

## **National Assembly for Wales**

Summary of Assembly Measures passed  
during the Third Assembly (2007 – 2011)

May 2011

Members'  
Research  
Service



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## Introduction

During the Third Assembly (2007 -2011) the National Assembly passed laws, known as “Assembly Measures”, in areas where it had received the permission of the UK Parliament to do so, under Part 3 of the Government of Wales Act 2006<sup>1</sup> (“the 2006 Act”).<sup>2</sup>

Between 2007 and 2011 the National Assembly passed 22 such Measures. Seventeen were introduced by the Welsh Government, three were introduced by Assembly Members, and two were introduced by the Assembly Commission and an Assembly Committee, respectively.

The intention of this document is to provide a summary of all the Assembly Measures which were passed during the Third Assembly and to give a brief outline of their intended purpose and objectives.

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<sup>1</sup> ***Government of Wales Act 2006 (c.32)***

<sup>2</sup> Following the referendum on 3 March 2011 and the coming into force of the Assembly Act provisions on 5 May 2011, the National Assembly may now pass laws in all the areas outlined in the 20 Subjects of Schedule 7 to the 2006 Act. Under Part 4 of the 2006 Act, these laws are called Assembly Acts (as opposed to Assembly Measures). Further information about Assembly Acts are available in the Research Service Quick Guide: Assembly Acts,

## Government-proposed Measures

### NHS Redress (Wales) Measure 2008

- **Member in charge:**  
Edwina Hart AM - Minister for Health and Social Services
- **Date of introduction:**  
2 July 2007
- **Date of Royal Approval:**  
9 July 2008

This was the first Measure passed by the National Assembly and is an enabling Measure which gives powers to Welsh Ministers to require the NHS in Wales to consider settling lower value clinical negligence claims without recourse to formal legal proceedings.

According to the Welsh Government, the Measure's overall aim is to create a framework and culture in which NHS bodies in Wales are better able to learn from mistakes which arise during the provision of their services and to take action both to put things right and to avoid repetition of such mistakes in the future.

## Learner Travel (Wales) Measures 2008

- **Member in charge:**  
Ieuan Wyn Jones AM - Deputy First Minister and Minister for the Economy and Transport
- **Date of introduction:**  
15 April 2008
- **Date of Royal Approval:**  
10 December 2008

This Measure makes provision about the travel of pupils receiving primary, secondary or further education or training to and from schools or other places where they receive it.

The Welsh Government's main objectives in implementing the Measure is to:

- Increase entitlement to free transport to school for primary school children if they live two miles or further away;
- Re-enact entitlement for free transport for secondary school children if they live three miles or further away from the nearest suitable school;
- Provide entitlement to free transport to school if the parents wish that their child be educated at a school of a religious character, subject to age/distance criteria, if the nearest suitable school is not of such character;
- Introduce a specific requirement to assess and provide for the needs of looked after children and to clarify related payment arrangements between local authorities in Wales;

- Require local authorities and the Welsh Ministers, when exercising their functions under the Measure, to promote access to Welsh medium education;
- Require Welsh Ministers to make a code of conduct in relation to travel to and from places of learning and require this to become part of a school's behaviour policy; and
- Give local authorities the power to change school session times if that can improve transport arrangements or environmental sustainability.

## Learning and Skills (Wales) Measure 2009

- **Member in charge:**  
John Griffiths AM - Deputy Minister for Skills
- **Date of introduction:**  
7 July 2008
- **Date of Royal Approval:**  
13 May 2009

The Measure is a move towards the implementation of the **14 - 19 Learning Pathways** for young people. According to the Welsh Government, the purpose of the Measure is to ensure that learners aged between 14 and 19 can choose from a wide range of vocational and general courses.

The Measure also provides learners between 14 and 19 with an equal opportunity to take up a range of educational options, irrespective of where in Wales they happen to live.



## Local Government (Wales) Measure 2009

- **Member in charge:**  
Brian Gibbons AM - Minister for Social Justice and  
Local Government
- **Date of introduction:**  
22 September 2008
- **Date of Royal Approval:**  
10 June 2009

The Welsh Government's intention under this Measure is to make Local Authorities more effective by placing new statutory duties on them in relation to service improvement and strategic planning.

This includes:

- Linking well-being and community planning with service improvement;
- Redefining the basic duties of Local Authorities to account for improvement; and
- Requiring various local partners to cooperate in the delivery of community strategic outcomes and to engage with citizens.

## Education (Wales) Measure 2009

- **Member in charge:**

Jane Hutt AM - Minister for Children, Education, Lifelong Learning and Skills

- **Date of introduction:**

27 April 2009

- **Date of Royal Approval:**

9 December 2009

This Measure provides children with rights to make special educational needs (“SEN”) appeals and claims of disability discrimination to the SEN Tribunal for Wales. By doing so, the Measure gives practical expression to the **UN Convention of the Rights of the Child** and the associated **Core Aims** of the Welsh Government.

In particular, this Measure aims to provide an additional safeguard to ensure that the needs of disabled children and young people and those with SEN can be met, by reducing the prospect that their needs might not be fully addressed where their parents do not themselves pursue an appeal or claim. It also gives children with SEN (including looked after children) an independent right to appeal decisions made about their education support needs.

## Children and Families (Wales) Measure 2010

- **Member in charge:**  
Brian Gibbons AM - Minister for Social Justice and Local Government
- **Date of introduction:**  
2 March 2009
- **Date of Royal Approval:**  
10 February 2010

This Measure includes numerous statutory provisions which seek to take forward the Welsh Government's commitment in terms of child poverty. In particular the Measure makes the following provisions which aims to provide greater support to families where children may be at risk:

- The placing of duties on Welsh Ministers to prepare and publish a strategy for contributing to the eradication of child poverty in Wales;
- The introduction of a statutory requirement for local authorities to establish integrated family support teams ("IFSTs") to strengthen support to vulnerable children and families through reconfiguring services towards more targeted support delivered by multidisciplinary professional teams to improve outcomes for children and adults so that they can live safely together as a family unit; and
- The placing of duties on local authorities to reflect the Welsh Government's commitment to the **UN Convention of the Rights of the Child**, in particular to Article 31.1 and 31.2 relating to play.

## Social Care Charges (Wales) Measure 2010

- **Member in charge:**  
Gwenda Thomas AM - Deputy Minister for Social Services
- **Date of introduction:**  
29 June 2009
- **Date of Royal Approval:**  
17 March 2010

This Measure is an enabling measure which provides Welsh Ministers with powers to develop a more consistent framework for local authorities when charging individual service users for non-residential social care services.

## Red Meat Industry (Wales) Measure 2010

- **Member in charge:**  
Elin Jones AM - Minister for Rural Affairs
- **Date of introduction:**  
19 October 2009
- **Date of Royal Approval:**  
11 May 2010

This Measure removes the need for an Assembly Sponsored Public Body to be in place for the purposes of managing the development and promotion of the Welsh red meat industry, and makes the Welsh Ministers directly accountable for that industry.

It also introduces a new delegation agreement between Welsh Ministers and **Hybu Cig Cymru – Meat Promotion Wales** in order to provide a flexible framework which would be capable of supporting alternative mechanisms for the determination and collection of the red meat levy.

## Carers Strategies (Wales) Measure 2010

- **Member in charge:**  
Gwenda Thomas AM - Deputy Minister for Social Services
- **Date of introduction:**  
25 January 2010
- **Date of Royal Approval:**  
10 November 2010

This Measure places a new requirement on the NHS and Local Authorities in Wales to work in partnership to prepare, publish and implement a joint strategy in relation to carers. The Welsh Government's intention is that this Measure will fill the gaps in service provision that currently exist by providing a new statutory framework. In particular, the Measure makes provisions to ensure that:

- Carers have the right information at the right time to support them in their caring role; and that
- Statutory agencies properly engage with carers as partners in the provision of care involving them at all levels in the assessment, delivery and evaluation of care arrangements.

## Waste (Wales) Measure 2010

- **Member in charge:**

Jane Davidson AM - Minister for the Environment, Sustainability and Housing

- **Date of introduction:**

22 February 2010

- **Date of Royal Approval:**

15 December 2010

This Measure makes provision to reduce the amount of waste and litter in Wales and to contribute to the development of a more effective and sustainable approach to waste management arrangements. To achieve these aims, the Measure:

- Amends Schedule 6 of the *Climate Change Act 2008*<sup>3</sup> to provide Welsh Ministers with a power to require retailers to pass on the net proceeds of a charge on single-use carrier bags to specified purposes or specified persons;
- Establishes statutory targets for the percentage of a local authority's municipal waste to be recycled, with the aim of ensuring that Wales becomes a "high recycling society";
- Provides Welsh Ministers with powers to establish other waste targets to be met by local authorities and to establish financial penalties in the event of non-compliance;
- Provides Welsh Ministers with a power to ban or restrict the deposit of specified kinds of waste in a landfill in Wales; and
- Provides Welsh Ministers with a power to make regulations about fees and charging schemes in relation to Site Waste Management Plans which will be introduced for the construction and demolition sector in Wales.

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<sup>3</sup> **Climate Change Act 2008 (c.27)**

## Mental Health (Wales) Measure 2010

- **Member in charge:**  
Edwina Hart AM - Minister for Health and Social Services
- **Date of introduction:**  
22 March 2010
- **Date of Royal Approval:**  
15 December 2010

This Measure aims to provide mental health services at an earlier stage for individuals who are experiencing mental health problems and to reduce the risk of further decline in their mental health. The Measure also makes provisions for care and treatment plans for those in secondary mental health care and extends mental health advocacy provision beyond that which is currently required. To achieve these aims, the Measure:

- Places a duty on Local Health Boards and Local Authorities to work in partnership to deliver local primary mental health support services throughout Wales;
- Makes statutory provision for care and treatment planning for those receiving secondary mental health care;
- Enables individuals discharged from secondary mental health services to refer themselves back to secondary services directly, without needing to go to their GP for a referral; and
- Amends the *Mental Health Act 1983*<sup>4</sup> to provide for a statutory scheme of independent advocacy in Wales which is wider than the statutory provision currently provided by that Act.

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<sup>4</sup> **Mental Health Act 1983 (c.20)**



## Welsh Language (Wales) Measure 2011

- **Member in charge:**  
Alun Ffred Jones AM - Minister for Heritage
- **Date of introduction:**  
4 March 2010
- **Date of Royal Approval:**  
9 February 2011

This Measure is intended to modernise the existing legal framework largely governed by the *Welsh Language Act 1993*<sup>5</sup> regarding the use of the Welsh language in the delivery of public services. The Measure:

- Includes provisions about the official status of the Welsh language;
- Establishes the office of Welsh Language Commissioner, which will replace the Welsh Language Board;
- Allows for the development of “standards” covering the integration of the Welsh language in the development and delivery of services to the public by a range of organisations and which will, over time, replace Welsh language schemes;
- Gives the Commissioner the power to investigate complaints from Welsh speakers who believe that their freedom to use Welsh with one another has been interfered with; and
- Creates a Welsh Language Tribunal that can hear appeals against the Commissioner’s decisions, both regarding the detail of standards or outcome of investigations.

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<sup>5</sup> **Welsh Language Act 1993 (c.38)**

## Rights of Children and Young Persons (Wales) Measure 2011

- **Member in charge:**  
Huw Lewis AM - Deputy Minister for Children
- **Date of introduction:**  
14 June 2010
- **Date of Royal Approval:**  
16 March 2011

This Measure places a duty on Welsh Ministers to have due regard to the rights and obligations in the **UN Convention of the Rights of the Child** (UNCRC) when making decisions of a strategic nature. By passing this Measure, Wales becomes the first country in the UK to integrate the UNCRC into domestic law. The Measure also:

- Places a duty on Welsh Ministers to prepare and publish a Children's Scheme which sets out the arrangements made for the purpose of securing compliance with the duty to have due regard to the rights and obligations in the UNCRC;
- Places a duty on Welsh Ministers to promote knowledge and understanding of the UNCRC; and
- Places a duty on Welsh Ministers to consult on the possible application of the Measure to persons who have reached 18, but are not yet 25.



## Local Government (Wales) Measure 2011

- **Member in charge:**  
Carl Sargeant AM - Minister for Social Justice and Local Government
- **Date of introduction:**  
12 July 2010
- **Date of Royal Approval:**  
10 May 2011

This Measure aims to strengthen the structures and working of local government in Wales to ensure that local councils reach out to engage with all sectors of the communities they serve.

The Welsh Government's main objectives in implementing the Measure is to:

- Broaden and increase participation in local government by permitting steps which will help remove barriers and disincentives to standing for election to local councils;
- Enable the review and improvement of the governance structures introduced through the *Local Government Act 2000*<sup>6</sup> so that they better suit the circumstances of local government in Wales;
- Enhance the role of non-executive ("backbench") local authority councillors in the scrutiny of local services;
- Develop and strengthen the role of community councils in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies;

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<sup>6</sup> *Local Government Act 2000 (c.22)*

- Reform the system for setting allowances for councillors; and
- Allow the Welsh Ministers to issue statutory guidance on collaboration between local authorities, and between them and other bodies.
- The Measure also gives powers to the Welsh Ministers to establish new local authorities by amalgamating two or three existing authorities. This power can only be used however if Welsh Ministers are satisfied that effective local government is not likely to be achieved in one of the local authorities concerned, by the use of its powers to secure continuous improvement and, in some cases, collaboration, between local authorities.

## Safety on Learner Transport (Wales) Measure 2011

- **Member in charge:**  
Ieuan Wyn Jones AM - Deputy First Minister and  
Minister for the Economy and Transport
- **Date of introduction:**  
20 September 2010
- **Date of Royal Approval:**  
10 May 2011

This Measure makes amendments to the *Learner Travel (Wales) Measure 2008* (see pages 2 and 3) in order to address the Welsh Government's objective of improving the safety image and travel experiences of dedicated school transport and to ensure that safety standards are sufficiently high for the public and parents to have confidence in dedicated learner transport.

To achieve these aims, the Measure enables Welsh Ministers to make regulations that place duties on local authorities or a governing body of a maintained school to:

- Fit appropriate seat belts;
  - Use only single deck vehicles;
  - Use buses manufactured after a certain date;
  - Fit CCTV cameras on buses;
  - Use vehicles which meet the "yellow buses" specification;
  - Provide the relevant standards of driver training;
  - Carry out safety risk assessments;
  - Provide staff to supervise school buses; and
  - Provide specifications in relation to taxis and private hire vehicles.
- In order to ensure compliance with these duties, the Measure

also enables Welsh Ministers to:

- Create criminal offences for breaches of the safety regulations by providers of learner transport who fail to meet the prescribed requirements;
- Create a civil sanctions regime for breaches of the safety regulations by providers of learner transport who fail to meet the prescribed requirements;
- Establish an enforcement body to enforce regulations; and
- Establish a tribunal for appeals.

## Housing (Wales) Measure 2011

- **Member in charge:**  
Jocelyn Davies AM - Deputy Minister for Housing
- **Date of introduction:**  
22 November 2010
- **Date of Royal Approval:**  
10 May 2011

This Measure makes provisions that aim to support the more effective delivery of affordable housing in Wales. The Measure contains two broad elements:

- The Measure enables Welsh Ministers to temporarily suspend the right to buy, the preserved right to buy and the right to acquire held by tenants of a social housing provider in Wales, on application from a Local Housing Authority in areas of acute housing pressure; and
- The Measure provides Welsh Ministers with enhanced regulatory and intervention powers concerning the provision of housing by Registered Social Landlords.

## Education (Wales) Measure 2011

- **Member in charge:**  
Leighton Andrews AM - Minister for Children, Education and Lifelong Learning
- **Date of introduction:**  
6 December 2010
- **Date of Royal Approval:**  
10 May 2011

This Measure puts in place a series of powers and duties that makes collaboration commonplace in the education system in order to improve school governance and to simplify the planning of school places in Wales.

The Measure makes provision to:

- Drive collaboration between local authorities, governing bodies of maintained schools and Further Education Institutions;
- Give local authorities a power to establish a federation of schools;
- Train school governors and to improve clerking of governing bodies; and
- Prevent schools in future from changing category so as to become foundation schools and to prevent new foundation schools being built.





## Assembly Member-proposed Measures

Section 97(1) of the 2006 Act along with Standing Order 23<sup>7</sup> allows Assembly Members, the Assembly Commission and a Committee of the Assembly to introduce Assembly Measures. There have been three Member-proposed Assembly Measures which have been passed by the National Assembly to date.

### Healthy Eating in Schools (Wales) Measure 2009

- **Member in charge:**  
Jenny Randerson AM
- **Date of introduction:**  
14 March 2008
- **Date of Royal Approval:**  
15 October 2009

The purpose of this Measure is to provide a holistic and comprehensive policy on nutrition which ensures that healthy eating is promoted and supported for all registered pupils of schools maintained by Local Education Authorities (“LEAs”) in Wales.

The Measure:

- Imposes a duty on schools and local education authorities to promote healthy eating and drinking;

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<sup>7</sup> **National Assembly for Wales, *Standing Orders of the National Assembly for Wales*. October 2010, Standing Order 23 [Accessed 4 January 2011]**

- Provides Welsh Ministers with powers to make regulations setting out in detail the content of food served in schools, including powers to specify maximum levels of fat, saturated fat, salt and sugar in food provided for pupils;
- Imposes a duty on local authorities to ensure that a supply of water is available free of charge; and
- Requires local authorities to promote the availability and consumption of school meals and milk in general, and free school lunches and milk in particular.

## **Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010**

- **Member in charge:**  
Dai Lloyd AM
- **Date of introduction:**  
18 July 2008
- **Date of Royal Approval:**  
15 December 2010

This Measure makes provision in relation to community involvement in decisions by local authorities in Wales whether to dispose of playing fields. In particular, it provides Welsh Ministers with the power to make regulations that would allow the involvement of communities in decisions by local authorities about the way in which they dispose of playing fields.

## Domestic Fire Safety (Wales) Measure 2011

- **Member in charge:**  
Ann Jones AM
- **Date of introduction:**  
8 July 2010
- **Date of Royal Approval:**  
7 April 2011

This Measure aims to reduce the incidence of death and injury from fires in newly created residences in Wales by placing a duty on the construction industry to ensure that each new residence built in Wales must be provided with an automatic fire suppression system that operates effectively and complies with regulations which are to be made by the Welsh Ministers.

A failure to meet this duty would be treated as equivalent to a breach of building regulations under the *Building Act 1984*.<sup>8</sup> Such a duty only applies to the construction of new residences in Wales.

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<sup>8</sup> ***Building Act 1984 (c.55)***

## Assembly Commission-proposed Measures

Only one Assembly Commission-proposed Measure has been passed by the National Assembly to date.

### National Assembly for Wales (Remuneration) Measure 2010

- **Member in charge:**  
The Rt. Hon Lord Dafydd Elis-Thomas Presiding Officer
- **Date of introduction:**  
9 November 2009
- **Date of Royal Approval:**  
21 July 2010

This Measure establishes a **National Assembly for Wales Remuneration Board**. The provisions included in this Measure were introduced following recommendations made by the **Independent Review Panel on Assembly Members' Pay and Allowances**, which reported in July 2009, to create an independent National Assembly for Wales Remuneration Board as the statutory Independent Review Body to set and review Assembly Members' and additional office holders' salaries, allowances and pension arrangements.

The Chair, the Rt. Hon George Reid, along with other Members to the Remuneration Board were appointed on 22 September 2010 and published its first report in March 2011, setting Assembly Members' pay for the next four years. <sup>9</sup>

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<sup>9</sup> **National Assembly for Wales Press Release, *National Assembly appoints Chairman and Members of the Remuneration Board, 22 September 2010* [Accessed 11 January 2011]**

## Assembly Committee-proposed measures

Only one Assembly Committee-proposed Measure, introduced by the Standards of Conduct Committee, has been passed by the National Assembly to date.

### National Assembly for Wales Commissioner for Standards Measure 2009

- **Member in charge:**  
Jeff Cuthbert AM - Chair of the Standards of Conduct Committee
- **Date of introduction:**  
25 March 2009
- **Date of Royal Approval:**  
9 December 2009

This Measure places the position of the **Commissioner for Standards** on a statutory basis. It will ensure that the Commissioner is totally independent of the National Assembly and therefore able to investigate complaints against Assembly Members with complete objectivity. It will also provide the Commissioner with powers to enable him or her to investigate complaints rigorously, including the power to require third parties to provide relevant information.

The current Commissioner for Standards, Gerard Elias QC, was appointed on 17 November 2010.

## Further information

For further information on Assembly legislation and constitutional issues, please contact:

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