



National Assembly for Wales Cynulliad Cenedlaethol Cymru

The National Assembly for Wales: Legislation and legislative competence since May 2007

The purpose of this paper is to provide Assembly Members with an overview of the Welsh Assembly Government's legislative programme for the 2007/08 Assembly session and to update Members on progress. In addition, this paper provides information on Member proposed Assembly legislation and on framework powers conferred by Westminster.

This paper will be updated and reissued at the start of each term.

November 2007



The National Assembly for Wales: Legislation and legislative competence since May 2007

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Executive Summary

In plenary on 6 June 2007, the First Minister, The Rt. Hon. Rhodri Morgan AM, announced the Welsh Assembly Government's ('the Government') intention to bring forward **six legislative competence orders** (LCOs) and **three Assembly Measures** during the 2007/08 Assembly session.

The Counsel General and Leader of the House, Carwyn Jones AM, followed this announcement with a written statement on the progress of the Government's legislative programme on 25 September 2007.

To date, the Government has laid three proposed LCOs before the Assembly for pre-legislative scrutiny. These are in relation to Additional Learning Needs, Environmental Protection and Waste Management and Vulnerable Children and Child Poverty. The Government has indicated that two further LCOs will be brought forward during the autumn term, in relation to Domiciliary Care and Affordable Housing respectively, and that the final LCO announced, in relation to the Welsh Language, will be drafted by the spring term 2008.

Pre-legislative scrutiny of the Additional Learning Needs LCO is also being conducted by the Welsh Affairs Select Committee of the House of Commons. In the House of Lords, the Constitution Committee has completed its consideration of the Additional Learning Needs LCO.

The first proposed Assembly Measure, the proposed *NHS Redress (Wales) Measure 2007*, has been introduced to the Assembly and is currently undergoing 'stage one' scrutiny by an Assembly Committee. A second proposed Assembly Measure concerned with Learner Travel has been published for consultation and will be laid before the Assembly in December 2007. The third proposed Assembly Measure announced is in relation to 14-19 Learning Pathways and is in the process of being drafted. It will be published for consultation early in 2008.

In addition to the Welsh Assembly Government's proposed legislative programme, a number of Assembly Members have been granted leave by the Assembly to bring forward their own LCOs and Assembly Measures following success in the legislative ballot. LCOs in relation to Domestic Fire Safety and Mental Health Reform and an Assembly Measure in relation to Healthier School Meals are in the process of being drafted.

During the current Assembly, two Acts of Parliament have been passed that will devolve Assembly Measure-making powers to the National Assembly for Wales in December 2007. Six new Matters in relation to Education and Training, and five new Matters in relation to Local Government will be inserted into Fields 5 and 12, respectively, of Schedule 5 to the *Government of Wales Act 2006*.

The UK Government announced its 2007/08 legislative programme on 6 November 2007. It includes three Bills that contain framework powers for Wales.



1. Legislative Competence Orders – Summary of Progress

The table below provides a brief summary of the progress of the six Legislative Competence Orders (LCOs) that the Welsh Assembly Government has brought forward during the current Assembly year.

Welsh Assembly Government Proposed LCOs				
LCO	Stage	Institution considering	Date laid	To report by
Proposed Additional Learning Needs LCO	Pre legislative scrutiny	NAfW, HC, HL *	11 June 2007	30 November 2007
Proposed Environmental Protection and Waste Management LCO	Pre legislative scrutiny	NAfW	11 June 2007	30 November 2007
Proposed Vulnerable Children LCO	Pre legislative scrutiny	NAfW	9 July 2007	25 January 2008
Domiciliary Care LCO	Not yet introduced	NAfW	Autumn 2007 (provisional)	-
Affordable Housing LCO	Not yet introduced	NAfW	Autumn 2007 (provisional)	-
Welsh Language LCO	Not yet introduced	NAfW	Spring 2008 (provisional)	-

The table below provides a brief summary of the progress of the two Member proposed LCOs that are to be brought forward during the current Assembly.

Member Proposed LCOs				
LCO	Stage	Institution considering	Date laid	To report by
Proposed Domestic Fire Safety LCO (Ann Jones AM)	Currently being drafted	NAfW	-	-
Proposed Mental Health Reform LCO (Jonathan Morgan AM)	Currently being drafted	NAfW	November 2007 (provisional)	-

*NAfW = National Assembly for Wales

HC = House of Commons

HL = House of Lords

2. Welsh Assembly Government Proposed LCOs

2.1 Proposed Additional Learning Needs LCO

Quick links:	Proposed National Assembly for Wales (Legislative Competence) Order 2007
	National Assembly Webpage House of Commons House of Lords

The proposed *National Assembly for Wales (Legislative Competence) Order 2007* relating to additional learning needs ('the proposed LCO') is currently undergoing **pre-legislative scrutiny**. This is being conducted by a legislation committee of the National Assembly for Wales, the Welsh Affairs Committee in the House of Commons and the Constitution Committee in the House of Lords.

- The Assembly Committee dealing with this LCO will report to the Assembly by 30 November 2007.
- The House of Commons Welsh Affairs Committee issued a [call for evidence](#), which has now closed. It took evidence on the proposed LCO on 07 November 2007.
- The House of Lords Constitution Committee has conducted a detailed legal examination of the proposed LCO and, with the exception of a few technical drafting points, has cleared the proposed LCO.

Progress at the Assembly

The proposed LCO is being considered by a legislation committee: [The Proposed Additional Learning Needs LCO Committee](#). This Committee launched a consultation exercise and has taken oral evidence from a range of key stakeholders during the course of its meetings to date. The Committee has taken oral evidence from:

- The Welsh Local Government Association
- The Association of Education Directors in Wales
- The Disability Rights Commission
- The Children's Commissioner for Wales
- The All Wales Speech and Language Therapy Managers Committee
- Estyn

The Committee took evidence from the Minister for Children, Education, Lifelong Learning and Skills at the beginning of its scrutiny. After gathering evidence from stakeholders, the Committee scrutinised the Minister for a second time at its meeting on 18 October 2007.

The Committee will report to the Assembly by 30 November.

Some of the key issues raised during the course of the Committee's evidence gathering sessions have been:

- The term 'greater difficulty in learning'
- The definition of 'disability'
- The exclusion of travel arrangements

Progress in Westminster

The Welsh Affairs Committee (House of Commons)

The Welsh Affairs Committee (WAC) is in the process of scrutinising this proposed LCO. It launched a call for evidence that closed on 1 October 2007¹. The questions contained within this call for evidence demonstrate that the Welsh Affairs Committee is looking at the proposed LCO in a different way to the Assembly Committee.

The WAC took evidence from the Parliamentary Under-Secretary of State for Wales, Huw Irranca-Davies MP, and officials, on 07 November 2007². The questioning concentrated on similar issues to those raised by the Assembly's Committee. Jane Hutt AM, the Minister for Children, Education, Lifelong Learning and Skills will be giving evidence to the WAC on 21 November 2007.

The Select Committee on the Constitution (House of Lords)

The Constitution Committee has scrutinised the proposed LCO. It has reached the conclusion that no matters of constitutional principle arise from this proposed LCO, though the Committee did highlight a few technical drafting points. The Constitution Committee made a recommendation to the Welsh Assembly Government in relation to the explanatory memorandum that accompanied the proposed LCO:

'The Memoranda from the Welsh Assembly Government that accompany the proposed LCOs are important in enabling everyone who is required to consider the LCO to understand fully its scope and context. We consider that it would aid clarity if in future a copy of Schedule 5 to the 2006 Act – showing paragraphs that are in force and those proposed by the LCO – were to be annexed to each memorandum, with footnotes indicating the source of each amendment.'³

The Constitution Committee will not be reporting on this specific LCO. However, it will be producing a short report by the end of the year on LCOs for all Members of the House of Lords.

2.2 Proposed Environmental Protection and Waste Management LCO

Quick links:	Proposed National Assembly for Wales (Legislative Competence)(No.2) Order 2007 National Assembly Webpage
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The proposed *National Assembly for Wales (Legislative Competence) (No.2) Order 2007* in relation to environmental protection and waste management ('the proposed LCO') is currently undergoing **pre-**

¹ [House of Commons, Welsh Affairs Committee Press Notice No.11 2006-7, Proposed Legislative Competence Order in Council: Additional Learning Needs, 31 July 2007](#)

² [House of Commons, Welsh Affairs Committee, Uncorrected transcript of oral evidence, HC 44-i, 7 November 2007](#)

³ Chairman of the House of Lords Select Committee on the Constitution. Letter to the Secretary of State for Wales. 23 October 2007

legislative scrutiny. This is being conducted by a legislation committee of the National Assembly for Wales: The [Proposed Environmental Protection and Waste Management LCO Committee](#).

This Committee launched a consultation exercise and has taken oral evidence from a range of key stakeholders during the course of its meetings to date. The Committee has taken oral evidence from:

- The Welsh Local Government Association
- Wales Environment Link
- Environment Agency Wales
- Countryside Council for Wales
- CBI Wales
- Welsh Association of Chief Police Officers

The Minister for Environment, Sustainability and Housing gave evidence to the Committee on 25 September 2007. She has since [written to the Committee](#) on three occasions to clarify several issues that have arisen.

At a private meeting, on 16 October 2007, the Committee considered a summary of the evidence it has received and the key issues that have been raised. The Minister gave further evidence to the Committee on 6 November 2007.

The Committee will report to the Assembly on the proposed LCO by 30 November 2007.

Some of the key issues raised during the course of the Committee's evidence gathering sessions have been:

- Clarity of terms used in Matters 6.1 and 6.2
- The scope of the LCO
- The excepted matters that relate to this LCO

2.3 Proposed Vulnerable Children LCO

Quick links:	Proposed National Assembly for Wales (Legislative Competence)(No.3) Order 2007 National Assembly Webpage
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The proposed *National Assembly for Wales (Legislative Competence) (No.3) Order 2007* in relation to vulnerable children ('the proposed LCO') is currently undergoing **pre-legislative scrutiny**. This is being conducted by a legislation committee of the National Assembly for Wales: [The Proposed Vulnerable Children LCO Committee](#).

This Committee has launched a consultation exercise which closed on 2 November 2007. The Committee took evidence from the Deputy Minister for Health and Social Services on 25 October 2007. The Committee has also taken evidence from:

- The British Association of Social Workers
- Children's Commissioner for Wales
- Children in Wales
- MIND Cymru
- Barnardo's
- Equality and Human Rights Commission

The Committee will report to the Assembly by 25 January 2008.

2.4 Domiciliary Care LCO

The Domiciliary Care LCO has not been laid before the Assembly. It is expected to be laid during the **second half of the autumn term 2007**.

In a [written cabinet statement on the 25 September 2007](#)⁴ ('cabinet statement'), the Leader of the House outlined the basic aim of this LCO:

'The domiciliary care order will enable the Assembly to legislate to create a more level playing field in relation to charges for home care'

In the cabinet statement the Leader of the House also stated, in relation to this, and the Affordable housing LCO:

'Both these items of legislation are currently being discussed with the UK Government and I hope that agreement on the text of the orders can be reached shortly. It is therefore our intention that both these LCOs will be brought forward to you this autumn.'

The First Minister reiterated this in [Plenary on Tuesday 23 October 2007](#)⁵:

'The Government will be introducing in the second part of the autumn term two further legislative items—on domiciliary care charges and on affordable housing. These will be legislative competence Orders.'

2.5 Affordable Housing

The Affordable Housing LCO has not been laid before the Assembly. It is expected to be laid in the **second half of the autumn term 2007**.

⁴ [Welsh Assembly Government Written Cabinet Statement, The Progress of the Welsh Assembly Government's Legislative Programme, 25 September 2007](#)

⁵ [RoP p.64, 23 October 2007](#)

In a [written cabinet statement on the 25 September 2007](#), the Leader of the House outlined the basic aim of this LCO:

'Access to affordable housing is a fundamental issue for people in many parts of Wales. The Order on this topic will enable the Assembly to legislate to help maintain the stock of housing for rent in areas of housing pressure, as part of the strategy for tackling this issue.'

In the cabinet statement the Leader of the House also stated, in relation to this, and the Domiciliary Care LCO:

'Both these items of legislation are currently being discussed with the UK Government and I hope that agreement on the text of the orders can be reached shortly. It is therefore our intention that both these LCOs will be brought forward to you this autumn.'

The First Minister reiterated this in [Plenary on Tuesday 23 October 2007](#):

'The Government will be introducing in the second part of the autumn term two further legislative items—on domiciliary care charges and on affordable housing. These will be legislative competence Orders.'

2.6 Welsh Language LCO

The Welsh Language LCO has not been laid before the Assembly. It is expected to be laid in the **spring of 2008**.

In a [written cabinet statement from the 25 September 2007](#), the Leader of the House announced a 'slightly longer timeframe' for the introduction of the Welsh Language LCO:

'This LCO is following a slightly longer timeframe and as you will appreciate this is an important issue that we need to get right. Nonetheless, we are in the process of developing this commitment and we should be in a position to bring forward a draft LCO in the Spring of 2008.'

3. Member proposed LCOs

3.1 The Proposed Domestic Fire Safety LCO

Ann Jones AM has been granted leave by the National Assembly for Wales to bring forward a legislative competence order in relation to domestic fire safety⁶. The [outline proposed LCO](#) that was submitted to the ballot seeks:

'Provision to ensure that all new build housing in Wales is fitted with automatic fire sprinklers systems.'

This proposed LCO is currently in the process of being drafted.

3.2 The Proposed Mental Health Reform LCO

Jonathan Morgan AM has been granted leave by the National Assembly for Wales to bring forward a legislative competence order in relation to Mental Health Reform. The [outline proposed LCO](#) that was submitted to the ballot states:

⁶ [RoP p79-100, 10 October 2007](#)



'The proposed Order would add a Matter under Field 9 of Schedule 5 of the Government of Wales Act 2006 about and in connection with mental health.'

Jonathan Morgan AM, during the plenary debate on this proposal, outlined his desired timetable for the introduction of the proposed LCO:

'If the Assembly approves this motion today, I propose to attempt to produce a proposed Order, along with all of the relevant documentation, before the end of the year. I was hoping to do it before the end of November. I would then ensure a three-month consultation period with all the relevant stakeholders from outside the Assembly who would wish to examine the detail. No doubt, an Assembly committee would also wish to be involved. Subject to any amendments, I would then produce a draft Order'⁷

The Minister for Health and Social Services, Edwina Hart AM, in responding to Jonathan Morgan's proposal, has offered Government support in the development of this proposed LCO:

'I am happy to support the motion and to offer Government support to Jonathan's development of the LCO.'⁸

⁷ [RoP p71-88, 17 October 2007](#)

⁸ *Ibid* p.85

4. Proposed Assembly Measures – Summary of Progress

The table below provides a brief summary of the progress of the three Assembly Measures that the Welsh Assembly Government has brought forward during the current Assembly session.

Welsh Assembly Government Proposed Assembly Measures			
Assembly Measure	Stage	Date introduced	To report by
<u>The Proposed NHS Redress (Wales) Measure 2007</u>	Stage one consideration	02 July 2007	14 December 2007 (may be subject to change)
<u>The Draft Learner Travel (Wales) Measure</u>		Unclear	-
<u>The proposed 14-19 Learning Pathways Measure</u>	Not published	2008 (expected)	-

The table below provides a brief summary of the progress of the two Assembly Measures that Members have proposed to bring forward during the current Assembly session.

Member Proposed Assembly Measures			
Assembly Measure	Stage	Date introduced	To report by
<u>The Proposed Healthier School Meals Measure (Jenny Randerson AM)</u>	Currently being drafted	-	-
<u>The Proposed School Closures (Consultation and Categories) Measure (Mike German AM)</u>	Refused leave to introduce	-	-

*NAfW = National Assembly for Wales

5. Welsh Assembly Government Proposed Measures

5.1 *The Proposed NHS Redress (Wales) Measure 2007*

The [Proposed NHS Redress \(Wales\) Measure 2007](#) ('the proposed Measure') is currently undergoing **stage one consideration**. This is being conducted by a committee of the National Assembly for Wales: [The Proposed NHS Redress \(Wales\) Measure Committee](#). Committee consideration of this proposed Measure is due to be completed and reported to the Assembly by 14 December 2007. However, the Committee has made a request to the Business Committee to extend the time allowed for stage one consideration of this Measure.

The Committee conducted a consultation exercise and received [34 written submissions](#). The Committee has also taken oral evidence from a range of key stakeholders during the course of its meetings to date, including evidence from:

- Welsh Board of Community Health Councils
- Citizens Advice Cymru
- Bro Morgannwg NHS Trust
- Medical Protection Society
- British Medical Association
- Royal College of Nursing Wales
- The Law Society
- Medical Defence Union
- Action Against Medical Accidents
- Welsh Health Legal Services
- Welsh Risk Pool
- Welsh NHS Confederation

Further information on the progress of this proposed Measure is available from [the Proposed NHS Redress \(Wales\) Measure 2007 website](#).

5.2 *The Draft Learner Travel (Wales) Measure*

The [Draft Learner Travel \(Wales\) Measure](#) ('the Draft Measure') has been published by the Welsh Assembly Government as a consultation draft⁹. The [Enterprise and Learning Committee](#) of the National Assembly for Wales has taken evidence on specific elements of the Measure with a view to contributing to the Government's consultation on the draft.

The Committee held three scrutiny sessions where it took oral evidence from key stakeholders:

- Fforwm
- Association of School and College Leaders (ASCL) Cymru
- National Association of Headteachers (NAHT) Cymru
- Governors Wales
- Welsh Secondary Schools Association (WSSA)
- Children's Commissioner
- Belt up School Kids (BUSK)
- Stuart's Campaign
- Rhieni dros Addysg Gymraeg (RhAG)
- Association of Transport Co-ordinators (ACTO)
- Confederation of Passenger Transport (CPT)
- Welsh Local Government Association (WLGA)

The Committee also noted papers submitted by Sustrans, the National Autistic Society, Funky Dragon and CYDAG.

The Deputy First Minister, who holds responsibility for this Measure within his portfolio, gave evidence to the Committee on 10 October 2007.

On 21 November 2007, the Committee laid before the Assembly a report on its consideration of the Draft Measure. A copy of the report is available from the [Committee's website](#).

It is currently unclear when the *Proposed Learner Travel (Wales) Measure* will be introduced.

5.3 The Proposed 14-19 Learning Pathways Measure

The Welsh Assembly Government has announced that it intends to introduce an Assembly Measure in relation to the 14-19 Learning Pathways policy initiative. This is in the process of being drafted, and the Leader of the House has said that a Draft Proposed Assembly Measure will be available for consultation early in 2007. In a [written cabinet statement](#) the Leader of the House has provided an outline of the scope of this proposed Measure:

'This is a genuinely groundbreaking approach, giving every learner in Wales an entitlement to learning provision from a wide choice of high quality academic and vocational options, together with learning and personal support. This Measure is currently being drafted, and will underpin the implementation of Learning Pathways for all 14-19 year old learners in Wales I look forward to schools, colleges, employers,

⁹ [Welsh Assembly Government, Consultation on the Learner Travel \(Wales\) Measure, June 2007](#)

training providers, sector skills councils, local authorities, voluntary bodies and all the other organisations with an interest in this area giving us their comments on the proposals early in the new year.¹⁰

6. Member Proposed Assembly Measures

6.1 *The Proposed Healthier School Meals Measure*

Jenny Randerson AM has been granted leave by the National Assembly for Wales to bring forward a proposed Assembly Measure in relation to healthier school meals.

The [pre-ballot information](#) outlines the policy objectives of this proposed Measure:

'1. The nutritional content of school meals has been a source of concern for some time. Feeding our children shouldn't be about putting the easiest and quickest food on their plates, it should be a vital part of feeding their appetite for learning and feeding their ability to learn.

This measure would introduce new nutritional standards for school meals, based on best practice and research, which would provide children with at least a third of their nutritional needs.

It would place a duty on education authorities to ensure that meals provided at schools complies with nutritional regulations that ensure the provision of a meal that provides largely a third of a child's daily nutritional needs.

Allow education authorities to specify particular foods or drinks which fail to satisfy the nutritional regulations so that they can be banned from school premises.

This measure falls within matter 5.9 so is already within the legislative competence of the Assembly.'

This proposed Measure is in the process of being drafted and has to be laid before the Assembly by 19 March 2008.

6.2 *The Proposed School Closures (Consultation and Categories) Measure*

Mike German AM won the legislative ballot held on 03 October 2007 and had proposed to bring forward an Assembly Measure in relation to school closures. The National Assembly for Wales voted against the introduction of this proposed Measure on 07 November 2007, therefore it will not be brought forward¹¹.

¹⁰ [Welsh Assembly Government Written Cabinet Statement, *The Progress of the Welsh Assembly Government's Legislative Programme, 25 September 2007*](#)

¹¹ [RoP p79-101, 07 November 2007](#)

7. Westminster Legislation

During the course of the current Assembly session two Acts of Parliament have been passed that have transferred Measure making powers to the National Assembly for Wales by inserting additional Matters into Fields in Schedule 5 to the *Government of Wales Act 2006* (the '2006 Act').

7.1 *The Further Education and Training Act 2007 (ch.25)*

Clause 27 of the [Further Education and Training Act 2007](#)¹² (the 'FET Act') inserts six new Matters into Field 5 of Schedule 5 to the 2006 Act. The FET Act received Royal Assent on 23 October 2007. Clause 27 comes into force two months after this date, on 23 December 2007.

The new Matters devolve Assembly Measure making power, in relation to further education and training, in the following areas:

- Provision of facilities for post-16 education and training
- Establishment and dissolution of institutions
- Collaboration between bodies that conduct Further Education institutions
- Financial resources
- Inspection
- Provision of advice and information

7.2 *The Local Government and Public Involvement in Health Act 2007 (ch.28)*

The [Local Government and Public Involvement in Health Act 2007](#)¹³ (the '2007 Act') inserts five new matters into Field 12 of Schedule 5 to the 2006 Act. The 2007 Act received Royal Assent on 30 October 2007. The clause that devolves these powers to the National Assembly for Wales comes into force two months after this date, on 30 December 2007.

The new Matters devolve Assembly Measure making power, in relation to Local Government, in the following areas:

- The constitution, abolition or alteration of areas and the establishment and abolition of councils
- Byelaws
- Conduct of members
- Sustainable development and economic, social or environmental wellbeing

¹² [The Further Education and Training Act 2007 \(chapter.25\)](#)

¹³ [The Local Government and Public Involvement in Health Act 2007 \(chapter.28\)](#)

- Improvement, involvement, assessment and inspection

8. The UK Government's 2007/08 Legislative Programme

The UK Government has announced three Bills in the Queen's Speech on 6 November 2007 that will contain framework powers for Wales. These are:

8.1 *The Education and Skills Bill*

This Bill will contain framework provisions in relation to:

- The inspection of schools for the pre-16 age group (to compliment the existing powers for inspection of post-16 education and training)
- Registration and regulation of independent schools in Wales

8.2 *The Planning Reform Bill*

This Bill will contain framework provisions in relation to:

- The preparation, content, examination and review of local development plans (LDPs), and the powers of the Welsh Ministers to intervene in relation to LDPs and the preparation, content and status of the Wales Spatial Plan.

8.3 *The Local Transport Bill*¹⁴

This Bill will contain framework provisions in relation to:

- The making, operation and enforcement of schemes for imposing charges in respect of the use or keeping of motor vehicles on Welsh trunk roads, and the application of the proceeds of charges imposed under such schemes towards purposes relating to transport.

These Bills, and a wide range of other UK Bills, contain further provisions for Wales. However, with the exception of the above, these do not confer further powers on the National Assembly for Wales, and are therefore beyond the scope of this paper.

¹⁴ [The Local Transport Bill \[HL\], Bill 1 2007-08](#)

Glossary

Acts of Parliament

Acts of Parliament are laws made by the UK Parliament. Proposals for new laws (Bills) are debated by both the House of Commons and the House of Lords. If both Houses of Parliament vote for the proposals then the Bill is ready to become an Act. It can only be described as an Act when it has received Royal Assent from the Monarch. They are sometimes also referred to as Statutes.

Assembly

See National Assembly for Wales

Assembly Members (AMs)

The 60 elected representatives forming the National Assembly for Wales.

Assembly Proceedings

Any proceedings of the National Assembly for Wales (i.e. plenary), committees or sub-committees of the National Assembly for Wales.

Audit Committee

The Audit Committee is the only committee that is required by the *Government of Wales Act 2007*. It must be chaired by an opposition AM.

Committees

There are three kinds of committee in the Assembly: committees that scrutinise LCOs and Measures; Scrutiny Committees and Standing Committees such as the Audit Committee.

Constitution

A constitution is the set of laws, rules, principles and procedures that specify how a state is to be governed, and define the relationships between the branches of government, and between the government and the individual. Most countries have a constitution written down in a single document but the UK is said to have an "unwritten constitution". In fact, its constitution is found in a range of sources including Acts of Parliament, case law and custom and precedent.

Counsel General

The Chief Legal Adviser to the Welsh Assembly Government. The Counsel General is not a Welsh Minister but is a member of the Welsh Assembly Government.

Draft Legislative Competence Order (LCO) (Draft Order)

This refers to an LCO that has undergone pre-legislative scrutiny as a Proposed order and is under consideration by the Assembly and Parliament who will vote on whether to approve it or not. It cannot be amended.

Deputy Welsh Ministers

Appointed by the First Minister from among the Assembly Members. They form part of the Welsh Assembly Government, but are not included in the definition of Welsh Ministers. There are to be no more than 12 Welsh Ministers (which here does not include the First Minister) and Deputy Welsh Ministers in total at any one time.

Executive

A term used to describe Government and distinguish it from the legislature. It formulates policy and introduces and implements legislation. The Welsh Assembly Government is the executive.

Fields

Devolved policy areas within which the National Assembly for Wales are able to seek legislative competence to enact Measures. The Fields are specified in Schedule 5 to the *Government of Wales Act 2006*.

First Minister

An Assembly Member appointed by the Monarch to be First Minister, following nomination by the National Assembly for Wales. Head of the Welsh Assembly Government, who then appoints the other Welsh Ministers with the approval of the Monarch.

Government of Wales Act 2006

This Act, passed by the UK Parliament in 2006, supercedes the *Government of Wales Act 1998* which created the Assembly. It separates the the Executive and Legislative branches of the former corporate body; it gives the Assembly enhanced legislative powers and made changes to the electoral system for Assembly elections.

Legislative Competence

The term used to describe the scope of the National Assembly for Wales' power to enact Measures. Schedule 5 and Section 94 of the *Government of Wales Act 2006* define the National Assembly for Wales' legislative competence as far as its power to enact Assembly Measures is concerned. The Assembly obtains legislative competence in relation to a particular policy area once that policy area has been inserted into Schedule 5 of 2006 Act (where the policy area is termed a "Matter"). Legislative Competence may also be extended by Schedule 5 of the 2006 Act being amended by an Act of Parliament.

Legislative Competence Order (LCO)

An Order in Council made by Parliament under Section 95 of the *Government of Wales Act 2006* that amends Schedule 5 of the 2006 Act and changes the Legislative Competence of the Assembly.

Legislature

A law- making body where new laws are debated and agreed. It also scrutinises the Government's decisions and holds the Government to account.

Matters

Together with section 94 of the 2006 Act, define the scope of the National Assembly for Wales' power to enact Measures. Once a Matter has been inserted into a Field in Schedule 5 to the *Government of Wales Act 2006*, the Assembly can enact a Measure on that topic.

Measures of the National Assembly for Wales (Measures)

A new category of legislation, which may be used to amend existing Acts of Parliament and make new provision. Measures can, generally, only relate to Matters listed in the Fields set out in Part 1 of Schedule 5 to the *Government of Wales Act 2006*.

National Assembly for Wales (Assembly)

The unincorporated association of 60 Assembly Members - a separate legislature established under the Government of Wales Act 2006, with a parliamentary/legislative and scrutinising function.

National Assembly for Wales Commission

A corporate body to support the new National Assembly for Wales. This will be responsible for employing staff, holding property, entering into contracts and ensuring that support services are provided for Assembly Members. Members of the Commission will be the Presiding Officer and four other Assembly Members.

Parliamentary Supremacy

Parliamentary supremacy is the doctrine in UK constitutional law that the Parliament of the United Kingdom is the sovereign law making body. This means it is supreme to all other governmental institutions and may amend or repeal any legislation passed by previous parliaments with a majority.

Plenary

This is the term that is used for when the all 60 AMs of the Assembly meet to conduct business.

Pre-legislative scrutiny

Consideration of draft legislation by a Parliamentary or Assembly committee before the formal process of approval is started. With regard to LCOs, this enables elected AMs to seek information, take evidence and propose improvements to a proposed Order before a draft Order is laid.

Primary legislation - for most purposes, an Act of Parliament.

Privy Council - a meeting of the Queen and her Privy Counsellors who are members of the government.

Proceedings of the Assembly

This term refers to meetings of the Assembly in Plenary session only.

Proposed Legislative Competence Order (LCO) (Proposed Order)

A preliminary draft Order in Council prepared for pre-legislative scrutiny by an Assembly Member, Assembly Committee or the Welsh Assembly Government that would, if a Draft Order is laid before the Assembly and Parliament and passed, enhance the legislative competence of the Assembly.

Referendum

The procedure by which a question is referred to the electorate, who vote on it in a similar way to a general election.

Royal Approval

Assembly Measures will be approved by the Monarch at the Privy Council.

Secretary of State for Wales

The Secretary of State for Wales is a member of the UK Government and currently has a seat in Cabinet. His or her role is defined as acting to ensure that the interests of Wales are fully taken into account by the UK Government in making decisions that will have effect in Wales; to represent the UK Government in Wales and to be responsible for ensuring the passage of Wales-only legislation through Parliament. The Secretary of State may attend and speak in Proceedings of the Assembly but may not vote and is not a Member of the Assembly.

Standing Orders

The rules which govern regulation of Assembly proceedings.

Subordinate Legislation

Also known as secondary legislation or delegated legislation, subordinate legislation is law made by ministers under powers given to them by Acts of Parliament in order to implement and administer the requirements of Primary Legislation. Under the *Government of Wales 1998* the Assembly was empowered to make subordinate legislation. From May 2007, most subordinate legislation in devolved matters will be made by Welsh Ministers.

Welsh Assembly Government

A new body with governmental/executive responsibilities established under the *Government of Wales Act 2006*, to develop policies and take decisions. The members of the Welsh Assembly Government will be:

- The First Minister
- The Welsh Ministers
- The Counsel General to the Welsh Assembly Government
- The Deputy Welsh Ministers

Welsh Assembly Government staff are members of the Home Civil Service.

Welsh Minister

An Assembly Member appointed as Welsh Minister by the First Minister, with the approval of the Monarch, forming part of the Welsh Assembly Government.

Welsh Ministers

The First Minister and the Welsh Ministers appointed by the First Minister. This does not include Deputy Welsh Ministers or the Counsel General.