



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Peter Black AM
Chair of the Education, Lifelong Learning
and Skills Committee
National Assembly for Wales

Business Committee

27th June 2006

Dear Peter

Legislative and Regulatory Reform Bill

At the Business Committee meeting on 20 June, it was agreed that I should write to you to draw your Committee's attention to the possible implications for the Assembly of the *Legislative and Regulatory Reform Bill* which is currently passing through the UK Parliament.

The Bill was presented to Parliament on 11 January 2006. It has three aims: to increase the pace of regulatory reform; to restructure the regime for private regulators; and to improve the way in which EU legislation is implemented in UK law.

As part of the 2005 Budget, the Chancellor announced a reform package to reduce the burden of regulation. All Government departments are required to produce rolling programmes of simplification by the autumn, including proposals to reduce administrative burdens, and wider simplification measures to reform and deregulate existing regulation. A number of departments, including the Department for Trade and Industry (DTI), the Department for Environment, Food and Rural Affairs (DEFRA), and the Health and Safety Executive (HSE), have already published draft simplification plans.

The Bill is intended to facilitate the delivery of any proposed measures in these simplification plans which would require amendment to primary legislation. Therefore, the Bill extends the scope of the powers available to Ministers to amend statute law by Order and at the same time relaxes the constraints of Parliamentary scrutiny on the Order-making process.

The *Government of Wales Bill* provides that when the separation of the Assembly executive and legislature takes place in 2007, the functions exercised by the Assembly will become functions of the Welsh Ministers unless different provision is made by Order in Council. Therefore, it would be the Welsh Ministers, rather than the National Assembly as at present, who would have to give their agreement to Orders which affect their functions (Clause 9 of the LRR Bill) and who would have to be consulted on proposals relating to their functions (Clause 11(1) (c)).

Members of the Business Committee felt that these functions of the Assembly of agreeing with, or being consulted on Orders should, post May 2007, vest in the

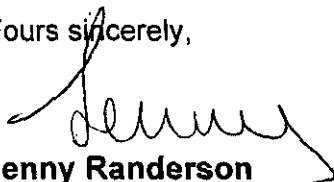
National Assembly and not in Welsh Ministers. I therefore intend to write to the Secretary of State setting out the Business Committee's concerns and asking him to take steps to ensure that this happens either by amending the Government of Wales Bill or by arranging for the making of an appropriate Order in Council under paragraph 29 of Schedule 11 to that Bill.

The Bill was remitted to EDT (EIN) Committee when it was first printed in January 2006. I understand that they have similar concerns. However, in practice, the powers in the Bill have the potential to be applied across all policy areas, not just those of the Enterprise, Innovation and Networks Minister. Therefore, I would be grateful if your Committee could give this matter urgent consideration so that their views can inform my correspondence with the Secretary of State.

In order to assist your Committee's consideration of this matter, I have enclosed copies of the legal briefing note prepared for the EDT (EIN) Committee by the APS Legal Division. This gives examples of the way in which the powers in the Bill might operate with respect to the Assembly.

I am writing in similar terms to the Chairs of the Subject, Legislation and Equal Opportunity Committees.

Yours sincerely,



Jenny Randerson
Committee Chair