

Constitutional Affairs Committee

Report (CA (3) 04-10)

Date: 4 February 2010
Time: 9.00am
Venue: Committee Room 2, Senedd

CONTENTS

The Committee met on 4 February 2010. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, William Graham AM, Alun Davies AM and Rhodri Morgan AM. There were no apologies.

The Committee reports to the Assembly as follows:

Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2 and 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

CA385 - The Private Water Supplies (Wales) (Amendment) Regulations 2010

Negative Procedure. Date made 26 January 2010. Date laid 28 January 2010. Coming into force 19 February 2010

CA386 - The Valuation for Rating (Plant and Machinery) (Wales) (Amendment) Regulations 2010

Negative Procedure. Date made 26 January 2010. Date laid 28 January 2010. Coming into force date 1 April 2010

Instruments in respect of which the Assembly is invited to pay special attention under Standing Orders 15.2 and/or 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

CA384 - The Council Tax (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2010

Negative Procedure. Date made 14 January 2010. Date laid 18 January 2010. Coming into force date 1 April 2010

The Committee's Report under S.O.15.2 on these Regulations is attached as Annex 1.

Other Business

Committee Inquiries: Inquiry into the Developments in Schedule 5 to the Government of Wales Act 2006, including Exceptions to Matters

The Committee took oral evidence from the First Parliamentary Counsel, Stephen Laws CB and Nigel Rendell, Deputy Parliamentary Counsel and, separately, from Professor Thomas Glyn Watkin, First Welsh Legislative Counsel and Huw G. Davies, Senior Welsh Legislative Counsel.

Office of Welsh Legislative Counsel agreed to provide a paper setting out those areas of legislative competence currently contained in Schedule 5 of the Government of Wales Act and which are not contained in Schedule 7 as it currently stands.

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to agree the Report on the Draft Flood and Water Management Bill and to discuss the evidence submitted thus far on Inquiry into the Developments in Schedule 5 to the Government of Wales Act 2006, including Exceptions to Matters and Monitoring the outcome of the Committee's Reports on Statutory Instruments.

Janet Ryder AM
Chair, Constitutional Affairs Committee

4 February 2010

Annex 1

Constitutional Affairs Committee

(CA(3)-04-10)

CA384

Constitutional Affairs Committee Report

**Title: The Council Tax (Alteration of Lists and Appeals)
(Amendment) (Wales) Regulations 2010**

Procedure: Negative

These Regulations amend the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (“the 1993 Regulations”). Section 24 of the Local Government Finance Act 1992 (“the 1992 Act”) permits the Welsh Ministers to make regulations about the alteration by listing officers of valuation lists which have been compiled under Chapter II (Valuation Lists) of Part I of the 1992 Act. The only substantive change provides that where an alteration to the list is made to correct an inaccuracy and the inaccuracy is that the original list showed the valuation band as being too high, then the alteration has effect from the later of the day on which the list was compiled and the day six years earlier than the day on which the alteration is entered in the list.

Technical Scrutiny

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.

(i) Regulation 14 (8) of the English and Welsh text refers to “...an alteration which calls to have effect...” whereas regulation 14 (7) refers to “...an alteration which falls to have effect...”. The use of “calls” does not make sense in the context of the regulations [S.O. 15.2 (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements].

(ii) Regulation 14 (9) (d) of the English and Welsh text states “by virtue of property which was two or more dwellings for those purposes being treated for these purposes as one dwelling”, whereas the equivalent provision in regulation 14 (8) (d) of the 1993 Regulations states “by virtue of property which was two or more dwellings for those purposes being treated for those purposes as one dwelling”. Regulation 14 (9) (d) is introducing new purposes (“these purposes”) without stating what “these purposes” actually comprise [S.O. 15.2 (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements].

(iii) Regulation 14 (6) (b) refers to “a valuation band which is higher than the band which should have been determined or shown applicable to it...” whereas regulation 14 (7) (a) refers to “...a valuation band which is lower than the band which should have been determined or shown as applicable to it”. “Shown applicable” is erroneous with “shown as applicable” being the correct form or wording [S.O. 15.2 (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements].

Merits Scrutiny

No points are identified for reporting under Standing Order 15.3 in respect of this instrument/draft instrument at this stage.

Janet Ryder AM

Chair, Constitutional Affairs Committee

4 February 2010

The Government has responded as follows:

The Council Tax (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2010

The Government accepts that The Council Tax (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2010 contains 3 minor errors of a typographical nature which need correcting. Accordingly, contact will be made with the Office of Public Sector Information and the Stationery Office to discuss the possibility of issuing a correction slip.

On the basis that we may be required to proceed by amending order, correcting the 3 typographical errors, this will be prepared within the next 3 months.