

Rebecca Evans AM
Minister for Finance and Trefnydd

1 May 2019

Dear Rebecca

Commencement orders

At its meeting on 29 April 2019 the Constitutional and Legislative Affairs Committee considered The Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 6, Savings and Transitional Provisions) Order 2019 and The Public Health (Wales) Act 2017 (Commencement No. 4) Order 2019.

In relation to the former mentioned Order, we identified one point for reporting under Standing Order 21.7. The commencement provisions are set out in article 2 and the Schedule to the Order. Articles 3 to 12 contain detailed transitional and saving provisions. This Order demonstrates the scale of such provisions that may be necessary when changing from one legislative framework to another. The Order further demonstrates the breadth of what is permissible in an Order (by virtue of the enabling provision in the parent Act) which is not subject to the negative or affirmative procedure in the National Assembly. In line with the recommendation of our predecessor committee in its legacy report, we will continue to monitor incidental, supplementary, consequential, transitory or transitional provisions contained within commencement orders.

With regards to the latter mentioned Order, we noted that the Order follows the sequence made (25 March), date of commencement (1 April), and then laid before the National Assembly (9 April). Other commencement orders which have been laid before the National Assembly within the last year have followed different sequences (see the Annexe to this letter).



Our consideration of these two commencement orders has led us to agree to seek clarification from you about the Welsh Government's processes and agreed approach to commencement orders. In doing so, we draw particular attention to the Orders mentioned above and in the Annexes.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



Annexe

	Made	Date of commencement	Laid before the Assembly
The Public Health (Wales) Act 2017 (Commencement No. 4) Order 2019	25 March 2019	Part 7 of the 2017 Act - 1 April 2019	9 April 2019
The Code of Practice for Local Authority Adoption Services (Appointed Day) (Wales) Order 2019	11 April 2019	The Code - 15 April 2019	12 April 2019
The Flood and Water Management Act 2010 (Commencement No. 2) (Wales) Order 2018	1 May 2018	Some sections of the 2010 Act - 2 May 2018 Some sections of the 2010 Act - 7 January 2019	11 May 2018
The Planning (Wales) Act 2015 (Commencement No. 5 and Transitional Provisions) Order 2018	19 September 2018	Some sections of the 2015 Act - 22 October 2018	24 September 2018

