

Cabinet's Proposals for primary legislation, 2003-4

Statement to Plenary

1. Standing Order 31.10 requires the Cabinet to put its proposals for Westminster primary legislation to Plenary before 31 March each year; standing orders 31.9 and 31.11 set out the form of this motion and the supporting information required. This document meets the latter requirement, for the debate in Plenary on 12 March.

2. Standing Order 31 envisages that proposals for primary legislation may come forward either from three (or more) Assembly Members or from the Cabinet. On 22 January the Assembly adopted a proposal from four Members for a Bill which would enable the Assembly to prohibit smoking in public places, this being the first occasion that Assembly Members had made use of this procedure. The Cabinet's proposals for primary legislation set out below are in addition to that initiative.

The Proposals

Education (Miscellaneous Provisions) (Wales) Bill

The Bill would enable the Higher Education Funding Council Wales (HEFCW) and the National Council of ELWa to act jointly and on each other's behalf, to second staff to one another, and provide for the HEFCW to exercise planning functions as a last resort. The latter would enable HEFCW to secure partnerships between institutions in line with policy established by the Assembly Government in 'The Learning Country' and 'Reaching Higher'. The Bill would enable the Assembly to rationalise the legislative underpinnings of the Assembly Learning Grant and also provide for limits to be placed on junior class sizes (similar to those in existence for infant classes). The Bill would also allow the Assembly to require FE institutions to produce and publish annual statements on governance and management, and clear up technical statutory anomalies affecting Estyn and further confirm its standing as an office of the National Assembly.

There would be limited financial implications for the Assembly, the most significant of which would be funding to reduce junior class sizes (but some baseline provision has already been made for this in existing plans). The provisions for HEFCW and ELWA should have no significant cost implications.

Public Services Ombudsman (Wales) Bill

The Bill would create a new single Ombudsman's jurisdiction for Wales, incorporating the existing three Ombudsmen posts (Local Government Commissioner, Health Service Commissioner and Welsh Administration Ombudsman) into one. This would enable the post-holder to investigate complaints of maladministration against any of a wide range of public bodies

in Wales, including the Assembly, ASPBs, health service bodies and local authorities. The existing Ombudsmen's powers of investigation and report would, subject to further consultation, be carried over into the new Public Services Ombudsman's jurisdiction.

The Assembly finances all three existing Ombudsmen's offices either directly or via the Local Government Finance Settlement, and the creation of a single Ombudsman's jurisdiction should have no financial impact on the Assembly (although some reorganisation of budgetary lines would be necessary).

Tourism Accommodation (Registration) (Wales) Bill

The Bill would, by amending or repealing part or all of section 17 of the Development of Tourism Act 1969, create a new enabling power for the National Assembly to establish a tourist accommodation registration scheme in Wales. It would also include the power to make subordinate legislation setting out the basis upon which accommodation is to be registered. Accommodation registered under the scheme would be subject to periodic inspection. The registration and inspection arrangements would be designed to ensure that minimum standards in the provision of tourist accommodation are met and maintained.

A number of issues regarding the detail of how the scheme will operate are to be further considered by a joint Assembly Government/WTB working group, also involving the WLGA. These issues include the role of local authorities and the WTB, as well as costs. The scheme is designed to be self-financing, but there may be start-up costs; these will be tested and reviewed by the working group.

Transport (Wales) Bill

The Bill would enable the Assembly Government to ensure that its transport policies could be delivered more effectively; currently we only have direct responsibility for trunk roads and powers to fund local authority and private sector developments alongside responsibilities for some bus functions, road safety and other matters. The Bill would enable the Assembly Government to implement as well as fund developments, working in partnership with local government and in line with the priorities set out in the Assembly Government's Transport Framework published in November 2001. The powers sought would enable the Assembly Government to develop and implement policies for the promotion and encouragement of safe, efficient and economic transport facilities. Equivalent powers are available to the Mayor of London under the Greater London Act 1999 whereby the Mayor prepares a transport strategy, and requires London Borough Councils and the Common Council to prepare local implementation plans for his approval and to implement them. Other powers sought would enable the Assembly Government to establish joint authorities on the lines of Passenger Transport Authorities/Passenger Transport Executives (PTA/PTEs). These were originally established under the Transport Act 1968 and their role was changed under subsequent legislation but the powers to establish new ones

have been repealed. Finally, we would also seek powers, similar to those available to the Scottish Executive under the Transport Act 2000, to enable the Assembly Government to have powers of direction over the Strategic Rail Authority (SRA) in respect of the Wales and Borders franchise; and to enable the Assembly Government to appoint a member of the SRA.

The Mayor of London type powers would have some minor cost implications for local authorities. If it were decided to proceed with establishment of a Passenger Transport Authority/Executive or similar body, most of the costs would be met by transfer of existing staff, but a headquarters team and some augmentation to create an effective organisation would be required, costing up to £1m annually (including overheads). There are no cost implications for the Assembly arising from the SRA-related proposals.