



14 December 2007

Dear Colleague

Consultation - Proposed Domiciliary LCO Committee - *The National Assembly for Wales (Legislative Competence)(No.4) Order 2008* relating to charging for Non-Residential Social Care (Domiciliary Care)

The Proposed Domiciliary Care LCO Committee was established on 5 December 2007 to consider and report on the proposed *National Assembly for Wales (Legislative Competence) (No.4) Order 2008* relating to charging for Non-Residential Social Care ('the proposed Order'). At its 13 December 2007 meeting the Committee agreed the following terms of reference -

To consider:

- the general principles of the proposed Order and whether legislative competence in the area identified in 'Matter 15.9' should be conferred on the Assembly; and
- the terms of the proposed Order, and in particular whether they are too broadly or too narrowly defined.

I am writing to invite you to submit evidence to the Committee to help inform its work. In preparing your submission it would be helpful if you could address the following:

1. What are your views on the general principle that legislative competence in the area identified in Matter 15.9 be conferred on the Assembly?
2. What are your views on the terms of the proposed Order e.g. are they too narrowly or broadly drawn?
3. Do you consider that the excepted matters would hinder the effectiveness of any future proposed Measures brought forward under Matter 15.9? If so, please explain why.

The Committee's primary purpose is to consider whether the Assembly should have the power, in principle, to legislate by Measure in the area identified in the proposed Order, i.e. charging for non-residential social care. However, it is not within the remit of the Committee to consider the specific way in which that power, if conferred, should be exercised. The detail of any future Measures brought forward as a result of conferral of legislative competence in this area will be a matter for scrutiny by the Assembly at a later date.

A copy of the proposed Order and its accompanying Explanatory Memorandum are enclosed at **Annex 1**. An electronic version of these documents along with information on the legislative process and details of the Committee can be found at <http://www.assemblywales.org/bus-home/buslegislation.htm>

As stated in the Explanatory Memorandum, the definition of social care (and well-being) to be used in Field 15 is set out in the proposed Order relating to Vulnerable Children and Child Poverty (*The National Assembly for Wales (Legislative Competence) (No.3) Order 2007*) which also seeks to insert matters into this Field. Some of the excepted matters contained in the proposed Order relating to Vulnerable Children and Child Poverty also apply to the proposed Order relating to Charging for Non-Residential Social Care. The relevant extract of the proposed Order relating to Vulnerable Children and Child Poverty is attached at **Annex 2**.

If you wish to submit evidence please send an electronic copy of your submission to legislationoffice@wales.gsi.gov.uk and entitle the e-mail *Consultation DC LCO*. If you would prefer to send your submission in hard copy, please send it to Ruth Hatton, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay CF99 1NA.

The closing date for submissions is Friday 25 January 2007. It will not be possible to take into account responses received after this date.

When preparing your submission please keep the following in mind:

- Your response should be as succinct as possible. Please reference your response using the title applied above.
- The National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed at Committee meetings. **If you do not want your response or name published it is important that you specify this at the end of your submission.**
- Please indicate whether you are responding on behalf of an organisation, or as an individual.
- Please indicate whether or not you would be prepared to give oral evidence to the Committee.

If you have any queries please contact the Clerk, Liz Wilkinson (tel: 029 2089 8025) or Ruth Hatton, the Deputy Clerk (tel 029 2089 8019).



Joyce Watson AM
Committee Chair