

**Y Pwyllgor Iechyd, Lles a
Llywodraeth Leol**

**Health, Wellbeing and Local
Government Committee**



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Janet Ryder AM
Chair
Subordinate Legislation Committee
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
Cardiff CF99 1NA

Our ref: HWLG(3)-01-09

26 January 2009

Dear Janet

**INQUIRY INTO THE SCRUTINY OF SUBORDINATE LEGISLATION AND DELEGATED
POWERS**

I am replying to Dai Lloyds letter of 6 January to Committee Chairs asking for views on the role that other Committees should have in scrutinising subordinate legislation and UK Bills.

The Health, Wellbeing and Local Government Committee considered Dai's letter at our meeting on 22 January and is grateful for the opportunity to contribute.

In general terms, the Committee was not keen to try to replicate the position in the first and second Assemblies when Committees tried to give detailed consideration to subordinate legislation. This often deflected time from other more productive scrutiny work and we would not want to see a return to that level of regular and detailed scrutiny of what often proved to be very run of the mill legislation.

Having said that, we think there should be a role for scrutiny Committees in looking at the merits of particular pieces of significant secondary legislation where there is a clear policy interest. Regulations flowing from the NHS Redress (Wales) Measure 2008 would, for instance, be an example of where regulations would be of interest in future to the Health, Wellbeing and Local Government Committee.

Similarly, scrutiny Committees should have a role in considering legislation made in Westminster that impacts on the Assembly's powers or introduces changes in Wales in devolved areas. The Local Democracy, Economic Development and Construction Bill, considered in Plenary on 20 January, would be an example of a Bill that fits in to this category from this Committee's perspective.

The Committee recognised some of the practical difficulties involved in this area, particularly in getting information about upcoming legislation in sufficient time and in sufficient detail to be able to give it meaningful consideration. We had the benefit of Dai Lloyd's advice on this point, and your Committee has an invaluable role to play if it can establish contacts and systems to allow the sort of horizon scanning and early warning that would allow scrutiny Committees (and your Committee) sufficient time for meaningful pro-active scrutiny.

I hope this is helpful. I am copying this to the Chairs of other Scrutiny Committees for information.

Yours sincerely

A handwritten signature in black ink that reads "Jonathan Morgan". The signature is written in a cursive, flowing style.

Jonathan Morgan
Chair