making recommendations in respect of proposed new Authorities;

provision to allow the Independent Remuneration Panel to make determinations about payments to be made to Members of new Local Authorities and Shadow Authorities, before they are formally established;

a power to ensure Authorities co-operate and work together for the specific purpose of jointly planning and preparing for merger; and

provision to prevent activities by current or Shadow Authorities, which might bring financial or reputational harm upon any new Authority. This is a Bill which will lay the ground for mergers, but which will not itself effect the main merger and reform programme. That will be for after the Assembly elections in May 2016.

Legislation to merge and reform Authorities is not planned for introduction before May 2016, however, I intend in the Autumn of 2015, to publish, for consultation, a draft Bill explaining how the mergers will work, including provisions to enable the wider reform I have already outlined. This will include a draft Regulatory Impact Assessment.<sup>66</sup>

### 3.7. Environment (Wales) 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.<sup>67</sup> 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’.<sup>68</sup>

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<sup>65</sup> [National Assembly for Wales, RoP, 21 January 2014](#)

<sup>66</sup> Welsh Government, Written Statement by the Minister for Local Government and Government Business, Lesley Griffiths AM, *Devolution, Democracy & Delivery – White Paper: Reforming Local Government*, 8 July 2014.

<sup>67</sup> Welsh Government, *Consultation: Sustaining a Living Wales*, 30 January 2012

<sup>68</sup> Welsh Government, *Consultation: A Living Wales – a new framework for our environment, our countryside and our seas*, 15 September 2010

The Green Paper consultation was intended to inform both the **Environment Bill** and the **Planning Bill** (see section 3.1). The consultation closed on **31 May 2012** and the Welsh Government published a summary of the responses received in **September 2012**.<sup>69</sup>

According to the Green Paper, the Welsh Government's central proposal is to 'move to an ecosystems approach to environmental regulation and management'.<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup>

The White Paper was published on **23 October 2013** and the consultation closed on **15 January 2014**.<sup>73</sup> The White Paper set out how the Welsh Government will take steps to:

- join-up the existing statutory frameworks for natural resource planning and management in Wales;
- ensure Natural Resources Wales has the legislative tools to help enable them to implement integrated natural resource management;
- take actions to ensure Wales' natural resources are used to best effect and reduce waste;
- simplify, streamline and clarify the law for a number of existing environmental regulatory regimes.

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<sup>69</sup> 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

<sup>70</sup> Ibid, page 1

<sup>71</sup> Ibid

<sup>72</sup> National Assembly for Wales, RoP, *Plenary: Statement: The Outcomes of the 'Sustaining a Living Wales' Consultation*, 23 October 2012

<sup>73</sup> Welsh Government, *Environment Bill White Paper*, October 2013.

The then Minister for Natural Resources and Food issued a written statement about the result of the consultation on **26 March 2014**. He stated:

This further consultation has built on the responses to the Sustaining a Living Wales Green Paper consultation undertaken in 2012 which informed the development of the proposals set out in the White Paper and has reinforced the support for the direction we are taking. Both consultations will also be used to inform the further development of the supporting policy and guidance and my officials are continuing to work with stakeholders following the consultation to ensure that the Environment Bill and our wider policy delivers for Wales, now and in the long term. This is further supported by our practical delivery, for example through the Nature Fund, which will drive the step change needed to embed a joined up approach to the management of our natural resources for economic, social and environmental benefit.<sup>74</sup>

The Welsh Government intends to bring this Bill forward in spring 2015.

### 3.8. Public Health (Wales) 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.<sup>75</sup>

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<sup>74</sup> Welsh Government, Written Statement, Minister of Natural Resources and Food, *Summary of the outcome of the Environment Bill White Paper consultation*, 26 March 2014.

<sup>75</sup> 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 suggested that the purpose of a new Bill would be to ‘place statutory duties on bodies to consider public health issues’<sup>76</sup> 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.<sup>77</sup>

The Green Paper also cited examples of Public Health Acts in **Sweden** and **Norway** which the Welsh Government argued ‘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’.<sup>78</sup>

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.<sup>79</sup>

The Minister added that he would ‘continue to reflect on the consultation responses as we consider the next steps in this important work’.<sup>80</sup>

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<sup>76</sup> 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

<sup>77</sup> *Ibid*, paragraph 5.2

<sup>78</sup> *Ibid*

<sup>79</sup> 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

<sup>80</sup> 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

On **2 April 2014** the Welsh Government published a Public Health White Paper *Listening to you – Your health matters*<sup>81</sup>. The proposals covered a range of public health issues, including action to reduce the harms to health caused by smoking, alcohol misuse and obesity. The consultation on the White Paper closed on **24 June 2014**. White Paper engagement events were held across Wales during the consultation period.

In his statement at the launch of the White Paper the Minister distinguished two themes that had emerged from the earlier Green Paper consultation: the need for an overarching multi-agency approach to tackling public health issues, and; action to address specific public health problems. The White Paper aims to set out the Welsh Government's plans for the latter while the Welsh Government's Future Generations Bill will address some of the overarching public health issues:

the forthcoming Future Generations Bill [working title] will play an important role by placing good health at the centre of the Wales we want to create for the future. This recognises that much of the work needed to achieve our aspirations for good health and reduce inequalities depends on concerted action across the range of societal factors which affect health and well-being. The Future Generations Bill will provide an overarching legislative framework for public services which supports such a 'Health in All Policies' approach. Other Assembly Bills in the legislative programme also make an important contribution by taking action to address specific determinants of health and on discrete matters that support better health.

The White Paper therefore focuses on preventative actions which could be taken through a Public Health Bill to address some of the causes of avoidable ill health. Its proposals are grouped within three themes:

- Improving Health over the Life Course, which includes proposals restricting the sale and use of tobacco, Minimum Unit Pricing for alcohol, and nutritional standards in specified settings (through secondary legislation and/or guidance).
- Building community assets for health, which includes proposals to improve the planning of local pharmaceutical services and access to toilets for public use.
- Regulation for Health, which includes proposals for a National Special Procedures Register. This would provide for the regulation of standards in the provision of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.

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<sup>81</sup> Welsh Government, White Paper *Listening to you – Your health matters*, WG20703 2 April 2014

The National Special Procedures Register would regulate some procedures which were the concern of the proposed Piercing (Age of Consent) (Wales) Bill. The White Paper states that Public Health Wales undertook a literature review on cosmetic piercing in 2011/12 and found no evidence of an increased risk or incidence of harm to specific age groups:

As a result we remain open minded about regulating the practice of intimate cosmetic piercing. The majority of respondents to the previous consultation were in favour of restricting intimate piercings to those who are 18 years old or older. We are keen to gather evidence in relation to the proposal to introduce an age restriction for intimate cosmetic piercings. The purpose of such a proposal would be not only to prevent health complications, but to prevent young people placing themselves in vulnerable situations. Once this evidence has been gathered a detailed analysis of the Human Rights and UNCRC implications of such a proposal will be carried out.<sup>82</sup>

The Welsh Government intends to bring forward this Bill before the **summer recess 2015**.

### 3.9. Additional Learning Needs (Wales) Bill

A consultation entitled '[Forward in partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs](#)', was undertaken by the Welsh Government between 26 July and 19 October 2012.

This proposed a range of reforms to the legislative framework for children with special educational needs (SEN), replacing this existing statutory definition with a more flexible and inclusive legal concept of additional learning needs (ALN). It also proposed replacing statements of SEN with new integrated Individual Development Plans as the basis for meeting a child or young person's ALN.

It also outlined the proposals relating to providing post-16 education for learners with learning difficulties and/or disabilities.

In response to the consultation, the Welsh Government carried out a number of further workshops with stakeholders in autumn 2013, and further research was carried out in order to further inform the reform of the statutory framework for SEN / ALN<sup>83</sup>.

Initially, Part 3 of the Education (Wales) Bill included some provisions relating to SEN. It proposed changes to the way in which the admission of learners with SEN to independent schools are approved and to the arrangements for the assessment of, and subsequent provision for, the needs of post-16 learners with SEN.

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<sup>82</sup> Welsh Government, White Paper [Listening to you – Your health matters](#), WG20703 2 April 2014

<sup>83</sup> Welsh Government, [Programme of action research to inform evaluation of the Additional Learning Needs](#), 2 April 2014

However, following Stage 1 scrutiny and an amendment tabled at Stage 2 withdrawing the SEN provisions from the Bill, the Minister signalled in a Cabinet Statement on **6 January 2014**<sup>84</sup> that the government would in fact be supporting the amendment at Stage 2 in Committee. The Minister highlighted the role that the Children, Young People and Education Committee had played in scrutinising the Bill at Stage 1 and agreed, on balance, that these SEN provisions would be better placed as part of a cohesive SEN Reform Bill later in this Assembly.

Subsequently, the Welsh Government published a white paper, [Legislative proposals for additional learning needs](#), on 22 May 2014. The paper sets out the Government's proposals to introduce a new legislative framework for children and young people with additional learning needs, replacing existing legislation with the aim of creating:

- a unified legislative framework to support learners aged 0 to 25 with additional learning needs
- an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions
- a fair and transparent system for providing information and advice, and for resolving concerns and appeals<sup>85</sup>

Consultation on the white paper closes on **25 July 2014**. With regards to the timetable for implementation, the white paper states:

We envisage that the earliest that a Bill including these legislative proposals would be introduced into the National Assembly for Wales is 2015. The earliest that any proposals could come into force would be in relation to provision for the academic year 2016/17: however, the actual implementation date will be subject to consultation.<sup>86</sup>

### 3.10. Tax Collection and Management (Wales) Bill

The Wales Bill, currently before Parliament will enable the Assembly to legislate about devolved taxation by amending Schedule 7 of the Government of Wales Act 2006. The devolved taxes specified in this Part are a Welsh tax on transactions involving interests in land and a Welsh tax on disposals to landfill.

When these were announced, Jane Hutt AM, the Minister for Finance, responded in respect of stamp duty and land tax:

The Assembly will [...] have to legislate to introduce replacement Welsh taxes, which will come into effect when the UK taxes are 'turned off' in Wales. An April 2018 date for introducing the new Welsh taxes is ambitious but achievable. I will continue to develop my plans to ensure that those taxes are simpler and fairer, while supporting jobs and growth.<sup>87</sup>

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<sup>84</sup> Welsh Government, Huw Lewis (Minister for Education and Skills), [Education \(Wales\) Bill – SEN provisions](#), Cabinet Written Statement, 6 January 2014

<sup>85</sup> Welsh Government, [White paper - Legislative proposals for Additional Learning Needs](#), 2014

<sup>86</sup> Welsh Government, [White paper - Legislative proposals for Additional Learning Needs](#), 2014, p39

<sup>87</sup> BBC Wales, [Finance Minister welcomes 'ambitious' targets for tax devolution](#), 20 March 2014.

In May 2014 she told the Finance Committee that “there is no doubt that we will need a **tax collection and management Bill**”[*Research Service emphasis*]<sup>88</sup>

In his statement to Plenary on the 15 July 2014 the First Minister said:

Whilst Parliamentary consideration has not completed, I think it reasonable for the Welsh Government to make preparatory plans. I can inform the Assembly that if the Bill becomes law broadly in its current form, it would be our intention to bring forward legislation in this Assembly term, a Tax Collection and Management Bill that will confer the powers of tax collection and management in Wales.

This Bill would establish a corporate body, operationally separate from Welsh Ministers, and vest it with the legal powers of tax collection and management. The legislation would also establish a legal process to ensure and protect taxpayer rights in the full and proper payment of taxes.

This is an historic time for Wales: this will be the first piece of tax legislation that the Assembly has had to consider, and will pave the way for the replacement of UK Stamp Duty Land Tax and Landfill Tax with new, devolved Welsh taxes from 2018.<sup>89</sup>

On the 16 July Jane Hutt AM, Minister of Finance issued a written statement in which she said:

I am expecting that the legislation on tax collection and management will be introduced in summer 2015. The tax collection and management powers should rightly be understood in the context of the specific taxes that they will be used to collect, so, in spring 2015, I will be publishing consultations on a replacement to Stamp Duty Land Tax and a replacement to Landfill Tax. It is really important that we develop our taxes in a way that is right for Wales, and so we will consult openly and widely at this stage, with a view to preparing the ground for legislation early in the next Assembly term. I anticipate that this timing will enable us to ensure that the primary and secondary legislation to establish these taxes is passed in time to fully implement them before the go-live date of April 2018.<sup>90</sup>

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<sup>88</sup> National Assembly for Wales, [RoP, Finance Committee](#), 14 May 2014

<sup>89</sup> Welsh Government, Written Statement by the First Minister, [The Legislative Programme](#), 15 July 2014.

<sup>90</sup> Welsh Government, Written Statement by Minister for Finance, [Taxation Devolution in Wales: Consultation and Legislation](#), 16 July 2014 [accessed 16 July 2014]

## 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
<u><i>Local Government (Democracy) (Wales) Act 2013</i></u>	26 November 2012	30 July 2013
<u><i>Human Transplantation (Wales) Act 2013</i></u>	3 December 2012	10 September 2013
<u><i>Active Travel (Wales) Act 2013</i></u>	18 February 2013	4 November 2013
<u><i>Social Services and Well-being (Wales) Act 2014</i></u>	28 January 2013	1 May 2014
<u><i>Further and Higher Education (Governance and Information) (Wales) Act 2014</i></u>	29 April 2014	27 January 2014
<u><i>Control of Horses (Wales) Act 2014</i></u>	14 October 2013	27 January 2014
<u><i>National Health Service Finance (Wales) Act 2014</i></u>	30 September 2013	27 January 2014

<a href="#"><u><i>Education (Wales) Act 2014</i></u></a>	1 July 2013	12 May 2014
<a href="#"><u><i>Agricultural Sector (Wales) Bill [Emergency Bill]</i></u></a>	<a href="#"><u>Consultation Document</u></a> (1 May 2013 - 26 June 2013)	8 July 2013 Royal Assent on 30 July 2014 following Supreme Court ruling on 9 July.

### Bills already introduced and currently subject to Assembly scrutiny

Bill title	White Paper / Draft Bill / Consultation dates	Introduction date
<a href="#"><u><i>Housing (Wales) Bill</i></u></a>	<a href="#"><u>Consultation Document</u></a> (8 December 2011 - 17 February 2012) <a href="#"><u>White Paper</u></a> (21 May 2012 - 17 August 2012)	18 November 2013
<a href="#"><u><i>Higher Education (Wales) Bill</i></u></a>	<a href="#"><u>White Paper</u></a> on Further and Higher Education (Wales) Bill (2 July 2012 - 24 September 2012) <a href="#"><u>Technical Consultation</u></a> on the Higher Education (Wales) Bill (20 May 2013 - 29 July 2013)	19 May 2014
<a href="#"><u><i>Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill</i></u></a>	<a href="#"><u>White Paper</u></a> (26 November 2012 - 22 February 2013)	1 July 2014
<a href="#"><u><i>Wellbeing of Future Generations Bill</i></u></a>	<a href="#"><u>Consultation Document</u></a> (8 May 2012 - 18 July 2012) <a href="#"><u>White Paper</u></a> (3 December 2012 - 4 March 2013)	7 July 2014

## Bills for the 2014-15 session

<i>Planning Bill</i>	<a href="#"><u>Green Paper</u></a> on Sustaining a Living Wales (30 January 2012 – 31 May 2012) White Paper. <sup>91</sup>	Autumn 2014
<i>Local Government Bill</i>	White Paper, <a href="#"><u>Devolution, Democracy and Delivery</u></a> <a href="#"><u>White Paper – Reforming Local Government</u></a>	Autumn 2014
<i>Qualifications Bill</i>	<a href="#"><u>Our Qualifications - Our Future: Consultation on proposals to establish a new qualifications body for Wales</u></a>	Autumn 2014
<i>Heritage Bill</i>	<a href="#"><u>Consultation Document</u></a> on proposals for the historic environment of Wales (18 July 2013 – 11 October 2013) <a href="#"><u>Consultation Document</u></a> on proposed amendments to criminal offences and defences in the <i>Ancient Monuments and Archaeological Areas Act 1979</i> (3 March 2013 – 14 April 2014)	Spring 2015
<i>Renting Homes Bill</i>	<a href="#"><u>White Paper</u></a> (20 May 2013 – 16 August 2013)	Spring 2015
<i>Social Services Regulation and Inspection Bill</i>	<a href="#"><u>The Future of Regulation and Inspection of Care and</u></a>	Spring 2015

<sup>91</sup> Welsh Government, [Planning Bill: timeline](#), 23 April 2013

	<u><i>Support in Wales,</i></u>	
<i>Environment Bill</i>	<u><b>Green Paper</b></u> on Sustaining a Living Wales (30 January 2012 – 31 May 2012)	Spring 2015
<i>Public Health Bill</i>	<u><b>Green Paper</b></u> (29 November 2012 – 20 February 2013)	Spring 2015
<i>Additional Learning Needs (Wales) Bill</i>	<u><b>White Paper</b></u> on proposals for Additional Learning Needs (22 May 2014 – 25 July 2014)	Spring 2015
<i>Tax Collection and Management Bill</i>	<u><b>Written Statement</b></u>	2014-15 Session