



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 1 July 2016

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

COMMITTEE OF THE WHOLE HOUSE

WALES BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [14 June 2016].

CLAUSES 1 AND 2, CLAUSE 4, SCHEDULE 4, CLAUSES 5 TO 19, SCHEDULE 3, CLAUSES 20 AND 21, NEW CLAUSES RELATING TO THOSE CLAUSES AND SCHEDULES, NEW SCHEDULES RELATING TO THOSE CLAUSES AND SCHEDULES

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

17

☆ Clause 1, page 1, leave out lines 5 to 9 and insert—

“In section 1 of the Government of Wales Act 2006 (the Assembly), after subsection (1), insert—“

Member’s explanatory statement

The amendment changes the place in the Government of Wales Act 2006 in which the text inserted by Clause 1 appears. Rather than in section 92A, references to the permanence of the Assembly would appear in section 1 of the Government of Wales Act 2006.

Wales Bill, *continued*

Jeremy Corbyn
Dame Rosie Winterton

8

- ☆ Clause 1, page 1, leave out line 8 and insert “CONSTITUTIONAL ARRANGEMENTS FOR WALES”

Member’s explanatory statement

This amendment amends the title of the new Part 2A inserted by Clause 1 in consequence of the proposal in amendment 7 to require the review of the functioning of the justice system in Wales.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

18

- ☆ Clause 1, page 1, line 10, leave out “and the Welsh Government are” and replace with “is”

Member’s explanatory statement

The amendment gives effect to separate provisions relating to the National Assembly for Wales, as the Legislature, and the Welsh Government, as the Executive

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

19

- ☆ Clause 1, page 1, line 14, leave out “and the Welsh Government.”

Member’s explanatory statement

The amendment gives effect to separate provisions relating to the National Assembly for Wales, as the Legislature, and the Welsh Government, as the Executive.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

20

- ☆ Clause 1, page 1, line 16, leave out “and the Welsh Government are” and replace with “is”

Member’s explanatory statement

The amendment gives effect to separate provisions relating to the National Assembly for Wales, as the Legislature, and the Welsh Government, as the Executive.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

21

- ☆ Clause 1, page 1, line 18, at end insert—

“() In section 45 of the Government of Wales Act 2006 (the Welsh Government), for the words in subsection (1) before paragraph (a) substitute—

“(1) There is to be a Welsh Government or Llywodraeth Cymru.

(1A) The Welsh Government is a permanent part of the United Kingdom’s constitutional arrangements.

(1B) The purpose of subsection (1A) is, with due regard to the other provisions of this Act, to signify the commitment of the Parliament and Government of the United Kingdom to the Welsh Government.

Wales Bill, continued

(1C) In view of that commitment it is declared that the Welsh Government is not to be abolished except on the basis of a decision of the people of Wales voting in a referendum.

(1D) The members of the Welsh Government are—”.”

Member's explanatory statement

The amendment gives effect to separate provisions relating to the National Assembly for Wales, as the Legislature, and the Welsh Government, as the Executive. The amendment changes the place in the Government of Wales Act 2006 in which the text relating to the permanence of the Welsh Government would appear.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

22

☆ Clause 1, page 1, line 18, at end insert—

“() In the Government of Wales Act 2006, after Part 2 (the Welsh Government) insert—“

Member's explanatory statement

The amendment is required as a consequence of changing the location of the provision relating to the permanence of the Assembly.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

5

☆ Clause 1, page 2, leave out lines 1 to 6 and insert—

“PART 2B

SEPARATION OF THE LEGAL JURISDICTION OF ENGLAND AND WALES

*Introductory***92B New legal jurisdictions of England and of Wales**

The legal jurisdiction of England and Wales becomes two separate legal jurisdictions, that of England and that of Wales.

*Separation of the law***92C The law extending to England and Wales**

- (1) All of the law that extends to England and Wales—
 - (a) except in so far as it applies only in relation to Wales, is to extend to England, and
 - (b) except in so far as it applies only in relation to England, is to extend to Wales.
- (2) In subsection (1) “law” includes—
 - (a) rules and principles of common law and equity,
 - (b) provision made by, or by an instrument made under, an Act of Parliament or an Act or Measure of the National Assembly for Wales, and
 - (c) provision made pursuant to the prerogative.
- (3) Any provision of any enactment or instrument enacted or made, but not in force, when subsection (1) comes into force is to be treated for the purposes of that

Wales Bill, continued

subsection as part of the law that extends to England and Wales (but this subsection does not affect provision made for its coming into force).

*Separation of the Senior Courts***92D Separation of Senior Courts system**

- (1) The Senior Courts of England and Wales cease to exist (except for the purposes of section 6) and there are established in place of them—
 - (a) the Senior Courts of England, and
 - (b) the Senior Courts of Wales.
- (2) The Senior Courts of England consist of—
 - (a) the Court of Appeal of England,
 - (b) the High Court of England, and
 - (c) the Crown Court of England, each having the same jurisdiction in England as is exercised by the corresponding court in England and Wales immediately before subsection (1) comes into force.
- (3) The Senior Courts of Wales consist of—
 - (a) the Court of Appeal of Wales,
 - (b) the High Court of Wales, and
 - (c) the Crown Court of Wales, each having the same jurisdiction in Wales as is exercised by the corresponding court in England and Wales immediately before subsection (1) comes into force.
- (4) For the purposes of this Part—
 - (a) Her Majesty's Court of Appeal in England is the court corresponding to the Court of Appeal of England and the Court of Appeal of Wales,
 - (b) Her Majesty's High Court of Justice in England is the court corresponding to the High Court of England and the High Court of Wales, and
 - (c) the Crown Court constituted by section 4 of the Courts Act 1971 is the court corresponding to the Crown Court of England and the Crown Court of Wales.
- (5) References in enactments or instruments to the Senior Courts of England and Wales have effect (as the context requires) as references to the Senior Courts of England or the Senior Courts of Wales, or both; and
- (6) References in enactments or instruments to Her Majesty's Court of Appeal in England, Her Majesty's High Court of Justice in England or the Crown Court constituted by section 4 of the Courts Act 1971 (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92E The judiciary and court officers

- (1) All of the judges and other officers of Her Majesty's Court of Appeal in England or Her Majesty's High Court of Justice in England become judges or officers of both of the courts to which that court corresponds.
- (2) The persons by whom the jurisdiction of the Crown Court constituted by section 4 of the Courts Act 1971 is exercisable become the persons by whom the jurisdiction of both of the courts to which that court corresponds is exercisable; but (despite section 8(2) of the Senior Courts Act 1981)—
 - (a) a justice of the peace assigned to a local justice area in Wales may not by virtue of this subsection exercise the jurisdiction of the Crown Court of England, and

Wales Bill, continued

- (b) a justice of the peace assigned to a local justice area in England may not by virtue of this subsection exercise the jurisdiction of the Crown Court of Wales.

92F Division of business between courts of England and courts of Wales

- (1) The Senior Courts of England, the county courts for districts in England and the justices for local justice areas in England have jurisdiction over matters relating to England; and (subject to the rules of private international law relating to the application of foreign law) the law that they are to apply is the law extending to England.
- (2) The Senior Courts of Wales, the county courts for districts in Wales and the justices for local justice areas in Wales have jurisdiction over matters relating to Wales; and (subject to the rules of private international law relating to the application of foreign law) the law that they are to apply is the law extending to Wales.

92G Transfer of current proceedings

- (1) All proceedings, whether civil or criminal, pending in any of the Senior Courts of England and Wales (including proceedings in which a judgment or order has been given or made but not enforced) shall be transferred by that court to whichever of the courts to which that court corresponds appears appropriate.
- (2) The transferred proceedings are to continue as if the case had originated in, and the previous proceedings had been taken in, that other court.””

Member’s explanatory statement

This amendment replaces the Bill’s proposed recognition of Welsh law with provisions to separate the legal jurisdictions of England and of Wales, as drafted by the Welsh Government.

Jeremy Corbyn
Dame Rosie Winterton

9

- ☆ Clause 1, page 2, line 1, after “law” insert “and review of the justice system in Wales”

Member’s explanatory statement

This amendment amends the heading of Clause 1 in consequence of the proposal in amendment 7 to review the functioning of the justice system in Wales.

Jeremy Corbyn
Dame Rosie Winterton

7

- ☆ Clause 1, page 2, line 3, at end insert—

- “(2) The Lord Chancellor and the Welsh Ministers must keep the functioning of the justice system in relation to Wales under review with a view to its development and reform, including keeping under review the question of whether the single legal jurisdiction of England and Wales should be divided into a jurisdiction for Wales and a jurisdiction for England.
- (3) In exercising their duty in subsection (2) the Lord Chancellor and the Welsh Ministers must have regard to—
- (a) divergence in the law and its administration as between England and Wales,
- (b) the need to treat the Welsh and English languages on the basis of equality, and
- (c) any other circumstances in Wales affecting operation of the justice system.

Wales Bill, continued

- (4) The Lord Chancellor and the Welsh Ministers may appoint a panel to advise them on the exercise of their functions in this section.
- (5) The Lord Chancellor must make an annual report on the functioning of the justice system in relation to Wales to the Welsh Ministers.
- (6) The Welsh Ministers must lay the report before the Assembly.
- (7) The Lord Chancellor must lay the report before both Houses of Parliament.”

Member’s explanatory statement

The provision in the Bill recognises the existence of a body of Welsh law made by the Assembly and the Welsh Ministers. The new subsections to be inserted after that provision by this amendment require the Secretary of State to keep the justice system as it applies in relation to Wales under review with a view to its development and reform, having regard in particular to divergence in the law as between England and Wales.

Jeremy Corbyn
Dame Rosie Winterton

10

- ☆ Clause 1, page 2, leave out lines 4 to 6.

Member’s explanatory statement

This amendment removes subsection (2) of the proposed new section 92B of the Government of Wales Act 2006 (recognition of Welsh law). Subsection (2) seeks to explain the purpose of subsection (1) of that section.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

23

- ☆ Clause 2, page 2, line 12, leave out “normally”.

Member’s explanatory statement

This amendment removes the word “normally” from the recognition that the Parliament of the United Kingdom will not normally legislate on devolved matters without the consent of the National Assembly for Wales.

Mr Mark Williams

3

- ☆ Clause 2, page 2, line 12, leave out “legislate with regard” and insert “enact provisions relating”.

Member’s explanatory statement

This amendment is a consequence of amendment [4], which defines the meaning of “devolved matters”.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

24

- ☆ Clause 2, page 2, line 13, after “Assembly” insert—

“unless all of the following conditions apply—

- (a) there is an imminent risk of serious adverse impact on—
 - (i) the national security of the United Kingdom, or
 - (ii) public safety, public, animal or plant health or economic stability in any part of the United Kingdom,

Wales Bill, continued

- (b) the legislation specifically addresses that risk,
- (c) the imminence of the risk in relation to Wales makes it impractical to seek the consent of the Assembly,
- (d) no Bill has been passed under section 110(1)(a) specifically to address the risk, and
- (e) no subordinate legislation specifically to address the risk has been laid before the Assembly and has come into force.”

Member’s explanatory statement

This amendment specifies the circumstances in which Parliament can legislate on devolved matters on behalf of the National Assembly for Wales without its consent.

Mr Mark Williams

4

☆ Clause 2, page 2, line 13, at end insert—

“(7) For the purpose of subsection (6), a provision relates to a devolved matter if the provision—

- (a) applies in relation to Wales and does not relate to a reserved matter.
- (b) modifies the legislative competence of the Assembly, or
- (c) confers a function on, or removes or modifies a function of, any member of the Welsh Government.”

Member’s explanatory statement

This amendment defines the meaning of “devolved matters” for the purpose of the statutory recognition of the convention about Parliament legislating on devolved matters proposed by Clause 2.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

25

☆ Clause 2, page 2, line 13, at end insert—

“(7) In this section, “devolved matters” means matters that—

- (a) are within the legislative competence of the Assembly;
- (b) modify the legislative competence of the Assembly;
- (c) modify a function of the Assembly;
- (d) modify a function of a member of the Welsh Government exercisable within devolved competence (and “within devolved competence” is to be read in accordance with section 58A).”

Member’s explanatory statement

The amendment defines devolved matters for the purposes of Clause 2.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

26

☆ Schedule 4, page 94, line 10, at end insert—

“National Assembly for Wales Commissioner for Standards.”

Member’s explanatory statement

The amendment adds the National Assembly for Wales Commissioner for Standards to the list of Wales public authorities.

Wales Bill, continued

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

27

- ☆ Schedule 4, page 94, line 10, at end insert—

“National Assembly for Wales Remuneration Board.”

Member’s explanatory statement

The amendment adds the National Assembly for Wales Remuneration Board to the list of Wales public authorities.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

28

- ☆ Clause 6, page 7, line 2, leave out paragraph (b) and insert—

“(b) for “The Secretary of State may by order provide for the poll at an ordinary general election to be” substitute “The Presiding Officer may propose that the poll at an ordinary general election is.””

Member’s explanatory statement

The Bill as drafted transfers the power to vary the date of an ordinary general election from the Secretary of State to Welsh Ministers. The amendment transfers the power to the Presiding Officer of the National Assembly for Wales.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

29

- ☆ Clause 6, page 7, line 2, at end insert—

“(7A) Leave out subsection (2) and insert—

“(2) If the Presiding Officer makes a proposal under subsection (1), Her Majesty may by proclamation under the Welsh Seal—

- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of fourteen days beginning immediately after the day of the poll.”

Member’s explanatory statement

The amendment inserts provision for the arrangements for varying the date of an ordinary general election. The amendment also extends from seven to fourteen days the period within which the Assembly is required to meet following the day of a poll.

Wales Bill, *continued*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

30

☆ Clause 6, page 7, line 2, at end insert—

“(7B) In subsection (4) for “An order under this section may” substitute “If the Presiding Officer makes a proposal under subsection (1), the Welsh Ministers may by order”.

Member’s explanatory statement

The amendment replicates existing provisions in the Government of Wales Act 2006 with a modification resulting from the transfer of the power to vary the date of an ordinary general election to the Presiding Officer.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

31

☆ Clause 6, page 7, line 6, at end insert—

“(10A) Section 5 of the Government of Wales Act 2006 (Extraordinary general elections) is amended as set out in paragraphs (a) to (d)—

- (a) In subsection (1) for “Secretary of State” substitute “Presiding Officer”.
- (b) In subsection (4) for “Secretary of State” substitute “Presiding Officer”.
- (c) In subsection (4) for “Order in Council” substitute “proclamation under the Welsh Seal”.
- (d) In subsection (4) for “seven” substitute “fourteen”.

Member’s explanatory statement

The amendment inserts a new provision transferring the power to propose the day of an extraordinary general election from the Secretary of State to the Presiding Officer. The amendment also extends from seven to fourteen days the period within which the Assembly is required to meet following the day of a poll.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

32

☆ Clause 8, page 10, line 3, leave out subsections (5) and (6)

Member’s explanatory statement

The amendment removes the requirements on the face of the Bill for the National Assembly for Wales’ Standing Orders to include requirements for the publication of a statement in Welsh and English.

 Wales Bill, *continued*

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

1

Page 11, line 38, leave out Clause 10

Member's explanatory statement

This amendment removes the requirement to make a written statement setting out the potential impact of Bills introduced in the National Assembly for Wales on the justice system.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

33

☆ Clause 12, page 12, line 24, at end insert—

“(a) for a sum paid out of the Welsh Consolidated Fund not to be applied for any purpose other than that for which it was charged or (as the case may be) paid out”

Member's explanatory statement

The amendment sets out that Welsh legislation must provide that the Assembly has to authorise any drawing from the Consolidated Fund and that such funds can only be utilised for the purposes for which they were authorised.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

38

☆ Clause 15, page 14, line 3, leave out “translation of references” and insert “consequential provision”.

Member's explanatory statement

The amendment replaces “translation of references” with “consequential provision”, to reflect the overall effect of Clause 15.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

39

☆ Clause 15, page 14, line 5, at end insert—

“() Cynulliad Cenedlaethol Cymru,”

Member's explanatory statement

The amendment clarifies that any references in legislation, instruments and documents to “Cynulliad Cenedlaethol Cymru” is also to be read as a reference to the new name, in Welsh.

Wales Bill, *continued*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

40

- ☆ Clause 15, page 14, line 6, at end insert—

“() Comisiwn Cynulliad Cenedlaethol Cymru,”

Member’s explanatory statement

The amendment clarifies that any references in legislation, instruments and documents to “Comisiwn Cynulliad Cenedlaethol Cymru” is also to be read as a reference to the new name, in Welsh.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

41

- ☆ Clause 15, page 14, line 7, at end insert—

“() Deddfau Cynulliad Cenedlaethol Cymru, or”

Member’s explanatory statement

The amendment clarifies that any references in legislation, instruments and documents to “Deddfau Cynulliad Cenedlaethol Cymru” is also to be read as a reference to the new name, in Welsh.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

42

- ☆ Clause 15, page 14, line 11, after “to”, insert “Cynulliad Cenedlaethol Cymru,”

Member’s explanatory statement

The amendment provides that if the Assembly changes its name then any reference in legislation, instruments and documents to the “Cynulliad Cenedlaethol Cymru” is to be read as a reference to the new name.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

43

- ☆ Clause 15, page 14, line 12, after first “Wales,” insert “Comisiwn Cynulliad Cenedlaethol Cymru,”

Member’s explanatory statement

The amendment provides that if the Assembly changes its name then any reference in legislation, instruments and documents to the “Comisiwn Cynulliad Cenedlaethol Cymru” is to be read as a reference to the new name.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

44

- ☆ Clause 15, page 14, line 12, after “Commission,” insert “, Deddfau Cynulliad Cenedlaethol Cymru”

Member’s explanatory statement

The amendment provides that if the Assembly changes its name then any reference in legislation, instruments and documents to “Deddfau Cynulliad Cenedlaethol Cymru” is to be read as a reference to the new name.

Wales Bill, continued

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

45

- ☆ Clause 15, page 14, line 17, after “name”, insert “in Welsh or English (as the case may be).”

Member’s explanatory statement

The amendment clarifies that the clause applies to any new names listed in the clause be they in English or Welsh.

Jeremy Corbyn
Dame Rosie Winterton

11

- ☆ Clause 16, page 14, leave out lines 30 and 31 and insert—

“(a) for subsection (1) substitute—

“(1) Before the commencement of sections 8 and 9, the Secretary of State must lay a statement (“a fiscal framework”) before each House of Parliament setting out the arrangements for calculating and making payments into the Welsh Consolidated Fund under section 118 of the Government of Wales Act 2006 following the commencement of those sections.

(1A) The Secretary of State must send a copy of the fiscal framework to the First Minister for Wales and the First Minister must lay it before the Assembly.”

(b) after subsection (2) insert—

“(2A) But an order may not be made under subsection (2) until a fiscal framework laid under this section has been approved by resolution of both Houses of Parliament and of the Assembly.”

(c) for the heading substitute “Fiscal framework and commencement of income tax provisions.””

Member’s explanatory statement

Clause 16(3)(a) omits subsection 14(1) of the Wales Act 2014, which applies the power of the Treasury to commence the income tax provisions of that Act by order where the majority of the voters in a referendum in Wales vote in favour of the income tax provisions coming into force. This amendment omits the provision but replaces it with provision for a fiscal framework to be prepared by the Secretary of State, which must be approved by the Assembly and each House of Parliament before the income tax provisions may be commenced by order made by the Treasury.

Jeremy Corbyn
Dame Rosie Winterton

14

- ☆ Clause 17, page 15, leave out lines 29 to 31

Member’s explanatory statement

This amendment and amendment 15 make provision for the definition of devolved competence in Clause 17 to be applied for the purpose of the amendments made to Clause 19 by amendment 13.

Wales Bill, continuedJeremy Corbyn
Dame Rosie Winterton

15

☆ Clause 17, page 15, line 35, at end insert—

“() In this section and section 58B “within devolved competence” and “outside devolved competence” are to be read in accordance with subsections (7) and (8); but for the purposes of section 58AB no account is to be taken of the requirement to consult the appropriate Minister in paragraph 11(2) of Schedule 7B.”

Member’s explanatory statement*See the explanatory statement for amendment 14.*Jeremy Corbyn
Dame Rosie Winterton

13

☆ Clause 19, page 17, line 27, at end insert—

“(2) After section 58A of that Act (inserted by section 17(1) of this Act) insert—

“58B Transfer of functions within devolved competence

- (1) Functions conferred on a Minister of the Crown by virtue of any pre-commencement enactment or pre-commencement prerogative instrument, so far as they are exercisable within devolved competence by a Minister of the Crown, are to be exercisable by the Welsh Ministers instead of a Minister of the Crown.
- (2) Provision for a Minister of the Crown to exercise a function with the agreement of, or after consultation with, any other Minister of the Crown ceases to have effect in relation to the exercise of the function by a member of the Welsh Government by virtue of subsection (1).
- (3) In this section “pre-commencement enactment” means—
 - (a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act;
 - (b) an enactment made, before the commencement of this section, under such an Act or such other enactment; “pre-commencement prerogative instrument” means a prerogative instrument made before or during the session in which this Act was passed.”

Member’s explanatory statement*Clause 19 makes provision about transfer of Ministerial functions. The amendment provides for the transfer of all functions currently exercisable by Ministers of the Crown within devolved competence to the Welsh Ministers.*

Wales Bill, continued

Jeremy Corbyn
Dame Rosie Winterton

16

- ☆ Clause 20, page 18, line 8, at end insert—

“(ab) section 58B,”

Member’s explanatory statement

Clause 20 amends the power in section 58 of the Government of Wales Act 2006 to make provision by Order in Council for the transfer of functions to the Welsh Ministers to authorise provision to be made in respect of “previously transferred functions”. This amendment extends the definition of “previously transferred functions” to include functions transferred by the general transfer proposed by amendment 13.

*CLAUSE 3, SCHEDULES 1 AND 2, NEW CLAUSES RELATING TO CLAUSE 3 AND
SCHEDULES 1 AND 2, NEW SCHEDULES RELATING TO CLAUSE 3 AND
SCHEDULES 1 AND 2*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

2

- ☆ Schedule 1, page 41, line 24, at end insert “(that is, the property, rights and interests under the management of the Crown Estate Commissioners)

“(3A) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the requirements of section 90B(5) to (8).”

Member’s explanatory statement

This amendment is consequential on new Clause (The Crown Estate) which would transfer executive and legislative competence of the Crown Estate in Wales to the Welsh Government and the National Assembly for Wales.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

6

- ☆ Schedule 1, page 41, line 30, at end insert—

“2A Paragraph 1 does not reserve the consolidation in English and Welsh of the principal legislation delineating the powers of the National Assembly for Wales and the Welsh Government, including (but not limited to) the Government of Wales Act 2006, the Wales Act 2011 and the Wales Act 2016.”

Member’s explanatory statement

This amendment would allow the National Assembly for Wales to consolidate in both English and Welsh the statutes bills containing the current constitutional settlement affecting Wales.

Wales Bill, continued

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

34

- ☆ Schedule 2, page 79, line 29, leave out from “Assembly” to end of line 39

Member’s explanatory statement

The amendment removes the requirements relating to the composition and internal arrangements of the Assembly Committee with oversight of the Auditor General and/or their functions.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

35

- ☆ Schedule 2, page 80, line 41, at end insert—

“(i) subsection 120(1) as regards a modification that adds a person or body;”

Member’s explanatory statement

The amendment will enable the Assembly to amend sections 120(1) of the 2006 Act which provide for ‘relevant persons’ which receive funding directly from the Welsh Consolidated Fund.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

36

- ☆ Schedule 2, page 80, line 42, at end insert—

“(iii) subsection 124(3) as regards a modification that adds a person or body;”

Member’s explanatory statement

The amendment will enable the Assembly to amend sections 124(3) of the 2006 Act which provide for ‘relevant persons’ which receive funding directly from the Welsh Consolidated Fund.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

37

- ☆ Schedule 2, page 81, line 22, leave out from “taxes” to end of line 23

Member’s explanatory statement

The amendment removes the requirement for Secretary of State consent for the Assembly to amend the provisions of Part 5 of the 2006 Act which are not specifically referred to in paragraph 7(2)(d) and section 159, where the amendment is incidental to, or consequential on, a provision of an Act of the Assembly relating to budgetary procedures.

Wales Bill, continued

CLAUSES 22 TO 50, NEW CLAUSES RELATING TO THOSE CLAUSES, NEW SCHEDULES RELATING TO THOSE CLAUSES, CLAUSE 51, SCHEDULE 5, CLAUSE 52, SCHEDULE 6, CLAUSES 53 AND 54, REMAINING NEW CLAUSES, REMAINING NEW SCHEDULES, REMAINING PROCEEDINGS ON THE BILL

Jeremy Corbyn
Dame Rosie Winterton

12

☆ Clause 53, page 40, line 8, at end insert—

“(4) Section 16(6) comes into force on the day appointed by the Treasury by order under section 14(2) of the Wales Act 2014 for the coming into force of sections 8 and 9 of that Act.”

Member’s explanatory statement

The new limits proposed by New Clause 6 on borrowing by the Welsh Ministers are calculated by reference to the financial consequences of commencing the income tax provisions of the Wales Act 2014. This provision ensures that the new borrowing limits come into effect at the same time as commencement of the income tax provisions.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

NC1

☆ To move the following Clause—

“The Crown Estate

After section 89 of the Government of Wales Act 2006, insert—

“89B The Crown Estate

- (1) The Treasury may make a scheme transferring on the transfer date all the existing Welsh functions of the Crown Estate Commissioners (“the Commissioners”) to the Welsh Ministers or a person nominated by the Welsh Ministers (“the transferee”).
- (2) The existing Welsh functions are the Commissioners’ functions relating to the part of the Crown Estate that, immediately before the transfer date, consists of—
 - (a) property, rights or interests in land in Wales, excluding property, rights or interests mentioned in subsection (3), and
 - (b) rights in relation to the Welsh zone.
- (3) Where immediately before the transfer date part of the Crown Estate consists of property, rights or interests held by a limited partnership registered under the Limited Partnerships Act 1907, subsection (2)(a) excludes—
 - (a) the property, rights or interests, and
 - (b) any property, rights or interests in, or in a member of, a partner in the limited partnership.
- (4) Functions relating to rights within subsection (2)(b) are to be treated for the purposes of this Act as exercisable in or as regards Wales.

Wales Bill, *continued*

- (5) The property, rights and interests to which the existing Welsh functions relate must continue to be managed on behalf of the Crown.
- (6) That does not prevent the disposal of property, rights or interests for the purposes of that management.
- (7) Subsection (5) also applies to property, rights or interests acquired in the course of that management (except revenues to which section 1(1) of the Civil List Act 1952 applies or are to be paid into the Welsh Consolidated Fund).
- (8) The property, rights and interests to which subsection (5) applies must be maintained as an estate in land or as estates in land managed separately (with any proportion of cash or investments that seems to the person managing the estate to be required for the discharge of functions relating to its management).
- (9) The scheme may specify any property, rights or interests that appear to the Treasury to fall within subsection (2)(a) or (b), without prejudice to the functions transferred by the scheme.
- (10) The scheme must provide for the transfer to the transferee of designated rights and liabilities of the Commissioners in connection with the functions transferred.
- (11) The scheme must include provision to secure that the employment of any person in Crown employment (within the meaning of section 191 of the Employment Rights Act 1996) is not adversely affected by the transfer.
- (12) The scheme must include such provision as the Treasury consider necessary or expedient—
 - (a) in the interests of defence or national security,
 - (b) in connection with access to land for the purposes of telecommunications, or with other matters falling within Section C9 in Part 2 of Schedule 1,
 - (c) for securing that the management of property, rights or interests to which subsection (5) applies does not conflict with the exploitation of resources falling within Section D2 in Part 2 of Schedule 1, or with other reserved matters in connection with their exploitation, and
 - (d) for securing consistency, in the interests of consumers, in the management of property, rights or interests to which subsection (5) applies and of property, rights or interests to which the Commissioners' functions other than the existing Welsh functions relate, so far as it affects the transmission or distribution of electricity or the provision or use of electricity interconnectors.
- (13) Any transfer by the scheme is subject to any provision under subsection (12).
- (14) The scheme may include—
 - (a) incidental, supplemental and transitional provision,
 - (b) consequential provision, including provision amending an enactment, instrument or other document,
 - (c) provision conferring or imposing a function on any person including any successor of the transferee,

Wales Bill, *continued*

- (d) provision for the creation of new rights or liabilities in relation to the functions transferred.
- (15) On the transfer date, the existing Welsh functions and the designated rights and liabilities are transferred and vest in accordance with the scheme.
- (16) A certificate by the Treasury that anything specified in the certificate has vested in any person by virtue of the scheme is conclusive evidence for all purposes.
- (17) The Treasury may make a scheme under this section only with the agreement of the Welsh Ministers.
- (18) The power to make a scheme under this section is exercisable by statutory instrument, a draft of which has been laid before, and approved by resolution of, the National Assembly for Wales.
- (19) The power to amend the scheme is exercisable so as to provide for an amendment to have effect from the transfer date.
- (20) If an order amends a scheme and does not contain provision—
- (a) made by virtue of subsection (12) or (19) of that section, or
 - (b) adding to, replacing or omitting any part of the text of an Act,
- then, instead of subsection (18), the instrument containing the legislation shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (21) For the purposes of the exercise on and after the transfer date of functions transferred by the scheme under this section, the Crown Estate Act 1961 applies in relation to the transferee as it applied immediately before that date to the Crown Estate Commissioners, with the following modifications—
- (a) a reference to the Crown Estate is to be read as a reference to the property, rights and interests to which subsection (5) applies,
 - (b) the appropriate procedure for subordinate legislation is that no Minister of the Crown is to make the legislation unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament,
 - (c) a reference to the Treasury is to be read as a reference to the Welsh Ministers,
 - (d) a reference to the Comptroller and Auditor General is to be read as a reference to the Auditor General for Wales,
 - (e) a reference to Parliament or either House of Parliament is to be read as a reference to the National Assembly for Wales,
 - (f) the following do not apply—
 - in section 1, subsections (1), (4) and (7),
 - in section 2, subsections (1) and (2) and, if the Welsh Ministers are the transferee, the words in subsection (3) from “in relation thereto” to the end,
 - in section 4, the words “with the consent of Her Majesty signified under the Royal Sign Manual”,
 - sections 5, 7 and 8 and Schedule 1.
- (22) Subsection (7) is subject to any provision made by Order in Council under subsection (9) or by any other enactment, including an enactment

Wales Bill, continued

comprised in, or in an instrument made under, an Act of the National Assembly for Wales.

- (23) Her Majesty may by Order in Council make such provision as She considers appropriate for or in connection with the exercise by the transferee under the scheme (subject to subsections (5) to (8)) of functions transferred by the scheme, including provision taking effect on or before the transfer date.
- (24) An Order in Council under subsection (23) may in particular—
- (a) establish a body, including a body that may be nominated under that section as the transferee,
 - (b) amend, repeal, revoke or otherwise modify an enactment, an Act or Measure of the National Assembly for Wales, or an instrument made under an enactment or Act or Measure of the National Assembly for Wales.
- (25) The power to make an Order in Council under subsection (24) is exercisable by Welsh statutory instrument subject to the affirmative procedure.
- (26) That power is to be regarded as being exercisable within devolved competence before the transfer date for the purposes of making provision consequential on legislation of, or scrutinised by, the National Assembly for Wales.
- (27) In this section—
- “designated” means specified in or determined in accordance with the scheme,
- “the transfer date” means a date specified by the scheme as the date on which the scheme is to have effect.”

Member’s explanatory statement

This new clause mirrors the Scotland Act 2016 in transferring executive and legislative competence of the Crown Estate in Wales to the Welsh Government and the National Assembly for Wales.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

NC2

☆ To move the following Clause—

“Welsh thresholds for income tax

- (1) Part 4A of the Government Wales Act 2006 is amended as follows.
- (2) In section 116A(1)(a) (overview), after “of” insert “and thresholds for”.
- (3) After section 116D insert—

“116DA Power to set Welsh thresholds for Welsh taxpayers

- (1) The Assembly may by resolution (a “Welsh threshold resolution”) set one or more of the following—
 - (a) a Welsh threshold for the Welsh basic rate,

Wales Bill, continued

- (b) a Welsh threshold for the Welsh higher rate,
 - (c) a Welsh threshold for the Welsh additional rate.
- (2) A Welsh threshold resolution applies—
 - (a) for only one tax year, and
 - (b) for the whole of that year.
 - (3) A Welsh threshold resolution—
 - (a) must specify the tax year for which it applies,
 - (b) must be made before the start of that tax year, and
 - (c) must not be made more than 12 months before the start of that year.
 - (4) If a Welsh threshold resolution is cancelled before the start of the tax year for which it is to apply—
 - (a) the Income Tax Acts have effect for that year as if the resolution had never been made, and
 - (b) the resolution may be replaced by another Welsh threshold resolution.
 - (5) The standing orders must provide that only the First Minister or a Welsh Minister appointed under section 48 may move a motion for a Welsh threshold resolution.”

Member's explanatory statement

This new clause would allow the National Assembly for Wales to determine the income thresholds at which income tax is payable by Welsh taxpayers.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

NC3

☆ To move the following Clause—

“Income tax receipts

- (1) Section 120 (destination of receipts) of the Government of Wales Act 2006 is amended as follows.
- (2) The Comptroller and Auditor General must certify for each tax year that Her Majesty's Commissioners for Revenue and Customs have transferred the full amount of income tax paid by Welsh taxpayers in that tax year into the Welsh Consolidated Fund.”

Member's explanatory statement

This new clause would require the receipts from income tax paid by Welsh taxpayers to be paid into the Welsh Consolidated Fund.

Wales Bill, *continued*

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

NC4

☆ To move the following Clause—

“Assignment of VAT

- (1) The Government of Wales act 2006 is amended as follows.
- (2) In section 117 (Welsh Consolidated Fund), after subsection (2) insert—
 - “(2A) The Secretary of State shall in accordance with section 64A pay into the Fund out of money provided by Parliament any amounts payable under that section.”
- (3) After that section insert—

“117A Assignment of VAT

- (1) Where there is an agreement between the Treasury and the Welsh Ministers for identifying an amount agreed to represent the standard rate VAT attributable to Wales for any period (“the agreed standard rate amount”), the amount described in subsection (3) is payable under this section in respect of that period.
- (2) Where there is an agreement between the Treasury and the Welsh Ministers for identifying an amount agreed to represent the reduced rate VAT attributable to Wales for that period (“the agreed reduced rate amount”), the amount described in subsection (4) is payable under this section in respect of that period.
- (3) The amount payable in accordance with subsection (1) is the amount obtained by multiplying the agreed standard rate amount by—

$$\frac{10}{SR}$$
 where SR is the number of percentage points in the rate at which value added tax is charged under section 2(1) of the Value Added Tax Act 1994 for the period.
- (4) The amount payable in accordance with subsection (2) is the amount obtained by multiplying the agreed reduced rate amount by—

$$\frac{2.5}{RR}$$
 where RR is the number of percentage points in the rate at which value added tax is charged under section 29A(1) of the Value Added Tax Act 1994 for the period.
- (5) The payment of those amounts under section 64(2A) is to be made in accordance with any agreement between the Treasury and the Welsh Ministers as to the time of the payment or otherwise.”
- (4) The Commissioners for Revenue and Customs Act 2005 is amended as follows.
- (5) In subsection (2) of section 18 (confidentiality: exceptions) omit “or” after paragraph (j), and after paragraph (k) insert “, or
 - (l) which is made in connection with (or with anything done with a view to) the making or implementation of an agreement referred to in section 117A(1) or (2) of the Government of Wales Act 2006 (assignment of VAT).”

Wales Bill, continued

(6) After that subsection insert—

“(2B) Information disclosed in reliance on subsection (2)(1) may not be further disclosed without the consent of the Commissioners (which may be general or specific).”

(7) In section 19 (wrongful disclosure) in subsections (1) and (8) after “18(1) or (2A)” insert “or (2B)”

Member’s explanatory statement

This new clause would allow the payment into the Welsh Consolidated Fund of half the receipts of Value Added Tax raised in Wales, on the lines of section 16 of the Scotland Act 2016.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

NC5

☆ To move the following Clause—

“Tax on carriage of passengers by air

(1) In Part 4A of the Government of Wales Act 2006, after Chapter 4 insert—

“CHAPTER 5

TAX ON CARRIAGE OF PASSENGERS BY AIR

1160 Tax on carriage of passengers by air

- (1) A tax charged on the carriage of passengers by air from airports in Wales is a devolved tax.
- (2) Tax may not be charged in accordance with that provision on the carriage of passengers boarding aircraft before the date appointed under subsection (6).
- (3) Chapter 4 of Part 1 of The Finance Act 1994 (air passenger duty) is amended as follows.
- (4) In section 28(4) (a chargeable passenger is a passenger whose journey begins at an airport in the United Kingdom), for “England, Wales or Northern Ireland” substitute “England or Northern Ireland”.
- (5) In section 31(4B) (exception for passengers departing from airports in designated region of the United Kingdom) for “England, Wales or Northern Ireland” substitute “England or Northern Ireland”.
- (6) Subsections (3) to (5) have effect in relation to flights beginning on or after such date as the Treasury appoint by regulations made by statutory instrument.”

Member’s explanatory statement

This new clause would make air passenger duty a devolved tax in Wales, on the lines of section 17 of the Scotland Act 2016.

Wales Bill, continuedJeremy Corbyn
Dame Rosie Winterton

NC6

To move the following Clause—

“Lending for capital expenditure

In section 122A(1) and (3) of the Government of Wales Act 2006 (lending for capital expenditure), for “£500 million” substitute “£2 billion”.”

Member’s explanatory statement

Section 122A of the Government of Wales Act 2006 (inserted by section 20(10) of the Wales Act 2014) makes provision for limits on borrowing by the Welsh Ministers for capital expenditure. This new clause changes the limit on the aggregate at any time outstanding from £500 million to £2 billion.

ORDER OF THE HOUSE [14 JUNE 2016]

That the following provisions shall apply to the Wales Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in committee

2. Proceedings in Committee of the whole House shall be completed in two days.
3. The proceedings shall be taken on the days shown in the first column of the following Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
Clauses 1 and 2, Clause 4, Schedule 4, Clauses 5 to 19, Schedule 3, Clauses 20 and 21, new Clauses relating to those Clauses and Schedules, new Schedules relating to those Clauses and Schedules	Six hours after the commencement of proceedings on the first day

Wales Bill, *continued*

*Proceedings**Time for conclusion of proceedings**Second day*

Clause 3, Schedules 1 and 2, new Clauses relating to Clause 3 and Schedules 1 and 2, new Schedules relating to Clause 3 and Schedules 1 and 2

Three hours after the commencement of proceedings on the second day

Clauses 22 to 50, new Clauses relating to those Clauses, new Schedules relating to those Clauses, Clause 51, Schedule 5, Clause 52, Schedule 6, Clauses 53 and 54, remaining new Clauses, remaining new Schedules, remaining proceedings on the Bill

Six hours after the commencement of proceedings on the second day

Proceedings on Consideration and up to and including Third Reading

5. Any proceedings on Consideration and any proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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