

Economic Development and Transport Committee

Date: Wednesday 19 May 2004
Time: 9.00 – 12.30
Venue: National Assembly Building, Cardiff Bay
Title: Forthcoming EDT Secondary Legislation

Purpose of paper

The attached information has been provided by the Economic Development and Transport Minister.

The main part of the paper details the forthcoming legislation in the Economic Development and Transport portfolio. Members are invited to comment on this and to consider whether they wish to examine any of the items in more detail.

The Annex to the paper lists other legislation which is outside the EDT portfolio will impact on it. Members may also wish to consider whether they wish to look further at any of these.

John Grimes
Clerk
Members Research and Committee Service

Subordinate Legislation Programme 2004/2005

Summer Term 2004			
Name	Summary	Projected Month Legislation to be Made	Recommended Procedure

<p>The Street Works (Inspection Fees) (Amendment) (Wales) Regulations</p>	<p>To increase the fee for inspections of undertakers' street works from £20 to £21</p>	<p>June 2004</p>	<p>Accelerated</p>
<p>Special Roads (Classes of Traffic) Order 2004</p>	<p>To bring the Highways Act 1980 into line with changes in VED legislation (which is also being done in England) by prohibiting agricultural vehicles from using motorways.</p>	<p>August/ September</p>	<p>SO 22</p>
<p>Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004</p>	<p>To give the local authority the power to enforce decriminalised parking restrictions within the County of Denbighshire.</p>	<p>July/August (Best estimate - depends on timing of application)</p>	<p>SO 22</p>
<p>The Bus Service Operators Grant (Amendment) (No.2) (Wales) Regulations 2004.</p>	<p>Bus Service Operators Grant is paid by the Department of Transport to the operators of local bus services. Under the current regulations only those services which follow a fixed route and on which it is possible to make a journey between any two stopping places are eligible for the grant. The amendments to the regulations now proposed will remove these restrictions and make it possible for the operators of flexible bus services to receive the grant.</p>	<p>July 2004</p>	<p>Standard</p>

2004 Autumn Term			
Name/Working Title	Summary of proposed Purpose	Projected Month Legislation to be Made	Procedure/ Standing Order
The Congestion Charge Regulations	To enable local authorities to introduce two forms of charging; congestion charging and working place parking levies.	Towards the end of the financial year	to be confirmed
The Street Works (Charges for Unreasonably Prolonged Occupation of Highway) (Wales) Regulations	To allow street authorities to levy charges on contractors and utilities for street works which overrun their agreed deadlines.	December	Accelerated
The Street Works (Sharing of Costs of Works) (Wales) Regulations	To reduce, from 18% to 7.5%, the proportion of the cost of works that a utility has to bear where their appliances beneath the road need to be disturbed as a result of a major public transport scheme.	October	Accelerated
The Street Works (Recovery of Costs) (Wales) Regulations	To standardise the basis on which staff costs, overheads and other administrative expenses for streetworks and related activities are calculated.	December	Accelerated
The Street Works (Records) (Wales) Regulations	To set out rules for utility undertakers to keep records of their apparatus in the highway.	December	Accelerated

The Street Works (Reinstatement) (Amendment) (Wales) Regulations	To amend the Street Works (Reinstatement) Regulations 1992 which prescribed requirements for the specification of materials to be used, and the standard of workmanship to be observed, by undertakers in reinstating streets by reference to a Code of Practice.	December	Accelerated
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2005 Spring Term			
Name/Working Title	Summary of proposed Purpose	Projected Month Legislation to be Made	Procedure/ Standing Order
The Quiet Lanes And Home Zone Regulations, Wales	To enable local authorities to designate roads as quiet lanes or home zones; to enable local authorities to make use and /or speed orders for such designated roads.	To be confirmed.	To be confirmed.

Key:

Projected Month Legislation to be made -this is the month that the legislation is likely to come before Plenary for approval. Members are notified of draft instruments under Standing Order 22.1 and notification usually occurs at least 6 weeks in advance of proposed instruments coming forward to Plenary. Upon notification, Members will be invited to make representations on whether a proposed instrument merits formal consideration by a subject committee. The Deputy Presiding Officer is required to make a determination on whether a proposed instrument is to be considered formally by a Subject Committee under the "extended" procedure, having regard to any advice the Business Committee may provide and any representations received from members.

Recommended Procedure – this is the Standing Order procedure that the Welsh Assembly Government is likely to recommend should be adopted having regard to the nature of the proposed instrument and judgement as to how much scrutiny AMs may want to exercise.

Annex

Other Legislation Impacting on EDT

Waste Electrical and Electronic (WEEE) Directive

The WEEE Directive, except for Article 6, which deals with the treatment of waste, is being taken forward on an UK basis under section 2(2) of the European Communities Act 1972. The DTI are in the process of drafting the draft implementing regulations as well as guidance and are aiming to publish for consultation after the European elections. Committee members are invited to respond either as individuals or as a committee to this consultation when published. The following link is to the DTI site which contains all the latest information and copies of previous consultations and summary of responses.

<http://www.dti.gov.uk/sustainability/weee/index.htm>

For Article 6 (Treatment), DEFRA intend to make Regulations using the Pollution Prevention Control (PPC) powers. Devolution of these powers to the Assembly is being considered but may not be possible before the necessary date for transposition of the WEEE Directive. In that case, the Article 6 Regulations will be made on an England and Wales basis by DEFRA.

End-of-Life Vehicles (ELV) Directive

The End-of-Life Vehicles Directive is not devolved to the National Assembly. The first set of Regulations came into force on the 3rd November 2003. The Regulations implementing Articles 4 (in part of) 5, 8, 9 and Annex II were made on an UK basis with Article 6 and Annex I being made on an England and Wales basis. A second consultation on the arrangements for achieving the 2006 recycling/recovery targets, and for free take back of ELVs with a negative value from 2007 ended on the 30th March.

The following links are to the DTI website, which contains all the latest information and copies of the previous consultations and shortly a summary of responses to the consultation that ended on the 30th March.

<http://www.dti.gov.uk/environment/consultations/elv.htm>

<http://www.dti.gov.uk/sustainability/pub.htm>

UK Consultations

The Cosmetic Products (Safety) Regulations: DTI are consulting on proposals to introduce regulations to protect consumers from unsafe cosmetic products and to prohibit, with specified timescales, the use of animals in testing of cosmetics and their ingredients. The regulations will also provide for enhanced labelling requirements so that the consumer is better informed. Consumer Protection is a reserved UK matter. No functions are being transferred to Wales. A copy of the consultation document is available at: www.dti.gov.uk/ccp/consultations.htm

Common Commencement Dates: In the Budget on 17 March this year, the government gave a commitment to consult business on the feasibility of introducing [common commencement dates](#) (i.e. a single date(s) when changes are made to an area of either sectoral or generic UK regulations). This would extend the existing arrangement for domestic employment law, which is now implemented on 6 April or 1 October each year.

The consultation is seeking the views of business, their representatives and other interested organisations on this proposal and closes on 4 September 2004.