



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

National Assembly for Wales Subordinate Legislation Committee report on the Child Poverty Bill

Introduction

1. The Assembly's Subordinate Legislation Committee ('the Committee') is entitled to consider powers granted to the Welsh Government to make subordinate legislation under Standing Order 15.6:-

*"Subject to 15.7, the Committee may also consider and report on:-
(ii) the appropriateness of provisions in proposed Assembly Measures and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister, or the Counsel General".*

2. The Child Poverty Bill ('the Bill') was introduced in the House of Commons on 11 June 2009. This paper highlights issues which the Committee may wish to pursue with the Welsh Government.

Background

3. During its consideration of the Proposed Children and Families Measure¹ ('the Measure') the committee recommended (inter alia):-

***Recommendation 2:** The Committee notes that the Child Poverty Bill has not yet been introduced. Nevertheless, the Committee recommends that clarification is provided in respect of the impact the Child Poverty Bill will have on this Measure either by way of an addendum to the Explanatory Memorandum or other readily available publication."*

4. The Committee considered the Child Poverty Bill and took evidence from the Minister for Social Justice and Local Government Dr Brian Gibbons AM on 23 September 2009.

Committee issues and recommendations

5. The Committee noted that the Bill contains provisions which are arguably within the legislative competence of the Assembly, examples such as the duty on the Secretary of State to prepare a UK-wide child poverty strategy.

¹ <http://www.assemblywales.org/ld-7406-e.pdf>

6. It was also noted that the Bill does not confer new or additional powers on the Welsh Ministers (in contrast to duties placed on the Scottish Ministers and the relevant Northern Ireland department) but does refer to measures taken by the Welsh Ministers and requires consultation with the Welsh Ministers in preparing UK strategies.
7. Generally, the Committee were content with the provisions of the Bill and how the Bill works with the powers contained in the Proposed Children's and Families Measure. However, the Committee noted one difference between the Bill and the Measure, this related to the definition of a child.
8. Under section 63 the Measure defines a "Child" as "a person who has not attained the age of 18", yet Clause 25 of the Bill defines a "Child" as a person under the age of 16 or a qualifying person for the purposes of various benefits legislation.
9. In response to this difference the Minister stated:

"That slightly weakens our position in the sense that the two jurisdictions are working together on ages up to 16, but after that, we are on our own with regard to 16 to 18-year-olds. It would be more robust, from our point of view, if, in both cases, the age went up to 18; we have noted that. The point is probably worth raising with colleagues in Westminster. It will not stop us doing anything, but if the 16 were changed to 18, it would assist us. However, the fact that they are not the same will not stop us from doing something and nor will it mean that we cannot do something that we would otherwise do."²

Recommendation

10. The Committee notes the differences in definition of a "Child" in the Measure and the Bill, and recommends that consideration is given to changing the definition contained in clause 25 of the Bill. The Committee recommends the Welsh Government raises this matter with the UK Government with a view to securing a commitment to this change.

² ROP, 23 September 2009, Para 181