



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 6 September 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: 60 to 62 and NC6 to NC9

CONSIDERATION OF BILL (REPORT STAGE)

WALES BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Alun Cairns

NC4

☆ To move the following Clause—

“Elections of police and crime commissioners

- (1) Section 50 of the Police Reform and Social Responsibility Act 2011 (timing of ordinary election of police and crime commissioners) is amended as set out in subsections (2) to (4).
- (2) In subsection (3), for “the ordinary day of election” substitute “the first Thursday in May”.
- (3) In subsection (5)—
 - (a) in paragraph (a), for “the ordinary day of election” substitute “the first Thursday in May”;
 - (b) in paragraph (b), for the words from “the ordinary day of election” to “in relation to Wales,” substitute “the first Thursday in May”.

Wales Bill, *continued*

- (4) Omit subsection (6).
- (5) In section 51 of that Act (election to fill vacancy in office of commissioner), for subsection (6) substitute—
- “(6) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in England if the person is registered in a register of local government electors in respect of an address within the police area.
- (6A) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in Wales if subsection (6B) or (6C) applies.
- (6B) This subsection applies if—
- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and
- (b) the registration is not in pursuance of an overseas elector’s declaration.
- (6C) This subsection applies if—
- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and
- (b) the person is registered in a register of local government electors in respect of an address within the police area.”
- (6) Section 52 of that Act (persons entitled to vote) is amended as set out in subsections (7) and (8).
- (7) In subsection (1), after “a police area” insert “in England”.
- (8) After subsection (1) insert—
- “(1A) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area in Wales if subsection (1B) or (1C) applies.
- (1B) This subsection applies if on the date of the poll—
- (a) the person would be entitled to vote as an elector at a parliamentary election in a constituency wholly or partly comprised in the police area,
- (b) the address in respect of which the person is registered in the register of parliamentary electors for that constituency is within the police area, and
- (c) the registration is not in pursuance of an overseas elector’s declaration.
- (1C) This subsection applies if on the date of the poll—
- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union who has attained the age of 18,
- (b) the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
- (c) the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.”
- (9) Section 64 of that Act (disqualification for election as police and crime commissioner) is amended as set out in subsections (10) and (11).
- (10) In subsection (1), after “a police area” insert “in England”.

Wales Bill, continued

- (11) After subsection (1) insert—
- “(1A) A person is disqualified from being elected to the office of police and crime commissioner for a police area in Wales at any election unless—
- (a) the person has attained the age of 18 when nominated as a candidate at the election, and
- (b) on each relevant day subsection (1B) or (1C) applies.
- (1B) This subsection applies if—
- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and
- (b) the registration is not in pursuance of an overseas elector’s declaration.
- (1C) This subsection applies if—
- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and
- (b) the person is registered in a register of local government electors in respect of an address within the police area.”
- (12) In section 102 of that Act (interpretation of Part 1), in subsection (1), at the appropriate places insert—
- ““overseas elector’s declaration” has the meaning given by section 2 of the Representation of the People Act 1985;”;
- ““relevant citizen of the Union” has the meaning given by section 202(1) of the Representation of the People Act 1983;”.”

Member’s explanatory statement

The new clause provides for timing of, franchise for, and eligibility of candidates in, PCC elections (which are reserved) to cease generally to be linked to local government elections (which are to be devolved), and for ordinary PCC elections to continue to be on the same day in England and in Wales.

Secretary Alun Cairns

NC5

- ☆ To move the following Clause—

“Safety zones around renewable energy installations

- (1) Section 95 of the Energy Act 2004 (safety zones around renewable energy installations) is amended as set out in subsections (2) to (5).
- (2) In subsection (1A)—
- (a) for “means the Scottish Ministers” substitute “means—
- (a) the Scottish Ministers”;
- (b) paragraphs (a) to (c) are renumbered sub-paragraphs (i) to (iii);
- (c) in sub-paragraphs (ii) and (iii) (as renumbered), for “paragraph (a)” substitute “sub-paragraph (i)”;
- (d) before “and otherwise” insert—
- “(b) the Welsh Ministers, in relation to a renewable energy installation which has, or will have, a capacity of 350 megawatts or less and—

Wales Bill, *continued*

- (i) which is to be or is in an area of Welsh waters, and is not being proposed to be extended outside those areas,
 - (ii) to which sub-paragraph (i) has ceased to apply because of an extension or proposed extension, if subsection (1D) applies, or
 - (iii) to the extent that it is to be or is in an area of Welsh waters, if sub-paragraph (i) has ceased to apply because of an extension or proposed extension, and subsection (1D) does not apply.”.
- (3) After subsection (1C) insert—
- “(1D) This subsection applies if there is an agreement in force between the Secretary of State and the Welsh Ministers providing for the Welsh Ministers to be the appropriate Minister in relation to the whole of the installation.
- (1E) Where subsection (1D) applies, the Welsh Ministers must consult the Secretary of State about the exercise of their functions as the appropriate Minister.”
- (4) After subsection (4A) insert—
- “(4B) Before issuing a notice under this section which relates, wholly or partly, to Welsh waters, the Secretary of State must consult the Welsh Ministers.
- (4C) Before issuing a notice under this section which relates, wholly or partly, to an area outside Welsh waters, the Welsh Ministers must consult the Secretary of State.”
- (5) In section 96 of that Act (prohibited activities in safety zones), in subsection (8)(a), after “the Secretary of State” insert “or the Welsh Ministers”.
- (6) In section 104 of that Act (interpretation of Chapter 2 of Part 2), at the end of subsection (1) insert—
- ““Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone;
- “Welsh zone” has the meaning given in section 158 of the Government of Wales Act 2006.””

Member’s explanatory statement

This new clause gives the Welsh Ministers power to demarcate safety zones around renewable energy installations in Welsh waters and to make provision prohibiting activities within safety zones.

Paul Flynn

NC1

To move the following Clause—

“Maritime and Coastguard Agency

- (1) In section 1 of the Coastguard Act 1925 (transfer of the coastguard to the Board of Trade), at the end insert—
- “(4) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under

Wales Bill, continued

subsection (1) in relation to activities of Her Majesty's Coastguard in Wales.

- (5) In subsection (4) "Wales" has the same meaning as in the Government of Wales Act 2006."
- (2) In section 292 of the Merchant Shipping Act 1995 (general functions of the Secretary of State) at the end insert—
 - “(5) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1) in relation to the safety standards of ships in Wales and protecting the health and safety of persons on them.
- (6) In subsection (5) "Wales" has the same meaning as in the Government of Wales Act 2006.””

Member's explanatory statement

This new clause would amend the Coastguard Act 1925 and the Merchant Shipping Act 1995 so as to require the Secretary of State to consult the Welsh Ministers on the Secretary of State's strategic priorities in relation to the activities of the Coastguard in Wales, including as regards health and safety on ships in Wales.

Paul Flynn

NC2

To move the following Clause—

“Gaming machines on licensed betting premises

- (1) The Gambling Act 2005 is amended as follows.
- (2) In subsection (12) of section 172 (gaming machines), after paragraph (a) insert—
 - “(aa) the Welsh Ministers, so far as, in the case of a betting premises licence in respect of premises in Wales and not in respect of a track, the order varies—
 - (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
 - (ii) whether such machines are authorised;”
- (3) In section 355 (regulations, orders and rules)—
 - (a) in subsection (1) after “the Secretary of State” for “or the Scottish Ministers” substitute “, the Scottish Ministers or the Welsh Ministers”;
 - (b) at the end insert—
 - “(12) An order made by the Welsh Ministers under section 172 shall not be made unless a draft of the Order has been laid before and approved by resolution of the National Assembly for Wales.”
- (4) The amendments made by this section do not apply in relation to a betting premises licence issued before this section comes into force.”

Member's explanatory statement

This new clause would give powers to the Welsh Ministers, under the Gambling Act 2005, to regulate the number of gaming machines authorised by a betting licence in Wales. A corresponding amendment (amendment 1) has been proposed to modify this aspect of the reservation to the legislative competence of the National Assembly for Wales on betting, gaming

Wales Bill, continued

and lotteries (section B18 of proposed Schedule 7A to the Government of Wales Act 2006 set out in Schedule 1 to this Bill).

Paul Flynn

NC3

To move the following Clause—

“Rail: franchising of passenger services

- (1) Section 25 of the Railways Act 1993 (public sector operators not to be franchisees) is amended as follows.
- (2) At the end of subsection (2A) insert “or a franchise agreement in respect of services that are or include Wales-only services.”
- (3) After subsection (2A) insert—

“(2B) For the purposes of this section a “Wales-only service” has the same meaning as in section 57 of the Railways Act 2005.”
- (4) This section does not have effect in relation to any invitation to tender under section 26(2) of the Railways Act 1993 issued before the day on which this section comes into force.”

Member’s explanatory statement

This new clause would remove a restriction in section 25 of the Railways Act 1993 on certain public sector bodies bidding to operate a rail franchise that is made up of or includes rail services within Wales.

Jonathan Edwards
Liz Saville Roberts
Hywel Williams

NC6

★ 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.

Wales Bill, continued

- (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, Wales 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.

Jonathan Edwards
Liz Saville Roberts
Hywel Williams

NC7

★ 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.

Wales Bill, *continued*

- (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
- (1) 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)(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
Liz Saville Roberts
Hywel Williams

NC8

- ★ To move the following Clause—

“Youth Justice

- (1) Youth justice is a devolved matter.
- (2) The Assembly may establish a non-departmental body accountable to the Assembly to be called Youth Justice Board Cymru to carry out all the existing functions of the Youth Justice Board in relation to youth justice in Wales.
- (3) The Assembly may make provision in relation to youth justice in Wales concerning any of the subject matter of—

Wales Bill, continued

- (a) sections 8 to 16, 37 to 42, 47, 48, 65 to 79, 97 and 98 of the Criminal Disorder Act 1998, and
- (b) the Youth Justice and Criminal Evidence Act 1999.”

Member’s explanatory statement

This New Clause would establish a separate youth justice system for Wales, in line with the recommendations made by the Silk Commission.

Jonathan Edwards
Liz Saville Roberts
Hywel Williams

NC9

★ To move the following Clause—

“Apprenticeship levy

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

“CHAPTER 5

APPRENTICESHIP LEVY

1160 Apprenticeship levy

- (1) The Treasury must make separate provision in regulations for apprenticeship levy charged to a person in Wales with a pay bill.
- (2) The Treasury must lay an annual report before the Assembly and the House of Commons on the amount of apprenticeship levy raised in each tax year from persons in Wales.
- (3) The Treasury must consult the Assembly before setting a levy allowance or a relevant percentage applicable to persons in Wales.”

Member’s explanatory statement

This New Clause paves the way for apprenticeship levy introduced in Part 6 of the Finance Bill 2016 to be a devolved tax.

Secretary Alun Cairns

3

- ☆ Clause 1, page 1, line 5, leave out “after Part 2 (the Welsh Government)” and insert “before Part 1 (National Assembly for Wales)”

Member’s explanatory statement

The effect of this amendment and amendments 4, 5, 6, 7 and 8 is that the new sections about the permanence of the Assembly and the Welsh Government, and recognition of Welsh law, are inserted at the beginning of the Government of Wales Act 2006 rather than after Part 2 of that Act.

Secretary Alun Cairns

4

- ☆ Clause 1, page 1, line 7, leave out “2A” and insert “A1”

Wales Bill, *continued*

Secretary Alun Cairns	
☆ Clause 1, page 1, line 9, leave out “92A” and insert “A1”	5
Secretary Alun Cairns	
☆ Clause 1, page 1, line 10, after “Assembly”, insert “established by Part 1”	6
Secretary Alun Cairns	
☆ Clause 1, page 1, line 10, after “Government”, insert “established by Part 2”	7
Jonathan Edwards Liz Saville Roberts Hywel Williams	
★ Clause 1, page 2, leave out lines 4 to 9 and insert—	60

“PART 2B

ESTABLISHMENT OF TWO DISTINCT JURISDICTIONS

92B Legal jurisdictions of Wales and of England

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

92C The law of Wales and the law of England

- (1) The law of England and Wales is divided into the law of Wales and the law of England.
- (2) All of the law that extends to England and Wales immediately before the coming into force of this section—
 - (a) except in so far as it applies only in relation to England, is to extend to Wales (and becomes the law of Wales), and
 - (b) except in so far as it applies only in relation to Wales, is to extend to England (and becomes the law of England).
- (3) In this section “law” includes—
 - (a) rules and principles of common law and equity,
 - (b) provision made by virtue of an Act of the United Kingdom Parliament, an Act of the Welsh Parliament or an Act or Measure of the National Assembly for Wales, and
 - (c) provision made pursuant to the prerogative.
- (4) 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 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).

92D Senior Courts system

- (1) The Senior Courts of England and Wales cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—
 - (a) the Senior Courts of Wales, and
 - (b) the Senior Courts of England.

Wales Bill, *continued*

- (2) The Senior Courts of Wales consist of—
 - (a) the Court of Appeal of Wales,
 - (b) the High Court of Justice of Wales, and
 - (c) the Crown Court of Wales, each having the same functions in Wales as are exercisable by the corresponding court in England and Wales immediately before subsection (1) comes into force.
- (3) The Senior Courts of England consist of—
 - (a) the Court of Appeal of England,
 - (b) the High Court of Justice of England, and
 - (c) the Crown Court of England,

each having the same functions in England as are exercisable 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 Wales and the Court of Appeal of England,
 - (b) Her Majesty’s High Court of Justice in England is the court corresponding to the High Court of Justice of Wales and the High Court of Justice of England, and
 - (c) the Crown Court constituted by section 4 of the Courts Act 1971 is the court corresponding to the Crown Court of Wales and the Crown Court of England.
- (5) Subject to section 92I—
 - (a) references in enactments, instruments and other documents to the Senior Courts of England and Wales (however expressed) have effect (as the context requires) as references to the Senior Courts of Wales or the Senior Courts of England, or both; and
 - (b) references in enactments, instruments and other documents 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 County court and family court

- (1) The county court and the family court cease to exist (except for the purposes of sections 92H (3) and (4)) and there are established in place of them—
 - (a) the county court of Wales and the family court of Wales with the same functions in Wales as are exercisable by the county court and the family court (respectively) immediately before this subsection comes into force, and
 - (b) the county court of England and the family court of England with the same functions in England as are exercisable by the county court and the family court (respectively) immediately before this subsection comes into force.
- (2) For the purposes of this Part—
 - (a) the county court is the court corresponding to the county court of Wales and the county court of England, and
 - (b) the family court is the court corresponding to the family court of Wales and the family court of England.
- (3) Subject to section 92I references in enactments, instruments and other documents to the county court or the family court (however expressed) have effect (as the

Wales Bill, *continued*

context requires) as references to either or both of the courts to which they correspond.

92F Judiciary etc.

- (1) All of the judges, judicial office-holders and other officers of Her Majesty's Court of Appeal in England or Her Majesty's High Court of Justice in England become judges, judicial office-holders or officers of both of the courts to which that court corresponds.
- (2) All of 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 functions of both of the courts to which that court corresponds are exercisable except that (despite section 8(2) of the Senior Courts Act 1981)—
 - (a) a justice of the peace assigned to a local justice area in England may not by virtue of this subsection exercise functions of the Crown Court of Wales, and
 - (b) a justice of the peace assigned to a local justice area in Wales may not by virtue of this subsection exercise functions of the Crown Court of England.
- (3) All of the judges, judicial office-holders and other officers of the county court become judges, judicial office-holders or officers of the county court of Wales and the county court of England.
- (4) All of the judges, judicial office-holders and other officers of the family court become judges, judicial office-holders or officers of the family court of Wales and the family court of England except that (despite section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984)—
 - (a) a justice of the peace assigned to a local justice area in England is not a judge of the family court of Wales, and
 - (b) a justice of the peace assigned to a local justice area in Wales is not a judge of the family court of England.

92G Legal professions

- (1) Every legal practitioner who would (but for this Part) at any time after the coming into force of this Act be entitled to carry on a reserved legal activity for the purposes of the law of England and Wales, in proceedings in England and Wales or before the courts of England and Wales, has at that time the same entitlement for the purposes of the law of England and the law of Wales, in proceedings in England and proceedings in Wales and before the courts of England and the courts of Wales.
- (2) In this section—

“legal practitioner” means every solicitor, barrister, notary, legal executive, licensed conveyancer, patent attorney, trade mark attorney, law costs draftsman, accountant or other person who, in accordance with the Legal Services Act 2007 (c. 29), is entitled to carry on a reserved legal activity;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007.

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

- (1) The Senior Courts of Wales, the county court of Wales, the family court of Wales and the justices for local justice areas in Wales are to apply the law extending to Wales (including the rules of private international law relating to the application of foreign law).
- (2) The Senior Courts of England, the county court of England, the family court of England and the justices for local justice areas in England are to apply the law

Wales Bill, *continued*

extending to England (including the rules of private international law relating to the application of foreign law).

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

Supplementary

92I Power to make further provision

- (1) Her Majesty may by Order in Council make provision (including provision amending or otherwise modifying any enactment or instrument, including this Act) that appears appropriate in consequence of, or otherwise in connection with, the provision made by this Part.
- (2) The provision that may be made under subsection (1) includes in particular provision relating to—
 - (a) courts,
 - (b) tribunals,
 - (c) the judges, judicial officers and other members and officers of courts and tribunals,
 - (d) the Counsel General or other law officers,
 - (e) the legal professions,
 - (f) the law relating to the jurisdiction of courts and tribunals, and
 - (g) other aspects of private international law (including, in particular, choice of law, domicile and the recognition and enforcement of judgments and awards).
- (3) No Order may be made under subsection (1) unless a draft of the Order has been laid before, and approved by resolution of—
 - (a) each House of the United Kingdom Parliament, and
 - (b) the Welsh Parliament.”

Member’s explanatory statement

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

Secretary Alun Cairns

8

☆ Clause 1, page 2, line 4, leave out “92B” and insert “A2”

Secretary Alun Cairns

9

☆ Clause 6, page 6, line 27, leave out “provision is made for the day of the poll by an order” and insert “the day of the poll is determined by a proclamation”

Member’s explanatory statement

This amendment is consequential on amendment 11.

Wales Bill, continued

Secretary Alun Cairns

10

- ☆ Clause 6, page 6, line 36, after “specify”, insert “unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A)”

Member’s explanatory statement

This amendment ensures that the Presiding Officer is able to propose a date for an ordinary general election even if the Welsh Ministers have already varied the date of the election under new section 3(1B) as inserted by clause 6(3) of the Bill.

Secretary Alun Cairns

11

- ☆ Clause 6, page 7, line 3, leave out subsections (7) and (8) and insert—

“() For subsections (1) and (2) substitute—

“(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.

(2) If the Presiding Officer proposes a day 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 seven days beginning immediately after the day of the poll.

(2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.”

() In subsection (3), for “(2)(b)” substitute “(2)(c)”.

() In subsection (4)—

- (a) for “An order under this section may” substitute “The Welsh Ministers may by order”;
- (b) for “Secretary of State considers” substitute “Welsh Ministers consider”;
- (c) after “poll” insert “under this section”.

Member’s explanatory statement

This amendment allow the Presiding Officer to propose a new date for an ordinary general election, subject to new section 3(1A) and (1B) which are inserted by clause 6(3) of the Bill. If such a proposal is made Her Majesty may take certain steps to arrange the new election.

Secretary Alun Cairns

12

- ☆ Clause 6, page 7, line 9, at the end insert—

“(10A) Section 5 (extraordinary general elections) is amended as set out in subsections (10B) and (10C).

(10B) In subsection (1), for “Secretary of State” substitute “Presiding Officer”.

(10C) In subsection (4)—

- (a) for “Secretary of State” substitute “Presiding Officer”;
- (b) for “Order in Council” insert “proclamation under the Welsh Seal”.

Member’s explanatory statement

This amendment transfers the function of calling an extraordinary general election of the Welsh

Wales Bill, continued

Assembly from the Secretary of State to the Presiding Officer. The amendment also makes provision for the Welsh Seal to be used to call the extraordinary general election.

Secretary Alun Cairns

13

- ☆ Clause 8, page 10, leave out lines 3 to 10

Member's explanatory statement

This amendment removes the explicit requirements about the use of Welsh and English for statements made by the Presiding Officer under the new section 111A inserted in the Government of Wales Act 2006 by clause 8.

Secretary Alun Cairns

14

- ☆ Clause 12, page 12, leave out line 20

Member's explanatory statement

This is a drafting amendment consequential on amendment 18.

Secretary Alun Cairns

15

- ☆ Clause 12, page 12, line 21, after "119", insert "of the Government of Wales Act 2006"

Member's explanatory statement

This is a drafting amendment consequential on amendment 18.

Secretary Alun Cairns

16

- ☆ Clause 12, page 12, line 21, at end insert—

“() In section 124 of that Act (payments out of Welsh Consolidated Fund), after subsection (4) insert—

“(4A) A sum paid out of the Welsh Consolidated Fund may not 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

This amendment inserts provision in section 124 of the Government of Wales Act 2006 equivalent to section 65(3) of the Scotland Act 1998.

Secretary Alun Cairns

17

- ☆ Clause 12, page 12, line 22, after "130", insert "of that Act"

Member's explanatory statement

This is a drafting amendment consequential on amendment 18.

Secretary Alun Cairns

18

- ☆ Clause 12, page 13, line 31, at end insert—

“() Omit section 136 of that Act.

Wales Bill, continued

- () Sections 6 and 7 of the National Audit Act 1983 (value for money studies) do not apply in relation to a Wales public authority.”

Member’s explanatory statement

This amendment removes from the Comptroller and Auditor General the power to carry out examinations regarding payments into and out of the Welsh Consolidated Fund and the power to carry out value for money studies in relation to Wales public authorities (as to which, see clause 4).

Secretary Alun Cairns

19

- ☆ Clause 15, page 14, line 6, after “Wales”, insert “(Cynulliad Cenedlaethol Cymru)”

Member’s explanatory statement

This amendment inserts the Welsh name of the National Assembly for Wales.

Secretary Alun Cairns

20

- ☆ Clause 15, page 14, line 7, after “Commission”, insert “(Comisiwn Cynulliad Cenedlaethol Cymru)”

Member’s explanatory statement

This amendment inserts the Welsh name of the National Assembly for Wales Commission.

Secretary Alun Cairns

21

- ☆ Clause 15, page 14, line 8, after “Wales”, insert “(Deddfau Cynulliad Cenedlaethol Cymru)”

Member’s explanatory statement

This amendment inserts the Welsh name of Acts of the National Assembly for Wales.

Secretary Alun Cairns

22

- ☆ Clause 15, page 14, line 13, after “be)”, insert “, or the Welsh equivalent shown in subsection (1),”

Member’s explanatory statement

This amendment makes clear that subsection (2) of the inserted section 150A operates on changes to the Welsh names of the National Assembly for Wales, the National Assembly for Wales Commission and Acts of the National Assembly for Wales.

Secretary Alun Cairns

23

- ☆ Clause 38, page 32, line 12, after “generating station”, insert “granted planning permission or”.

Member’s explanatory statement

This amendment is to pick up the phrasing of the Town and Country Planning Act 1990, which refers to planning permission being granted rather than consent.

Wales Bill, *continued*

Secretary Alun Cairns

24

- ☆ Clause 38, page 32, line 25, after “generating station”, insert “granted planning permission or”.

Member’s explanatory statement

This amendment is to pick up the phrasing of the Town and Country Planning Act 1990, which refers to planning permission being granted rather than consent.

Secretary Alun Cairns

25

- ☆ Clause 42, page 34, line 26, at end insert—

“() In section 241 (marine licensing: Northern Ireland), in subsection (3)—

(a) in paragraph (a), for “or the Welsh inshore region” substitute “, the Welsh inshore region or the Welsh offshore region”;

(b) after that paragraph insert—

“(aa) any activity in the Welsh offshore region falling within the subject matter of Part 6 of the Merchant Shipping Act 1995 (pollution etc).”

Member’s explanatory statement

The subsection inserted by this amendment amends section 241 of the Marine and Coastal Access Act 2009 as subsections (2) to (4) amend sections 113, 236 and 240.

Secretary Alun Cairns

26

- ☆ Schedule 1, page 43, line 39, at end insert—

“() The reference to prosecutors in sub-paragraph (1)(c) does not prevent an Act of the Assembly from making provision about responsibility for the prosecution of devolved offences.

An offence is a “devolved offence” if provision for the creation of it is within the legislative competence of the Assembly.”

Member’s explanatory statement

This amendment makes clear that the reservation at paragraph 6 of inserted Schedule 7A does not affect the ability of an Assembly Act to specify who is to be the prosecutor of an offence within devolved competence.

Paul Flynn

1

- Schedule 1, page 50, line 32, at end insert—

“Exception

In the case of a betting premises licence under the Gambling Act 2005, other than one in respect of a track, the number of gaming machines authorised for which the maximum charge for use is more than £10 (or whether such machines are authorised).”

Member’s explanatory statement

This amendment would modify section B18 (betting, gaming and lotteries) of proposed Schedule 7A to the Government of Wales Act 2006 such that the number of gaming machines authorised by

Wales Bill, continued

a betting licence in Wales would fall within the legislative competence of the National Assembly for Wales. A corresponding amendment (NC2) proposes that powers be granted to the Welsh Ministers, under the Gambling Act 2005, to regulate the number of gaming machines authorised by a betting licence in Wales.

Jonathan Edwards
Liz Saville Roberts
Hywel Williams

61

★ Schedule 1, page 68, line 17, at end insert—

“Exceptions

Welsh language broadcasting and other Welsh language media.”

Member’s explanatory statement

This amendment would devolve competence to the National Assembly for Wales in relation to Welsh language broadcasting and other Welsh language media.

Paul Flynn

2

Schedule 1, page 72, line 28, leave out paragraph 184

Member’s explanatory statement

This amendment would modify section M4 (development and buildings) of Part 2 of proposed Schedule 7A to the Government of Wales Act 2006 such that the community infrastructure levy would fall within the legislative competence of the National Assembly for Wales.

Secretary Alun Cairns

27

☆ Schedule 1, page 73, line 11, leave out “(f),”

Member’s explanatory statement

This amendment removes the reference to section 14(1)(f) of the Planning Act 2008 from the definition of “relevant nationally significant infrastructure project”. Section 14(1)(f) applies only in relation to England, so the reference to it is superfluous.

Secretary Alun Cairns

28

☆ Schedule 1, page 75, leave out lines 7 to 10

Member’s explanatory statement

Without this amendment, an Assembly Act would be unable to extend or modify the functions of the Children’s Commissioner, even with the consent of the appropriate Minister: see paragraph 199 of the inserted Schedule 7A. The removal of Section N8 means that the position is governed by paragraphs 8 and 10 of the inserted Schedule 7B.

Secretary Alun Cairns

29

☆ Schedule 2, page 79, line 40, leave out “, 145, 145A”

Member’s explanatory statement

This amendment removes the prohibition on an Assembly Act amending section 145 or 145A of the Government of Wales Act 1998 (examinations and studies by the Auditor General for Wales).

Wales Bill, *continued*

- Secretary Alun Cairns 30
- ☆ Schedule 2, page 81, line 44, leave out “143” and insert “135”
Member’s explanatory statement
This amendment and amendment 31 are consequential on amendment 18.
- Secretary Alun Cairns 31
- ☆ Schedule 2, page 81, line 44, at end insert—
 “() sections 137 to 143;”
- Secretary Alun Cairns 32
- ☆ Schedule 2, page 83, leave out lines 43 and 44
Member’s explanatory statement
Paragraph 9(5) of inserted Schedule 7B is otiose (because paragraph 8 operates only on “reserved authorities”; whether a “devolved tribunal” is a reserved authority depends on whether it is a “Wales public authority”, which by definition it cannot be). So this amendment removes it.
- Secretary Alun Cairns 33
- ☆ Schedule 2, page 85, line 34, at end insert—
 “11A(1) In any enactment (whenever passed or made) not contained in this Act —
 (a) a reference to provision within the legislative competence of the Assembly does not include provision that could be made in an Act of the Assembly only with the consent of a Minister of the Crown (under paragraph 8, 10 or 11 or otherwise);
 (b) a reference to provision outside that competence includes provision that could be made in an Act of the Assembly only with such consent.
 (2) But paragraph 11(2) is to be ignored for the purposes of any such references.”
Member’s explanatory statement
This amendment makes clear that the various statutory references to provision that is within the legislative competence of the Welsh Assembly do not include provision that may be made by the Assembly only with consent of a Minister of the Crown, but do include provision that is subject only to a consultation requirement.
- Jonathan Edwards
 Liz Saville Roberts
 Hywel Williams 62
- ★ Schedule 2, page 85, line 34, at end insert—
 “11A The requirement for consent by the appropriate Minister under—
 (a) paragraph 8 above, in relation to a reserved authority,
 (b) paragraph 10 above, in relation to a public authority (other than a Wales public authority), or
 (c) paragraph 11 above, in relation to functions of a Minister of the Crown or any power of the Secretary of State under section 6 of the Railways Act 2006
 does not apply where the provision of an Act of the Assembly is in accordance with a decision of the Welsh Language Commissioner.
Member’s explanatory statement
This Amendment removes the requirement for Ministerial consent for Acts of the Assembly

Wales Bill, continued

affecting functions of reserved authorities, public authorities or Ministers where the Act of the Assembly is in accordance with a decision of the Welsh Language Commissioner.

- Secretary Alun Cairns 34
- ☆ Schedule 3, page 86, line 28, leave out “section 5 of”
Member’s explanatory statement
This amendment is consequential on amendment 35.
- Secretary Alun Cairns 35
- ☆ Schedule 3, page 87, leave out lines 40 and 41
Member’s explanatory statement
This amendment and amendment 36 remove references to provisions that have no application to England and Wales as a result of amendments made by the Marine and Coastal Access Act 2009.
- Secretary Alun Cairns 36
- ☆ Schedule 3, page 89, line 39, leave out from beginning to “and” in line 40
- Secretary Alun Cairns 37
- ☆ Schedule 3, page 92, leave out lines 6 and 7
Member’s explanatory statement
The entry for section 30 of the Jobseekers Act 1995 was included in error. This amendment removes it.
- Secretary Alun Cairns 38
- ☆ Schedule 3, page 93, line 3, at end insert—
“2A (1) The powers to make regulations under sections 10ZC, 10ZD and 53 of the Representation of the People Act 1983 (registration of electors), so far as they are exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, are exercisable by the Welsh Ministers concurrently with that Minister.
(2) In sub-paragraph (1)—
“elections in Wales” means—
(a) an election of Assembly members, or
(b) a local government election (within the meaning given by section 203 of the Representation of the People Act 1983) in Wales;
“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.”
Member’s explanatory statement
This amendment adds a paragraph to the inserted Schedule 3A reproducing the effect of clause 7(2)(b), (6)(b) and (10)(b), which makes certain regulation-making powers concurrently exercisable with the Welsh Ministers.
-

Wales Bill, *continued*

Secretary Alun Cairns

39

☆ Schedule 4, page 93, line 38, at end insert—

“The Advisory Panel to the Welsh Language Commissioner or Banel Cynghori Comisiynydd y Gymraeg.”

Member’s explanatory statement

This amendment and amendments 40, 41 and 42 add various boards etc to the new Schedule 9A inserted in the Government of Wales Act 2006 by the Bill. Schedule 9A is a list of Wales public authorities (as to which, see section 157A inserted by clause 4).

Secretary Alun Cairns

40

☆ Schedule 4, page 95, line 10, at end insert—

“The National Assembly for Wales Commissioner for Standards or Comisiynydd Safonau ar gyfer Cynulliad Cenedlaethol Cymru.

The National Assembly for Wales Remuneration Board or Bwrdd Taliadau Cynulliad Cenedlaethol Cymru.

The National Independent Safeguarding Board or Bwrdd Diogelu Annibynnol Cenedlaethol.”

Secretary Alun Cairns

41

☆ Schedule 4, page 96, line 10, at end insert—

“The Welsh Language Partnership Council or Gyngor Partneriaeth y Gymraeg.”

Secretary Alun Cairns

42

☆ Schedule 4, page 96, line 18, at end insert—

“The Welsh Revenue Authority or Awdurdod Cyllid Cymru.

The Welsh Scientific Advisory Committee or Pwyllgor Ymgynghorol Gwyddonol Cymru.

The Welsh Therapies Advisory Committee or Pwyllgor Cynghorol Therapiau Cymru.”

Secretary Alun Cairns

43

☆ Schedule 5, page 97, line 4, at the end insert—

“4A (1) Section 116 (Welsh Seal and Letters Patent) is amended as follows.

(2) In the heading, for “and Letters Patent” substitute “: Letters Patent and proclamations”.

(3) In subsection (3), at the end insert “and all royal proclamations under section 4(2) and section 5(4), which have passed under the Welsh Seal”.”

Member’s explanatory statement

This amendment inserts a paragraph into Schedule 5 of the Bill to allow Orders in Council to be used to make provision about the form, content and publication of proclamations under the provisions inserted by amendments 11 and 12.

Wales Bill, continued

Secretary Alun Cairns

44

☆ Schedule 5, page 105, line 2, at end insert—

“National Audit Act 1983 (c. 44)

28A (1) Section 6 of the National Audit Act 1983 (public departments etc) is amended as follows.

(2) In subsection (3) omit paragraphs (aa) and (ab).

(3) In subsection (3)(b) omit the words “, Schedule 9 to the National Health Service (Wales) Act 2006”.

(4) Omit subsection (3A).

28B (1) Section 8 of that Act (right to obtain documents and information) is amended as follows.

(2) In subsection (1) omit the words “and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission”.

(3) Omit subsections (3), (4) and (5).

28C In section 9 of that Act (reports to House of Commons) omit subsection (2).”

Member’s explanatory statement

The paragraphs inserted by this amendment are consequential on amendment 18.

Secretary Alun Cairns

45

☆ Schedule 5, page 108, line 10, at end insert—

“39A In section 36 of the Electricity Act 1989 (consents required for construction etc of generating stations), after subsection (8) insert—

“(8A) The Welsh Ministers may by regulations make provision about the grant of consents under section 36 or 37 in relation to Welsh waters, including in particular provision about—

(a) the making and withdrawal of applications;

(b) fees;

(c) publicity and consultation requirements;

(d) rights to make representations;

(e) public inquiries;

(f) consideration of applications.””

Member’s explanatory statement

The paragraph inserted by this amendment gives the Welsh Ministers power to determine the process applicable to applications for their consent under the Electricity Act 1989 - i.e. applications for consent for generating stations in Welsh waters that do not exceed 350 MW.

Secretary Alun Cairns

46

☆ Schedule 5, page 108, line 21, at end insert—

“40A(1) Schedule 8 to that Act (consents under sections 36 and 37) is amended as follows.

(2) In the heading, after “consents” insert “of the Secretary of State and the Scottish Ministers”.

Wales Bill, continued

(3) In paragraph 8 (supplemental), after sub-paragraph (1) insert—

“(1A) In this Schedule references to applications for consent shall not include applications to the Welsh Ministers.””

Member’s explanatory statement

This amendment is consequential on amendment 45.

Secretary Alun Cairns

47

☆ Schedule 5, page 108, line 31, at end insert—

“Human Fertilisation and Embryology Act 1990 (c. 37)

41A In section 45A of the Human Fertilisation and Embryology Act 1990 (power to make consequential provision), in subsection (4), for the words from “a Measure” to “an Act of the Assembly)” substitute “an Act of the Assembly”.”

Member’s explanatory statement

The paragraph inserted by this amendment removes an obsolete reference to Assembly Measures.

Secretary Alun Cairns

48

☆ Schedule 5, page 108, line 31, at end insert—

“Government of Wales Act 1998 (c. 38)

41B In section 145 of the Government of Wales Act 1998 (examinations into use of resources) omit subsection (6).

41C In Schedule 6 to that Act (Her Majesty’s Chief Inspector of Education and Training in Wales) omit paragraph 9.

Care Standards Act 2000 (c. 14)

41D In Schedule 2 to the Care Standards Act 2000 (the Children’s Commissioner for Wales) omit paragraph 12.”

Member’s explanatory statement

The paragraphs inserted by this amendment are consequential on amendment 18.

Secretary Alun Cairns

49

☆ Schedule 5, page 108, line 31, at end insert—

“Local Government Act 2000 (c. 22)

41E In section 7 of the Local Government Act 2000 (power to modify enactments concerning plans etc: Wales), in subsection (9), for the words after “For the purposes of subsection (8),” substitute “section 108A of the Government of Wales Act 2006 (legislative competence) has effect as if subsection (2)(c) of that section and paragraph 1 of Schedule 7B to that Act were omitted.”

Female Genital Mutilation Act 2003 (c. 31)

41F (1) Section 5C of the Female Genital Mutilation Act 2003 (guidance) is amended as follows.

(2) In subsection (4)(a), for “a body exercising devolved Welsh functions” substitute “a Wales public authority”.

Wales Bill, *continued*

(3) For subsection (5) substitute—

“(5) In subsection (4)(a) “Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Member’s explanatory statement

The paragraphs inserted by this amendment amend a statutory provision referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill) and substitute a reference to “Wales public authorities” (see clause 4).

Secretary Alun Cairns

50

☆ Schedule 5, page 108, line 31, at end insert—

“Energy Act 2004 (c. 20)

41G (1) Section 192 of the Energy Act 2004 (powers exercisable by statutory instrument) is amended as follows.

- (2) In subsection (1), after “the Secretary of State” insert “, the Welsh Ministers”.
- (3) In subsection (2)(a), after “regulations” insert “made by the Secretary of State or the Treasury”.
- (4) After subsection (2) insert—

“(2A) Where —

- (a) this Act provides for an order or regulations made by the Welsh Ministers to be subject to the negative resolution procedure, and
- (b) a draft of the order or regulations has not been required, in accordance with this or any other enactment, to be laid before and approved by a resolution of the National Assembly for Wales,

the statutory instrument containing the order or regulations shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

- (5) In subsection (3), for “the power” substitute “a power of the Secretary of State or the Treasury”.
- (6) In subsection (4), after “the Secretary of State” insert “, the Welsh Ministers”.

41H In Schedule 16 to that Act (applications and proposals for notices under section 95), in paragraph 9(a), after “the Secretary of State” insert “or the Welsh Ministers”.

Member’s explanatory statement

The paragraphs inserted by this amendment deal with the negative resolution procedure for regulations etc made by the Welsh Ministers under the modified Energy Act 2004.

Secretary Alun Cairns

51

☆ Schedule 5, page 108, line 31, at end insert—

“Public Services Ombudsman (Wales) Act 2005 (c. 10)

41I In Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 (appointment etc) omit paragraph 20.

Wales Bill, continued

Commissioner for Older People (Wales) Act 2006 (c. 30)

41J In Schedule 1 to the Commissioner for Older People (Wales) Act 2006 (the Commissioner) omit paragraph 14.”

Member’s explanatory statement

The paragraphs inserted by this amendment are consequential on amendment 18.

Secretary Alun Cairns

52

☆ Schedule 5, page 108, line 31, at end insert—

“Legislative and Regulatory Reform Act 2006 (c. 51)

41K (1) Section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which sections 21 and 22 apply) is amended as follows.

(2) Omit the definition of “Welsh regulatory function” in subsection (10).

(3) After that subsection insert—

“(11) For the purposes of this section a regulatory function is a “Welsh regulatory function” if or to the extent that it is exercisable in relation to Wales and is a function which—

(a) could be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of the Government of Wales Act 2006), or

(b) relates to matters in respect of which functions are exercisable by the Welsh Ministers.”

41L In section 27 of that Act (power to make orders, rules and schemes), in subsection (6), for paragraph (c) substitute—

“(c) so far as they are powers that—

(i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or

(ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,

shall also be exercisable by the Welsh Ministers.”

Statistics and Registration Service Act 2007 (c. 18)

41M In section 66 of the Statistics and Registration Service Act 2007 (devolved statistics), for subsection (3) substitute—

“(3) In this Part “Welsh devolved statistics” means statistics which relate to the exercise of functions by a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006), other than statistics produced by a person acting on behalf of—

(a) the Crown, or

(b) a public authority,

in the exercise of functions that could not be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of that Act).”

Wales Bill, continued

Consumers, Estate Agents and Redress Act 2007 (c. 17)

- 41N In section 37 of the Consumers, Estate Agents and Redress Act 2007 (extension of the functions of Citizens Advice etc), in subsection (5), for the words from “a Measure” to “an Act of the Assembly” substitute “an Act of the Assembly”.

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

- 41O In section 74 of the Regulatory Enforcement and Sanctions Act 2008 (general interpretation), in paragraph (a) of the definition of “devolved Welsh matter”, for “section 108” substitute “section 108A”.

Human Fertilisation and Embryology Act 2008 (c. 22)

- 41P In section 64 of the Human Fertilisation and Embryology Act 2008 (power to make consequential and transitional provision etc), in subsection (6), for the words from “a Measure” to “an Act of the Assembly” substitute “an Act of the Assembly”.

Climate Change Act 2008 (c. 27)

- 41Q In section 70 of the Climate Change Act 2008 (interpretation), in subsections (4)(b) and (6)(b), for “relating to matters within” substitute “capable of being conferred by provision falling within”.

Member’s explanatory statement

The new paragraphs inserted by in this amendment amend statutory provisions referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill) and remove obsolete references to Assembly Measures.

Secretary Alun Cairns

53

- ☆ Schedule 5, page 108, line 31, at end insert—

“Planning Act 2008 (c. 29)

- 41R In section 149A of the Planning Act 2008 (deemed consent under a marine licence), in subsection (3)(b), after “the Secretary of State” insert “or the Welsh Ministers”.
- 41S Omit section 202 of that Act (powers of National Assembly for Wales).
- 41T In Schedule 5 to that Act (provision relating to, or to matters ancillary to, development), in paragraphs 30A and 30B, after “the Secretary of State” insert “or the Welsh Ministers”.

Member’s explanatory statement

Section 202 of the Planning Act 2008 is repealed by this amendment because it amends a provision that has itself been repealed. The other two amendments are consequential on the fact that the Welsh Ministers will be able to issue marine licences in Welsh waters beyond the territorial sea.

Secretary Alun Cairns

54

- ☆ Schedule 5, page 108, line 38, at end insert—

- “43 In section 13 of that Act (safety zones: functions under section 95 of the Energy Act 2004), in subsection (3)—
- (a) in paragraph (a) omit “or”;

Wales Bill, continued

- (b) after paragraph (b) insert—
 “(c) any area of the Welsh inshore region, or
 (d) any area of the Welsh offshore region.””

Member’s explanatory statement

The paragraph inserted by this amendment amends section 13 of the Marine and Coastal Access Act 2009 as paragraph 42 amends section 12.

Secretary Alun Cairns

55

- ☆ Schedule 5, page 108, line 38, at end insert—

“44 In section 60 of that Act (meaning of “retained functions” etc), in subsection (4), in paragraph (c) of the definition of “secondary devolved Welsh functions”, for “relating to matters within” substitute “they are capable of being conferred by provision falling within”.”

Member’s explanatory statement

The paragraph inserted by this amendment amends a statutory provision referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill).

Secretary Alun Cairns

56

- ☆ Schedule 5, page 108, line 38, at end insert—

“45 (1) Section 78 of that Act (special procedure for applications relating to harbour works) is amended as follows.

- (2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.
 (3) In subsection (6), at the beginning insert “Subject to subsection (6B)”.
 (4) After that subsection insert—

“(6A) The Welsh Ministers may by regulations—

- (a) make provision falling within subsection (7) for cases where—
 (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
 (b) make provision falling within subsection (7) or (8) for cases where—
 (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 (ii) they have concluded that one of the applications is not going to be made.

(6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the harbour order authority.”

- 46 (1) Section 79 of that Act (special procedure for applications relating to certain electricity works) is amended as follows.
 (2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.
 (3) In subsection (6), at the beginning insert “Subject to subsection (6B)”.
 (4) After that subsection insert—

Wales Bill, continued

- “(6A) The Welsh Ministers may by regulations—
- (a) make provision falling within subsection (7) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
 - (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
 - (b) make provision falling within subsection (7) or (8) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
 - (ii) they have concluded that one of the applications is not going to be made.
- (6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the generating station authority.
- (5) In subsection (9), in the definition of “generating station authority”, at the end insert—
- “(c) the Welsh Ministers, in any case where the generating station application falls (or would fall) to be determined by the Welsh Ministers;”.

Member’s explanatory statement

This amendment gives the Welsh Ministers powers to make provision about the application procedure to be followed in circumstances where they are both the marine licence authority and the harbour order authority or generating station authority.

Secretary Alun Cairns

57

☆ Schedule 5, page 108, line 38, at end insert—

“Welfare Reform Act 2009 (c. 24)

- 47 In section 45 of the Welfare Reform Act 2009 (the appropriate authority by which regulations under section 41 are made), in subsection (2)(b), for the words from “a Measure” to “an Act of the Assembly)” substitute “an Act of the Assembly”.

Equality Act 2010 (c. 15)

- 48 (1) Section 2 of the Equality Act 2010 (power to amend section 1) is amended as follows.
- (2) In subsection (6), for the words from “an authority” to “correspond” substitute “a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond”.
- (3) In subsection (11) omit paragraph (b).
- 49 (1) Section 157 of that Act (interpretation) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) A relevant Welsh authority is a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.”

Wales Bill, continued

(3) For subsection (5) substitute—

“(5) A function is a devolved Welsh function if—

- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Flood and Water Management Act 2010 (c. 29)

50 In section 28 of the Flood and Water Management Act 2010 (power to make further amendments), in subsection (3), for paragraph (a) substitute—

“(a) the Welsh Ministers, where the amendment—

- (i) relates to a matter in respect of which functions may be exercised by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (ii) would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly, and”.

Budget Responsibility and National Audit Act 2011 (c. 4)

51 In Schedule 5 to the Budget Responsibility and National Audit Act 2011 (consequential amendments relating to Part 2) omit paragraphs 26 to 28.

52 Omit Schedule 6 to that Act (amendments of Schedules 5 and 7 to the Government of Wales Act 2006).

Police Reform and Social Responsibility Act 2011 (c. 13)

53 In Schedule 16 to the Police Reform and Social Responsibility Act 2011 (minor and consequential amendments) omit paragraph 353.

Localism Act 2011 (c. 20)

54 In section 51 of the Localism Act 2011 (meaning of “public authority” and related terms), in subsection (6)(c), for “section 108” substitute “section 108A”.

55 In section 61 of that Act (meaning of “Welsh public authority” and related terms), in subsection (4), for “section 108” substitute “section 108A”.

56 In Schedule 13 to that Act (Infrastructure Planning Commission: transfer of functions to Secretary of State) omit paragraph 79.

Protection of Freedoms Act 2012 (c. 9)

57 In Schedule 3 to the Protection of Freedoms Act 2012 (corresponding code of practice for Welsh devolved powers of entry), in paragraph 1(1), for the words after paragraph (a) substitute—

“(b) associated powers.

The code may only contain provision that would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly.”

Wales Bill, *continued*

Energy Act 2013 (c. 32)

- 58 In Schedule 12 to the Energy Act 2013 (minor and consequential amendments) omit paragraph 90.

Public Audit (Wales) Act 2013 (anaw 3)

- 59 In Schedule 4 to the Public Audit (Wales) Act 2013 (minor and consequential amendments) omit paragraph 78.

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- 60 In Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (minor and consequential amendments) omit paragraph 43.

Water Act 2014 (c. 21)

- 61 In Schedule 7 to the Water Act 2014 (further amendments) omit paragraph 135.

Wales Act 2014 (c. 29)

- 62 In section 6 of the Wales Act 2014 (taxation: introductory) omit subsections (3) and (7) to (9).
- 63 In section 7 of that Act (amendments relating to the Commissioners for Revenue and Customs) omit subsection (14).
- 64 Omit section 22 of that Act (budgetary procedures).

Counter-Terrorism and Security Act 2015 (c. 6)

- 65 In section 29 of the Counter-Terrorism and Security Act 2015 (power to issue guidance), in subsection (4)(a), for “a Welsh authority” substitute “a Wales public authority”.
- 66 In section 30 of that Act (power to give directions: general), in subsection (3), for “a Welsh authority” substitute “a Wales public authority”.
- 67 (1) Section 35 of that Act (Chapter 1: interpretation), is amended as follows.
- (2) For subsection (4) substitute—
- “(4) “Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”
- (3) For subsection (5) substitute—
- “(5) A function is a “devolved Welsh function” if—
- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Deregulation Act 2015 (c. 20)

- 68 (1) Section 109 of the Deregulation Act 2015 (functions to which section 108 of that Act applies) is amended as follows.
- (2) In subsection (3)(c), for “relates to matters which are devolved Welsh matters” substitute “could be conferred by provision falling within the legislative competence of the National Assembly for Wales”.

Wales Bill, continued

- (3) In subsection (6) omit the definition of “devolved Welsh matter”.

Small Business, Enterprise and Employment Act 2015 (c. 26)

- 69 In section 18 of the Small Business, Enterprise and Employment Act 2015 (power to specify regulatory functions), in subsection (5)(c), for “section 108” substitute “section 108A”.
- 70 In section 22 of that Act (meaning of “qualifying regulatory provisions” etc), in subsection (7)(c), for “section 108” substitute “section 108A”.
- 71 In section 39 of that Act (regulations about procurement), in subsection (4)—
- (a) after “if” insert “it is a Wales public authority (within the meaning given by section 157A of the Government of Wales Act 2006) or if”;
 - (b) in paragraph (b) omit “or”;
 - (c) omit paragraph (c).
- 72 (1) Section 153C of that Act (power to relax restriction on public sector exit payments) is amended as follows.
- (2) In subsections (5)(b), (8)(a) and (8)(b), for “relevant Welsh authority” substitute “Wales public authority”.
 - (3) In subsection (9), for the definition of “relevant Welsh authority” substitute—
““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”
- 73 In section 157 of that Act (power of Secretary of State to waive repayment requirement), in subsection (6)(b), for the words after “responsible authorities who” substitute “are Wales public authorities within the meaning given by section 157A of the Government of Wales Act 2006”.

Housing and Planning Act 2016 (c. 22)

- 74 (1) Section 207 of the Housing and Planning Act 2016 (engagement with public authorities in relation to proposals to dispose of land) is amended as follows.
- (2) In subsection (6)—
 - (a) omit “or” at the end of paragraph (a);
 - (b) omit paragraph (b). - (3) After that subsection insert—
“(6A) Regulations under subsection (3) may not be made so to require a Wales public authority to carry out engagement under subsection (2).”
 - (4) In subsection (7), at end insert—
““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”
- 75 (1) Section 208 of that Act (duty of public authorities to prepare report of surplus land holdings) is amended as follows.
- (2) For subsection (10) substitute—
“(10) Regulations may not specify a Wales public authority for the purposes of subsection (1).”
 - (3) In subsection (12), at the end insert—
““Wales public authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Wales Bill, *continued**Immigration Act 2016 (c. 19)*

- 76 In section 78 of the Immigration Act 2016 (meaning of “public authority”), in subsection (5), for “functions relate to a matter which is outside” substitute “functions are functions that could not be conferred by provision falling within”.

Member’s explanatory statement

The new paragraphs inserted by this amendment remove an obsolete reference to Assembly Measures; substitute references to “Wales public authorities” (see clause 4); amend statutory provisions referring to the legislative competence of the Welsh Assembly (to reflect the Government of Wales Act 2006 as amended by the Bill); and remove provisions amending enactments repealed by the Bill.

Secretary Alun Cairns

58

☆ Schedule 6, page 110, line 32, leave out sub-paragraph (1) and insert—

- “(1) The amendments made by sections 36 to 38 and paragraphs 39A and 40A of Schedule 5 do not apply in relation to the determination of an application that is made before the date on which section 36 of this Act comes into force.
- (1A) For the purposes of paragraph (1)—
- (a) an application under section 37 of the Planning Act 2008 is not made until its acceptance has been notified to the applicant under section 55 of that Act;
 - (b) an application under section 36 of the Electricity Act 1989 is not made until the requirements in paragraph 1(1) of Schedule 8 to that Act (as modified by paragraph 7A(3) of that Schedule) are met;
 - (c) an application under section 36C of the Electricity Act 1989 is not made until the appropriate authority (as defined in section 36C(6)) has given notice under regulation 4(6) of the Electricity Generating Stations (Variation of Consent) (England and Wales) Regulations 2013 (S.I. 2013/648).”

Member’s explanatory statement

This amendment creates a transitional period so that the Secretary of State will be responsible for pre-commencement applications for consent to build and operate generating stations, for declarations and for variations of existing consents under the Planning Act 2008 or the Electricity Act 1989.

Secretary Alun Cairns

59

☆ Schedule 6, page 111, line 42, at end insert—

“Safety zones around renewable energy installations

- 10 The amendments made by section (*Safety zones around renewable energy installations*) do not apply in relation to the determination of an application made under section 95(3)(a) of the Energy Act 2004 that is made before the date on which section (*Safety zones around renewable energy installations*) of this Act comes into force.
- 11 For the purposes of paragraph 10 an application is not made until the requirements of paragraph 3 of Schedule 16 to the Energy Act 2004 are met,

Wales Bill, continued

including the supply of any information prescribed by regulations made under paragraph 3(2)(b) of that Schedule.”

Member’s explanatory statement

This amendment creates a transitional period so that the Marine Management Organisation will continue to be responsible for pre-commencement applications for the creation of safety zones under section 95 of the Energy Act 2004.

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
<i>Proceedings</i>	
<i>Second day</i>	
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

Wales Bill, *continued*

Proceedings

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

Time for conclusion of proceedings

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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