



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including  
**Wednesday 6 July 2016**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*  
*Amendments tabled since the last publication: 118 to 161 and NC8 to NC10*

### COMMITTEE OF THE WHOLE HOUSE

### WALES BILL

#### NOTE

**This document includes all remaining amendments and includes any withdrawn amendments at the end.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

*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*

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

**118**

- ★ Clause 3, page 2, line 28, after “7A)” insert “and is not ancillary to another provision (whether in the Act or another enactment) that does not relate to a reserved matter”

***Member’s explanatory statement***

*Clause 3 establishes the legislative competence of the National Assembly for Wales. This amendment makes clear that the Assembly has power to make provision touching upon reserved matters for the purpose of enforcing provisions in Assembly Acts that do not relate to reserved matters or otherwise making them effective.*

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 Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

148

- ★ Clause 3, page 2, line 33, leave out “subsection (2)(b) does” and insert “subsections (2)(b) and (2)(c) do”  
***Member’s explanatory statement***  
*The amendment restores the Assembly’s competence by enabling it to legislate in an ancillary way in relation to reserved matters.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

149

- ★ Clause 3, page 2, line 34, leave out from “provision” to end of line 6 on page 3 and insert “which is within the Assembly’s legislative competence (or would be if it were included in an Act of the Assembly).”  
***Member’s explanatory statement***  
*The amendment restores the Assembly’s competence by enabling it to legislate in an ancillary way in relation to reserved matters.*

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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.*

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Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

155

- ★ Schedule 1, page 42, line 20, leave out “prosecutors” and insert “the Crown Prosecution Service”

***Member’s explanatory statement***

*The amendment clarifies the reservation so that “the Crown Prosecution Service” is reserved, rather than “prosecutors” more generally, as this could prohibit Assembly legislation enabling devolved authorities to prosecute, such as local authorities.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

119

- ★ Schedule 1, page 42, line 26, leave out sub-paragraphs (2) and (3)

***Member’s explanatory statement***

*This amendment seeks to allow ancillary provision by removing the exception in paragraph 6(2) and the related definition in paragraph 6(3), so that reliance can be placed on the general power to make ancillary provision made clear by the amendment to clause 3 proposed by amendment 118.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

83

- ☆ Schedule 1, page 47, line 32, leave out section B5

***Member’s explanatory statement***

*This amendment removes the reservation of crime, public order and policing from the list of reserved powers.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

122

- ★ Schedule 1, page 48, line 9, leave out “The subject matter of Parts 1 to 6” and insert “Anti-social behaviour injunctions under Part 1”

***Member’s explanatory statement***

*This amendment is intended to narrow the reservation to the system of anti-social behaviour injunctions provided for by Part 1 of the 2014 Act.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

84

- ☆ Schedule 1, page 48, leave out line 11

***Member’s explanatory statement***

*This amendment removes the reservation of dangerous dogs and dogs dangerously out of control from the list of reserved powers.*

Wales Bill, *continued*

- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 85
- ☆ Schedule 1, page 48, line 15, leave out section B8  
*Member's explanatory statement*  
*This amendment removes the reservation of prostitution from the list of reserved powers.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 86
- ☆ Schedule 1, page 48, line 24, leave out section B11  
*Member's explanatory statement*  
*This amendment removes the reservation of the rehabilitation of offenders from the list of reserved powers.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 117
- ☆ Schedule 1, page 49, leave out lines 5 to 10  
*Member's explanatory statement*  
*This amendment will remove the reservation of knives from the list of reserved powers.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 116
- ☆ Schedule 1, page 49, leave out lines 24 to 26  
*Member's explanatory statement*  
*This amendment will remove the reservation of the licensing of the provision of entertainment and late night refreshment from the list of reserved powers.*
- Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn
- 123
- ★ Schedule 1, page 49, leave out lines 24 to 29  
*Member's explanatory statement*  
*Paragraph 55 of the new Schedule 7A to be inserted into the Government of Wales Act 2006 by Schedule 1 would reserve the licensing of the provision of entertainment and late night refreshment from the Assembly's legislative competence. Paragraph 56 would reserve the sale and supply of alcohol. This amendment removes both reservations.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 87
- ☆ Schedule 1, page 49, line 27, leave out section B17  
*Member's explanatory statement*  
*This amendment removes the reservation of alcohol from the list of reserved powers.*

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**Wales Bill, continued**

- Secretary Alun Cairns 53
- ☆ Schedule 1, page 51, line 15, leave out “Imports, exports and movement of plants etc” and insert “Import and export control”  
*Member’s explanatory statement*  
*This is a drafting change consequential on amendment 54.*
- Secretary Alun Cairns 54
- ☆ Schedule 1, page 51, line 17, leave out from “exports” to end of line 19  
*Member’s explanatory statement*  
*This amendment removes the reservation of prohibition and regulation of the movement of food, plants, animals and other things within the United Kingdom.*
- Secretary Alun Cairns 55
- ☆ Schedule 1, page 51, line 21, leave out “which relates to” and insert “of movement into and out of Wales of”  
*Member’s explanatory statement*  
*The effect of this amendment and amendments 56, 57 and 58 is to make the exceptions in Section C5 similar to those in the corresponding Section of Schedule 5 to the Scotland Act 1998.*
- Secretary Alun Cairns 56
- ☆ Schedule 1, page 51, line 22, leave out “, and which is”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 55.*
- Secretary Alun Cairns 57
- ☆ Schedule 1, page 51, line 27, leave out “which relates to” and insert “of movement into and out of Wales of”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 55.*
- Secretary Alun Cairns 58
- ☆ Schedule 1, page 51, line 29, leave out “, and which is”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 55.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards 88
- ☆ Schedule 1, page 55, line 5, leave out section C15  
*Member’s explanatory statement*  
*This amendment removes the reservation of Water and sewerage from the list of reserved powers.*

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 Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

89

- ☆ Schedule 1, page 55, line 28, leave out section C17

***Member's explanatory statement***

*This amendment removes the reservation of Sunday trading from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

90

- ☆ Schedule 1, page 55, line 32, leave out section D1

***Member's explanatory statement***

*This amendment removes the reservation of generation, transmission, distribution and supply of electricity from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

91

- ☆ Schedule 1, page 56, line 27, leave out section D3

***Member's explanatory statement***

*This amendment removes the reservation of coal from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

92

- ☆ Schedule 1, page 57, line 2, leave out section D5

***Member's explanatory statement***

*This amendment removes the reservation of heat and cooling from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

93

- ☆ Schedule 1, page 57, line 17, leave out section D6

***Member's explanatory statement***

*This amendment removes the reservation of energy conservation from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

94

- ☆ Schedule 1, page 57, line 24, leave out section E1

***Member's explanatory statement***

*This amendment removes the reservation of road transport from the list of reserved powers.*

Wales Bill, *continued*

Mr David Jones  
Dr James Davies  
Chris Davies

161

- ★ Schedule 1, page 57, line 35, leave out from “roads” to the end of line 36 and insert—  
     “107A Speed limits  
     107B Road and traffic signs”  
**Member’s explanatory statement**  
*This amendment would make speed limits and road and traffic signs reserved matters.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

95

- ☆ Schedule 1, page 58, leave out line 36  
**Member’s explanatory statement**  
*This amendment removes the reservation of railway services from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

96

- ☆ Schedule 1, page 59, leave out line 21  
**Member’s explanatory statement**  
*This amendment is consequential on amendment 61 to Clause 28 which would remove the exception to the devolution of executive functions in relation to Welsh harbours of “reserved trust ports”.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

140

- ★ Schedule 1, page 59, line 21, leave out “Reserved trust ports and”  
**Member’s explanatory statement**  
*Section E3 of the new Schedule 7A to be inserted into the Government of Wales Act 2006 by Schedule 1 would reserve certain marine and waterway transport matters from the Assembly’s legislative competence. Paragraph 119 in that Section would reserve trust ports. This amendment removes this reservation.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

97

- ☆ Schedule 1, page 59, leave out line 23  
**Member’s explanatory statement**  
*This amendment removes the reservation of coastguard services and maritime search and rescue from the list of reserved powers.*

Wales Bill, *continued*

- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 98
- ☆ Schedule 1, page 59, leave out line 24  
*Member's explanatory statement*  
*This amendment removes the reservation of hovercraft from the list of reserved powers.*
- Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn
- 141
- ★ Schedule 1, page 59, line 28, leave out “, reserved trust ports”  
*Member's explanatory statement*  
*This amendment is consequential upon amendment 140.*
- Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn
- 142
- ★ Schedule 1, page 59, line 37, leave out “that is not a reserved trust port”  
*Member's explanatory statement*  
*This amendment is consequential upon amendment 140.*
- Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn
- 143
- ★ Schedule 1, page 60, leave out lines 4 to 5  
*Member's explanatory statement*  
*This amendment is consequential upon amendment 140.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 100
- ☆ Schedule 1, page 61, line 21, at end insert—
- “Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—
- (a) universal credit under Part 1 of the Welfare Reform Act 2012,
  - (b) jobseeker’s allowance (whether contributions-based or income based) under the Jobseekers Act 1995,
  - (c) employment and support allowance (whether contributory or income-related) under Part 1 of the Welfare Reform Act 2007,
  - (d) income support under section 124 of the Social Security and Benefits Act 1992,
  - (e) housing benefit under section 130 of that Act,
  - (f) child tax credit and working tax credit under the Tax Credits Act 2002.
- The benefits referred to in paragraphs (a) to (f) above are—
- (a) in the case of income-based jobseeker’s allowance and income-related employment support allowance, those benefits as they existed on 28 April 2013 (the day before their abolition),



Wales Bill, *continued*

- (b) in the case of the other benefits, those benefits as they existed on 28 May 2015.”

**Member’s explanatory statement**

*This amendment devolves all working age benefits to be replaced by Universal credit, and any benefit introduced to replace Universal credit.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

101

- ☆ Schedule 1, page 61, line 21, at end insert—

“Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—

- (a) guardian’s allowance under section 77 of the Social Security Contributions and Benefits Act 1992,  
(b) child benefit under Part 9 of that Act.”

**Member’s explanatory statement**

*This amendment devolves to the National Assembly for Wales, child benefit and Guardian’s allowance including conditionality and sanctions regimes.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

102

- ☆ Schedule 1, page 64, line 17, leave out section H1

**Member’s explanatory statement**

*This amendment would remove employment and industrial relations from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

108

- ☆ Schedule 1, page 64, line 17, leave out section H1 and insert—

“H1 National Minimum Wage

The subject-matter of the National Minimum Wage Act 1998.”

**Member’s explanatory statement**

*This amendment would devolve employment rights and duties and industrial relations, except for the national minimum wage, to the National Assembly for Wales.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

124

- ★ Schedule 1, page 64, line 44, at end insert—

“Terms and conditions of employment and industrial relations in Wales public authorities and services contracted out or otherwise procured by such authorities.”

**Member’s explanatory statement**

*Section H1 of the new Schedule 7A to be inserted into the Government of Wales Act 2006 by Schedule 1 would reserve employment rights and duties and industrial relations from Assembly’s legislative competence. This amendment provides an exception to ensure that the Assembly retains*

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**Wales Bill, continued**

*its legislative competence over terms and conditions of service for employees in devolved public services and industrial relations in such services.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

99

- ☆ Schedule 1, page 65, line 7, leave out section H3

***Member's explanatory statement***

*This amendment would devolve employment support programmes to the National Assembly for Wales.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

109

- ☆ Schedule 1, page 65, line 24, leave out section J1

***Member's explanatory statement***

*This amendment removes the reservation of abortion from the list of reserved powers, to bring Wales into line with Scotland and Northern Ireland.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

103

- ☆ Schedule 1, page 66, line 31, leave out section J6

***Member's explanatory statement***

*This amendment would remove Health and Safety from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

105

- ☆ Schedule 1, page 67, line 14, leave out section K1

***Member's explanatory statement***

*This amendment would remove broadcasting from the list of reserved powers*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

107

- ☆ Schedule 1, page 67, line 17, at end insert—

*“Exceptions*

The regulation of:

- (a) party political broadcasts in connection with elections that are within the legislative competence of the Assembly and
- (b) referendum campaign broadcasts in connection with referendums held under Acts of the National Assembly for Wales.”

***Member's explanatory statement***

*This amendment would devolve competence to the National Assembly for Wales in relation to party political broadcasts for Welsh and local elections.*

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**Wales Bill, continued**

- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 106**
- ☆ Schedule 1, page 67, line 29, leave out section K5  
*Member's explanatory statement*  
*This amendment would remove sports grounds from the list of reservations*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 110**
- ☆ Schedule 1, page 68, line 2, leave out section L1  
*Member's explanatory statement*  
*This amendment removes justice from the list of reserved powers.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 111**
- ☆ Schedule 1, page 69, line 25, leave out section L11  
*Member's explanatory statement*  
*This amendment removes the reservation of prisons and offender management from the list of reserved powers.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 104**
- ☆ Schedule 1, page 72, line 14, leave out section N1  
*Member's explanatory statement*  
*This amendment would remove equal opportunities from the list of reserved powers*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 112**
- ☆ Schedule 1, page 73, line 24, leave out "bank holidays"  
*Member's explanatory statement*  
*This amendment, along with amendment 85, will devolve to the National Assembly for Wales, competence over bank holidays.*
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- 113**
- ☆ Schedule 1, page 73, line 27, at end insert "bank holidays"  
*Member's explanatory statement*  
*This amendment, along with amendment 112, will devolve to the National Assembly for Wales, competence over bank holidays.*

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 Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

114

- ☆ Schedule 1, page 74, line 7, leave out section N8

***Member's explanatory statement***

*This amendment will remove the reservation of the Children's Commissioner from the list of reserved powers.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

115

- ☆ Schedule 1, page 74, line 11, leave out section N9

***Member's explanatory statement***

*This amendment will remove the reservation of teacher's pay and conditions from the list of reserved powers.*

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Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

120

- ★ Schedule 2, page 77, line 17, at end insert—

“1A Paragraph 1 does not apply to a modification that is ancillary to a provision made (whether by the Act in question or another enactment) which does not relate to reserved matters if it is a modification of the law on reserved matters in paragraph 6 or 7 of Schedule 7A.”

***Member's explanatory statement***

*This amendment provides an exception for ancillary provision about certain justice matters that is not subject to a necessity test.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

121

- ★ Schedule 2, page 77, line 18, leave out “a” and insert “any other”

***Member's explanatory statement***

*This amendment is consequential upon amendment 120.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

156

- ★ Schedule 2, page 77, line 21, leave out from “matters” to end of line 26

***Member's explanatory statement***

*The amendment removes the necessity test in relation to the law on reserved matters.*

Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

157

★ Schedule 2, page 78, line 2, leave out paragraph 4 and insert—

- “4 (1) A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, the criminal law. (See also paragraph 6 of Schedule 7A (single legal jurisdiction of England and Wales).)
- (2) Sub-paragraph (1) does not apply to a modification that has a purpose (other than modification of the criminal law) which does not relate to a reserved matter.
- (3) This paragraph applies to civil penalties as it applies to offences; and references in this paragraph to the criminal law are to be read accordingly.”

**Member’s explanatory statement**

*The amendment inserts a restriction so that the Assembly cannot modify criminal law unless it is for a purpose other than a reserved purpose. This would bring it into line with the private law restriction.*

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.*

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 Wales Bill, *continued*

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.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

128

★ Schedule 2, page 82, line 30, leave out paragraph (c)

***Member’s explanatory statement***

*This amendment is consequential upon amendment 127.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

127

★ Schedule 2, page 82, line 44, at end insert—

“( ) Paragraph 8(1)(a) and (c) does not apply in relation to the Water Services Regulation Authority.”

***Member’s explanatory statement***

*This amendment would extend the existing exception for the Water Services Regulation Authority to include the matters that would otherwise be outside competence by virtue of paragraph 8(1)(c) of Schedule 7B.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

129

★ Schedule 2, page 83, line 42, leave out paragraph (c)

***Member’s explanatory statement***

*This amendment removes the restriction in paragraph 11(1)(c) of the new Schedule 7B to the Government of Wales Act 2006 to be inserted by Schedule 2 to the Bill which would prevent the Assembly from legislating to remove or modify functions of a Minister of the Crown exercisable in relation to water and sewerage matters (including control of pollution) and matters relating to land drainage, flood risk management and coastal protection.*

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**Wales Bill, continued**

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

NC7

☆ To move the following Clause—

**“Levies in respect of agriculture, taking wild game, aquaculture and fisheries, etc.**

- (1) In Schedule 7A to the Government of Wales Act 2006, section A1 is amended as follows.
- (2) In the Exceptions, after the exception for devolved taxes insert—  
““Levies in respect of agriculture, taking wild game, aquaculture and fisheries (including sea fisheries) or a related activity: their collection and management.””
- (3) After the Exceptions insert—  
“Interpretation  
“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.  
“aquaculture” includes the breeding, rearing or cultivation of fish (of any kind), seafood or aquatic organisms.  
“related activity” means the production, processing, manufacture, marketing or distribution of—  
  - (a) anything (including any creature alive or dead) produced or taken in the course of agriculture, taking wild game or aquaculture, or caught (by any means) in a fishery,
  - (b) any product which is derived to any substantial extent from anything so produced or caught.””

***Member’s explanatory statement***

*This new clause would give the National Assembly for Wales general legislative competence in respect of agricultural, aquacultural and fisheries levies.*

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Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

NC10

★ To move the following Clause—

**“Water Services Regulation Authority**

- (1) In section 27 of the Water Industry Act 1991 (general duty of the authority to keep matters under review)—  
  - (a) in subsection (3), after “may” insert “subject to subsection (3A),”;
  - (b) after subsection (3), insert—  
    - “(3A) The Secretary of State must obtain the consent of the Welsh Ministers before giving general directions under subsection (3) connected with—  
      - (a) matters in relation to which functions are exercised by water or sewage undertakers whose area is wholly or mainly in Wales,

**Wales Bill, continued**

- (b) licensed activities carried out by water supply licensees that use the supply system of a water undertaker whose area is wholly or mainly in Wales, or
  - (c) licensed activities carried on by sewerage licensees that use the sewerage system of a sewerage undertaker whose area is wholly or mainly in Wales.”;
  - (c) in subsection (4), in both places where it appears, after “Secretary of State” insert “, the Welsh Ministers”.
- (2) In section 192B of the Water Industry Act 1991 (annual and other reports)—
- (a) in subsection (1), after “Secretary of State” insert “and the Welsh Ministers”;
  - (b) in subsection (2)(d), for “as the Assembly” substitute “or activities in Wales as the Welsh Ministers”;
  - (c) in subsection (4), for “Assembly” substitute “Welsh Ministers”;
  - (d) after subsection (5) insert—
    - “(5A) The Welsh Ministers shall—
      - (a) lay a copy of each annual report before the Assembly; and
      - (b) arrange for the report to be published in such manner as they consider appropriate;
      - (c) in subsection (7), omit “the Assembly,””.
- (3) In Schedule 1A to the Water Industry Act 1991 (the Water Services Regulation Authority)—
- (a) in paragraph 1—
    - (i) in sub-paragraph (1), after “Secretary of State” insert “and the Welsh Ministers acting jointly”;
    - (ii) in sub-paragraph (2), omit paragraph (a);
  - (b) in paragraph 2(2), after “Secretary of State” insert “and the Welsh Ministers acting jointly”;
  - (c) in paragraph 3—
    - (i) in sub-paragraph (2), paragraph (a), after “Secretary of State” insert “and the Welsh Ministers”;
    - (ii) in sub-paragraph (2), paragraph (b), after “Secretary of State” insert “and the Welsh Ministers acting jointly”;
    - (iii) omit sub-paragraph (3);
  - (d) in paragraph 4—
    - (i) in sub-paragraph (1) and (2), in each place where it appears, after “Secretary of State” insert “and the Welsh Ministers acting jointly”;
    - (ii) in sub-paragraph (3), for “determines” substitute “and the Welsh Ministers acting jointly determine” and at the end insert “and the Welsh Ministers acting jointly”;
  - (e) in paragraph 9(3)(b), for “Assembly” substitute “Welsh Ministers.”

**Member’s explanatory statement**

*This new clause would amend the Water Industry Act 1991 to confer functions relating to the Water Services Regulation Authority (OFWAT) (which exercises functions in England and Wales) onto the Welsh Ministers and it would adjust the functions of the Secretary of State to better reflect the current devolution of water matters to Wales.*

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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  
Paul Flynn

133

- ★ Clause 28, page 23, line 32, leave out “, other than harbours that are reserved trust ports”

***Member’s explanatory statement***

*Clause 28 would transfer to the Welsh Ministers the Minister of the Crown harbours functions not already transferred to the Welsh Ministers, except functions relating to “reserved trust ports” (which are defined in clause 31). The only port in Wales that currently would fall within the definition is Milford Haven in Pembrokeshire. This amendment would remove the exception for trust ports.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

61

- ☆ Clause 28, page 23, line 32, leave out from “Wales” to the end of line 33

***Member’s explanatory statement***

*This amendment removes the exception to the devolution of executive functions in relation to Welsh harbours of “reserved trust ports”.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

134

- ★ Clause 28, page 23, line 38, leave out subsection (4)

***Member’s explanatory statement***

*Clause 28(4) provides an exception to the general transfer of functions by clause 28 so that where a function relates to two or more harbours the function is transferred only to the extent that both or all of the harbours to which it relates are wholly in Wales and are not reserved trust ports. This amendment is partly consequential upon amendment 133, but it would also ensure that the Welsh Ministers retain functions where one harbour is in Wales and the other is not.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

62

- ☆ Clause 28, page 23, line 40, leave out “and are not reserved trust ports”

***Member’s explanatory statement***

*See amendment 61.*

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 Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

63

- ☆ Clause 28, page 24, leave out line 6  
*Member's explanatory statement*  
*See amendment 61.*

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Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

64

- ☆ Clause 29, page 24, line 13, leave out “, other than a reserved trust port,”  
*Member's explanatory statement*  
*See amendment 61.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

65

- ☆ Clause 29, page 24, line 17, leave out “, other than reserved trust ports”  
*Member's explanatory statement*  
*See amendment 61.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

66

- ☆ Clause 29, page 24, line 21, leave out “or a reserved trust port”  
*Member's explanatory statement*  
*See amendment 61.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

67

- ☆ Clause 29, page 24, line 25, leave out “other than a reserved trust port”  
*Member's explanatory statement*  
*See amendment 61.*

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Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

68

- ☆ Clause 29, page 24, line 26, leave out subsection (5)  
*Member's explanatory statement*  
*See amendment 61.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

69

- ☆ Clause 29, page 24, line 31, leave out “other than a reserved trust port”  
*Member's explanatory statement*  
*See amendment 61.*

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Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

70

- ☆ Page 25, line 14, leave out Clause 31  
*Member's explanatory statement*  
*See amendment 61.*

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Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

137

- ★ Clause 32, page 25, leave out lines 34 to 39 and insert—  
“(a) will be wholly or partly in England or in waters adjacent to England up to the seaward limits of the territorial sea, and.”  
*Member's explanatory statement*  
*This amendment is consequential upon amendment 133.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

71

- ☆ Clause 32, page 25, line 39, leave out “a reserved trust port”  
*Member's explanatory statement*  
*See amendment 61.*

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 Wales Bill, *continued*

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

138

- ★ Clause 32, page 25, line 41, leave out from beginning to end of line 3 on page 26 and insert—

“(a) the harbour facilities are wholly or partly in England or in waters adjacent to England up to the seaward limits of the territorial sea, and.”

***Member’s explanatory statement***

*This amendment is consequential upon amendment 133.*

Hywel Williams  
 Liz Saville Roberts  
 Jonathan Edwards

72

- ☆ Clause 32, page 26, line 2, leave out from “and” to end of line 3

***Member’s explanatory statement***

*See amendment 61.*

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

139

- ★ Clause 32, page 26, line 4, leave out subsection (4)

***Member’s explanatory statement***

*This amendment is consequential upon amendment 133.*

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Hywel Williams  
 Liz Saville Roberts  
 Jonathan Edwards

73

- ☆ Clause 33, page 26, line 23, leave out subsection (4)

***Member’s explanatory statement***

*See amendment 61.*

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Hywel Williams  
 Liz Saville Roberts  
 Jonathan Edwards

74

- ☆ Clause 36, page 29, line 17, leave out from “wind” to end of line 18

***Member’s explanatory statement***

*This amendment removes the 350 megawatts limit on the Welsh Government’s legislative competence in the field of energy.*

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**Wales Bill, continued**

- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 29, line 21, leave out from “zone” to end of line 22  
*Member’s explanatory statement*  
*See amendment 74.*
- 75
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 30, line 2, leave out paragraph (c)  
*Member’s explanatory statement*  
*This amendment is consequential on amendments 74 and 75.*
- 76
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 30, line 16, leave out from “waters” to end of line 21  
*Member’s explanatory statement*  
*This amendment is consequential on amendments 74 and 75.*
- 77
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 30, line 37, leave out from “waters” to end of line 39  
*Member’s explanatory statement*  
*This amendment is consequential on amendments 74 and 75.*
- 78
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 30, line 40, leave out sub-paragraph (a)(ii)  
*Member’s explanatory statement*  
*This amendment is consequential on amendments 74 and 75.*
- 79
- Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards
- ☆ Clause 36, page 30, line 47, leave out from “waters” to end of line 48  
*Member’s explanatory statement*  
*This amendment is consequential on amendments 74 and 75.*
- 80
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**Wales Bill, continued**

Secretary Alun Cairns

47

- ☆ Clause 38, page 32, leave out lines 9 to 12 and insert—
- “(2A) Subsection (1) above shall not apply in relation to an electric line that—
- (a) has a nominal voltage of 132 kilovolts or less, and
  - (b) is associated with the construction or extension of a devolved Welsh generating station consented to on or after the day on which section 36 of the Wales Act 2016 comes into force.
- (2B) “Devolved Welsh generating station” means a generating station that—
- (a) is in Wales and—
    - (i) generates electricity from wind, or
    - (ii) has a maximum capacity of 350 megawatts or less; or
  - (b) is in Welsh waters and has a maximum capacity of 350 megawatts or less.
- (2C) “Welsh waters” has the meaning given in section 36 above.”

**Member’s explanatory statement**

*This amendment provides for consent for the development of electric lines associated with devolved generating stations to be given by Welsh authorities.*

Secretary Alun Cairns

48

- ☆ Clause 38, page 32, line 17, leave out “generating station consented to by the Welsh Ministers” and insert “devolved Welsh generating station consented to on or after the day on which section 36 of the Wales Act 2016 comes into force”

**Member’s explanatory statement**

*This amendment provides for consent for the development of electric lines associated with devolved generating stations to be given by Welsh authorities.*

Secretary Alun Cairns

49

- ☆ Clause 38, page 32, line 19, at end insert—
- “(3C) “Devolved Welsh generating station” means a generating station that—
- (a) is in Wales and—
    - (i) generates electricity from wind, or
    - (ii) has a capacity of 350 megawatts or less; or
  - (b) is in waters adjacent to Wales up to the seaward limits of the territorial sea or in the Welsh zone and has a capacity of 350 megawatts or less.
- (3D) “Welsh zone” has the meaning given in section 158 of the Government of Wales Act 2006.”

**Member’s explanatory statement**

*This amendment provides for consent for the development of electric lines associated with devolved generating stations to be given by Welsh authorities.*

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Chris Davies  
Mr David Jones  
Dr James Davies

158

- ★ Clause 39, page 32, line 23, leave out “or (4A)” and insert “to (4D)”

**Member’s explanatory statement**

*See amendment 160.*

Wales Bill, *continued*

Chris Davies  
Mr David Jones  
Dr James Davies

159

- ★ Clause 39, page 32, line 27, at beginning insert “subject to subsections (4B) to (4D),”  
*Member’s explanatory statement*  
*See amendment 160.*

Chris Davies  
Mr David Jones  
Dr James Davies

160

- ★ Clause 39, page 32, line 31, at end insert—
- “(4B) Where Welsh Ministers are minded to grant planning consent for the construction or extension of a station generating electricity from wind which would have a capacity greater than 50 megawatts, they must not determine the application unless—
- (a) they have sent to the Secretary of State—
    - (i) a copy of any representations made to them in respect of the application;
    - (ii) a copy of any report on the application prepared by an officer of the Welsh Government;
    - (iii) a statement of the decision they propose to make; and
    - (iv) where they propose to grant consent, a statement of any conditions they propose to impose and a draft of any planning obligation they propose to enter into and details of any proposed planning contribution; and
  - (b) either—
    - (i) a period of 14 days has elapsed beginning with the date notified in writing by the Secretary of State to Welsh Ministers as the date on which he received the documents referred to in paragraph (a); or
    - (ii) the Secretary of State has notified Welsh Ministers in writing that he is content for them to determine the application in accordance with the statement referred to in sub-paragraph (a)(iii) and, if applicable, the matters referred to in sub-paragraph (a)(iv).
- (4C) Within the period of 14 days set out in paragraph (4B)(b)(i) the Secretary of State may direct Welsh Ministers empowered to determine the application for the construction or extension of a station generating electricity from wind which would have a capacity greater than 50 megawatts—
- (a) to withhold consent for a further period up to six months;
  - (b) to provide further information about the application; and
  - (c) where he makes a direction under paragraph (4C)(a) within the period specified in the direction to direct them to—
    - (i) grant consent subject, if necessary, to the conditions set out at paragraph (4B)(a)(iv); or
    - (ii) refuse consent.
- (4D) The Secretary of State may give a direction to Welsh Ministers that applications for consent for the construction or extension of stations generating electricity from wind which would have a capacity less than 51 megawatts must be

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**Wales Bill, continued**

determined by local planning authorities and must not be called in or determined by Welsh Ministers.”

***Member’s explanatory statement***

*Clause 39 would devolve powers for onshore wind development approval to the Welsh Assembly. This amendment empowers the Secretary of State to be notified and veto projects considered a Nationally Significant Infrastructure Project (NSIP). The Secretary of State would be given two weeks to inform Welsh Ministers that he wished to consider a project and he would have up to six months to direct refusal of the application. The amendment also empowers the Secretary of State to require Welsh Ministers to devolve approval for projects not considered a NSIP to local council level.*

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Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

81

☆ Clause 44, page 34, leave out line 37 to line 5 on page 35 and insert—

“Omit sections 114 and 152 of the Government of Wales Act 2006.”

***Member’s explanatory statement***

*This amendment removes the power of the Secretary of State to veto any Welsh legislation or measures that might have a serious adverse impact on water supply or quality in England.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

125

★ Clause 44, page 34, line 38, leave out from “(1),” to end of line 40 and insert “omit paragraph (b).”

***Member’s explanatory statement***

*This amendment removes both the extension of the power in section 114 of the Government of Wales Act 2006 that would be introduced by clause 44(1) and the power in section 114 to block Assembly Bills in respect of water matters.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

126

★ Clause 44, page 34, line 41, leave out subsection (2) and insert—

“( ) Omit section 152 of the Government of Wales Act 2006 (intervention in case of functions relating to water etc).”

***Member’s explanatory statement***

*This amendment removes both the extension of the power in section 152 of the Government of Wales Act 2006 that would be introduced by clause 44(2) and the power in section 152 of the Government of Wales Act 2006 to intervene in the exercise of devolved functions in respect of water matters.*

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**Wales Bill, continued**

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

130

- ★ Clause 46, page 35, line 33, leave out “consult” and insert “obtain the consent of”  
***Member’s explanatory statement***  
*Clause 46 would require the Secretary of State to consult the Welsh Ministers before establishing or amending a renewable energy scheme as it relates to Wales. This amendment would require the Secretary of State to obtain the consent of the Welsh Ministers instead.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

132

- ★ Clause 46, page 36, leave out lines 1 to 3  
***Member’s explanatory statement***  
*New section 148A(3) of the Government of Wales Act 2006 (as inserted by Clause 46) provides an exception to the consultation requirement for renewable energy schemes in respect of any levy in connection with such a scheme. This amendment is partly consequential upon amendment 130, but it would also mean that there would be a requirement for the Secretary of State to obtain the consent of the Welsh Ministers for any levy in connection with a renewable energy scheme as it relates to Wales.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

131

- ★ Clause 46, page 36, line 17, leave out subsection (2)  
***Member’s explanatory statement***  
*This amendment is consequential upon amendment 130.*

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Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

144

- ★ Clause 51, page 39, line 2, at end insert—  
“( ) If a statutory instrument containing regulations under subsection (2) includes provision within devolved competence or provision modifying a devolution enactment, the Secretary of State must send a copy of the instrument or, if subsection (8A) applies, a draft of the instrument to the First Minister for Wales and the First Minister must lay it before the Assembly.”  
***Member’s explanatory statement***  
*This amendment and amendments 145, 146 and 147 are intended to apply appropriate Assembly procedures to regulations which make provision within the Assembly’s competence or which adjust the Welsh devolution settlement by modifying the Government of Wales Act 2006 or the Wales Act 2014 and provide for regulations containing provisions of this kind that amend primary legislation to be subject to an affirmative Assembly procedure, and for regulations containing provisions of the same kind which modify subordinate legislation to be subject to a negative Assembly procedure.*

Wales Bill, *continued*

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

147

★ Clause 51, page 39, line 2, at end insert—

“( ) In this section “devolution enactment” means a provision contained in—

- (a) the Government of Wales Act 2006 or an instrument made under or having effect by virtue of that Act;
- (b) the Wales Act 2014 or an instrument made under or having effect by virtue of that Act.

( ) For the purposes of this section—

- (a) “modifying” includes amending, repealing and revoking;
- (b) “within devolved competence” is to be read in accordance with subsections (7) and (8) of section 17, but 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 statement for amendment 144.*

Hywel Williams  
 Liz Saville Roberts  
 Jonathan Edwards

150

★ Clause 51, page 39, line 4, leave out “primary legislation” and insert “an Act of Parliament”

***Member’s explanatory statement***

*The amendment introduces separate provisions for the use of the power in clause 51 in relation to an Act of Parliament.*

Hywel Williams  
 Liz Saville Roberts  
 Jonathan Edwards

82

☆ Clause 51, page 39, line 6, after “Parliament” insert “and the National Assembly for Wales.”

***Member’s explanatory statement***

*This amendment ensures that when exercising the power to amend, repeal, revoke or modify any Acts or Measures of the National Assembly for Wales, the Secretary must seek the permission of the National Assembly, as well as both Houses of Parliament.*

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

145

★ Clause 51, page 39, line 6, at end insert—

“(6A) A statutory instrument containing regulations under subsection (2) that includes—

- (a) provision within devolved competence modifying any provision of primary legislation, or
- (b) provision modifying any devolution enactment in primary legislation, may not be made unless a draft of the instrument has been laid before and approved by a resolution of the Assembly.”

***Member’s explanatory statement***

*See the statement for amendment 144.*

Wales Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

151

★ Clause 51, page 39, line 6, at end insert—

“(6A) A statutory instrument containing regulations under subsection (2) that includes provision amending or repealing any provision of a Measure or Act of the National Assembly for Wales may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament and the Assembly.”

**Member’s explanatory statement**

*The amendment provides that where the Secretary of State uses the power in clause 51 to make regulations that amend or repeal an Assembly Act or Assembly Measure, then the regulations must be approved by the Assembly and each House of Parliament.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

152

★ Clause 51, page 39, line 7, at beginning insert “Subject to subsection (7A),”

**Member’s explanatory statement**

*The amendment is linked to the provision that where the Secretary of State uses the power in clause 51 to make regulations that amend or revoke subordinate legislation made by the Welsh Ministers or the Assembly, the regulations would be subject to annulment by the Assembly and each House of Parliament.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

146

★ Clause 51, page 39, line 10, leave out “, is subject to annulment in pursuance of a resolution of either House of Parliament” and insert “or the Assembly, is subject to annulment in pursuance of a resolution of—

- (a) either House of Parliament, and
- (b) if it includes provision that would be within devolved competence or provision modifying a devolution enactment, the Assembly.”

**Member’s explanatory statement**

*See the statement for amendment 144.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

153

★ Clause 51, page 39, line 10, at end insert—

“(7A) A statutory instrument containing regulations under subsection (2) that includes provision amending or revoking subordinate legislation made by—

- (a) the Welsh Ministers, or
- (b) the National Assembly for Wales as constituted by the Government of Wales Act 1998,

if made without a draft having been approved by a resolution of each House of Parliament and the Assembly, is subject to annulment in pursuance of a resolution of either House of Parliament or the Assembly.”

**Member’s explanatory statement**

*The amendment provides that where the Secretary of State uses the power in clause 51 to make regulations that amend or revoke subordinate legislation made by the Welsh Ministers or the*

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**Wales Bill, continued**

*Assembly, the regulations would be subject to annulment by the Assembly and each House of Parliament.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards

154

- ★ Clause 51, page 39, line 11, leave out subsection (8)  
*Member's explanatory statement*  
*The amendment removes the definition of "primary legislation".*

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Secretary Alun Cairns

59

- ☆ Schedule 6, page 108, line 12, leave out sub-paragraph (2)  
*Member's explanatory statement*  
*This amendment removes the sub-paragraph which says that an Assembly Bill introduced before the "principal appointed day" falls if it has not passed Stage 1 in the Assembly process by then.*

Secretary Alun Cairns

60

- ☆ Schedule 6, page 109, line 34, at end insert—

*"Development consent for generating stations*

- 7A (1) The amendments made by sections 36(2) to (6) and 38(4) do not apply in relation to an application acceptance of which is notified to the applicant under section 55 of the Planning Act 2008 before the day on which section 36 of this Act comes into force.
- (2) Schedule 6 to the Planning Act 2008 has effect in relation to orders granting development consent for devolved Welsh generating stations as if—
- (a) references to the Secretary of State were references to the Welsh Ministers;
  - (b) the following were omitted—
    - (i) paragraph 2(11);
    - (ii) paragraph 3(5A);
    - (iii) paragraph 4(9);
    - (iv) the references to the Lands Tribunal for Scotland in paragraphs 6(6)(a) and 7(3)(d).
- (3) In this paragraph "devolved Welsh generating station" means a generating station that—
- (a) is in Wales and—
    - (i) generates electricity from wind, or
    - (ii) has a capacity of 350 megawatts or less; or
  - (b) is in waters adjacent to Wales up to the seaward limits of the territorial sea or in the Welsh zone (within the meaning of the Government of Wales Act 2006), and has a capacity of 350 megawatts or less."

*Member's explanatory statement*

*This amendment creates transitional provision so that applicants accepted by the Secretary of State before the reserved powers model is brought into force will continue to be decided by the*

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**Wales Bill, continued**

*Secretary of State under the Planning Act. It also allows the Welsh Ministers to vary consents granted before that time.*

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Secretary Alun Cairns

50

☆ Clause 53, page 39, line 41, at end insert—

“( ) sections 13 and 14;”

***Member’s explanatory statement***

*The effect of this amendment is that clause 13 (composition of Assembly committees) and clause 14 (Assembly proceedings: participation by UK Ministers etc) will come into force two months after Royal Assent.*

Secretary Alun Cairns

51

☆ Clause 53, page 39, line 42, at end insert “, and sections 8 and 9 so far as relating to a provision of a Bill that would change the name of the Assembly or confer power to do so”

***Member’s explanatory statement***

*Under this amendment the “super-majority” provisions of the Bill will come into force two months after Royal Assent—as does clause 15, which concerns changes to the name of the Assembly etc—but only so far as relating to an Assembly Bill providing for a change to the name of the Assembly.*

Secretary Alun Cairns

52

☆ Clause 53, page 40, line 2, leave out paragraph (d)

***Member’s explanatory statement***

*The effect of this amendment is that clause 17 (functions of Welsh Ministers) will come into force on whatever day the Secretary of State appoints by regulations under clause 53(4), rather than two months after Royal Assent.*

Jeremy Corbyn  
Dame Rosie Winterton  
Paul Flynn

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.*

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*Wales Bill, continued*

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.
- (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.

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**Wales Bill, *continued***

- (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,
  - (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,

*Wales Bill, continued*

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 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



**Wales Bill, continued**

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,
  - (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.

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**Wales Bill, continued**

- (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.*

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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.*

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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.

*Wales Bill, continued*

(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).”

(6) After that subsection insert—

“(2B) Information disclosed in reliance on subsection (2)(l) 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.*

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 Wales Bill, *continued*

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.*

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**Wales Bill, continued**

Jeremy Corbyn  
 Dame Rosie Winterton  
 Paul Flynn

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.*

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Hywel Williams  
 Jonathan Edwards  
 Liz Saville Roberts

NC8

★ To move the following Clause—

**“Corporation tax**

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

“CHAPTER 4A

CORPORATION TAX

**116P Corporation tax**

A tax charged on trading profits in Wales is a devolved tax.””

***Member’s explanatory statement***

*This new clause would make corporation tax a devolved tax.*

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*Wales Bill, continued*

Hywel Williams  
Jonathan Edwards  
Liz Saville Roberts

NC9

- ★ To move the following Clause—

**“Trading profits taxable at the Welsh rate**

After Part 8B of the Corporation Tax Act 2010 insert—

## “PART 8C

**357Y The Welsh rate**

- (1) The Welsh rate of corporation tax for a financial year is—
  - (a) if a resolution of the National Assembly for Wales—
    - (i) sets a rate under section 357YA for the year, and
    - (ii) is passed before the beginning of the year, the rate set by the resolution;
  - (b) if the Welsh rate for the year is not determined under paragraph (a), but the Welsh rate for one or more earlier financial years was determined under that paragraph, the rate for the most recent of those earlier years;
  - (c) otherwise, the main rate.
- (2) For the purposes of subsection (1)(a)(ii), a resolution passed before the beginning of a financial year is treated as not having been so passed if it is cancelled by a resolution under section 357YA that is itself passed before the beginning of the year.

**357YA Power of National Assembly for Wales to set Welsh rate**

- (1) The National Assembly for Wales may by resolution set the Welsh rate for one or more financial years specified in the resolution.
- (2) The Assembly may by resolution cancel a resolution under subsection (1).
- (3) A resolution under this section may not be passed by the National Assembly for Wales except in pursuance of a recommendation which is made by Welsh Ministers and which is signified to the National Assembly for Wales.
- (4) This section authorises the setting of a nil rate.

**357YB Welsh rate supplementary provision**

- (1) The Secretary of State must lay draft regulations before the House of Commons and the National Assembly for Wales within twelve months of this Act coming into force.
- (2) The Secretary of State must seek the consent of the Treasury before laying draft regulations under this section.
- (3) The Secretary of State may make regulations under his section only if both the House of Commons and the National Assembly for Wales have approved those regulations in draft.

*Wales Bill, continued*

- (4) Regulations under this section may make any necessary provision, including modifying or amending any enactment, that the Secretary of State or the Treasury considers necessary for the introduction of a Welsh rate of corporation tax.
- (5) Regulations under this section may, for example, include—
- (a) provision for the application of the Welsh rate of corporation tax to Welsh profits;
  - (b) provision about the operation of certain reliefs for trading losses that are given against profits;
  - (c) definitions of “Welsh company”, “qualifying trade”, “small or medium-sized enterprise” and “Welsh employer”;
  - (d) provision about whether a company has a Welsh regional establishment;
  - (e) rules for determining whether profits or losses of a trade are “Welsh profits” or “Welsh losses”;
  - (f) rules applying in the case of a Welsh company that is a small or medium-sized enterprise;
  - (g) rules applying in the case of a Welsh company that is not a small or medium-sized enterprise;
  - (h) the treatment of intangible fixed assets in relation to Welsh companies;
  - (i) provision about R&D expenditure credits and relief for expenditure relating to research and development;
  - (j) provision about relief for expenditure relating to the remediation of contaminated or derelict land;
  - (k) provision about film tax relief, television production, video games development and theatrical productions;
  - (l) provision about profits arising from exploitation of patents etc.;
  - (m) rules for determining whether profits or losses of a trade are “Welsh profits” or “Welsh losses” in the case of a company that is a partner in a Welsh firm;
  - (n) definitions of “excluded trade” and “excluded activity” (profits of which are not Welsh profits); and
  - (o) provision about the meaning of “back-office activities” (profits imputed to which may be Welsh profits).”

*Member’s explanatory statement*

*This new clause mirrors the approach of the Corporation Tax (Northern Ireland) Act 2015 in defining a Welsh rate of corporation tax, but leaves the details to be set out in secondary legislation.*

## 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.

*Wales Bill, continued*

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>
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*First day*

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
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*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
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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
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*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.



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**Wales Bill, *continued***

*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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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 5 July 2016:*