



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
The Constitutional and Legislative Affairs Committee**

**Dydd Llun, 24 Mehefin 2013
Monday, 24 June 2013**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. This is a draft version of the record. The final version will be published within five working days.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Vaughan Gething	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Peter Black	Aelod Cynulliad, Democratiaid Rhyddfrydol Cymru (yr Aelod sy'n gyfrifol am y Bil) Assembly Member, Liberal Democrats (Member in Charge of the Bill)
Helen Kellaway	Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services, Welsh Government
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol, Cynulliad Cenedlaethol Cymru Senior Legal Adviser, National Assembly for Wales
Carl Sargeant	Aelod Cynulliad, Llafur (y Gweinidog Tai ac Adfywio) Assembly Member, Labour (the Minister for Housing and Regeneration)
Tom Taylor	Polisi Tai, Llywodraeth Cymru Housing Policy, Welsh Government
Henry Vaile	Rheolwr cefnogi'r Bil Cartrefi Symudol (Cymru), Llywodraeth Cymru Bill support manager for the Mobile Homes (Wales) Bill, Welsh Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Ruth Hatton	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Siân Richards	Y Gwasanaeth Ymchwil Research Service
Owain Roberts	Y Gwasanaeth Ymchwil Research Service
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 2.20 p.m.
The meeting began at 2.20 p.m.

Ethol Cadeirydd Dros Dro Election of a Temporary Chair

[1] **Mr Williams:** Good afternoon and welcome to this meeting of the Constitutional and Legislative Affairs Committee. The committee Chair, David Melding, has submitted his apologies for today's meeting and the first item of business therefore is the election of a temporary Chair. I invite nominations from committee members for a temporary Chair to be elected under Standing Order No. 17.22.

[2] **Eluned Parrott:** I nominate Simon Thomas.

[3] **Mr Williams:** Thank you. I see that there are no other nominations and I declare Simon Thomas elected and invite him to take the chair.

*Penodwyd Simon Thomas yn Gadeirydd dros dro.
Simon Thomas was appointed temporary Chair.*

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant Introduction, Apologies, Substitutions and Declarations of Interest

[4] **Simon Thomas:** Diolch yn fawr. Rydym yn disgwyl Vaughan Gething i fod yn eilydd i Julie James, sydd wedi cyflwyno ei hymddiheuriadau. Nid ydym yn disgwyl larwm tân, felly os yw'r larwm yn canu, fe fydd hi'n bryd gadael yr ystafell a dilyn y tywyswyr. Rwy'n eich atgoffa i ddiffodd eich ffonau symudol ac yn y blaen, gan eu bod yn amharu ar yr offer cyfieithu. Mae offer cyfieithu ar gael ar gyfer y cyfarfod; rydych yn gwybod sut i ddefnyddio'r clustffonau, ond i atgoffa pawb, mae'r cyfieithu ar y pryd ar sianel 1 a'r iaith sy'n cael ei siarad ar sianel 0. A oes unrhyw ddatganiad o fuddiant? Gwelaf nad oes. Symudwn felly at yr eitem nesaf.

Simon Thomas: Thank you very much. We are expecting Vaughan Gething to act as a substitute for Julie James, who has sent her apologies. We do not expect a fire alarm, so, if it does sound, it will be time to leave the room and follow the instructions of the ushers. I also remind you to switch off your mobile phones because they affect the broadcasting equipment. There is translation equipment available for the meeting; you will know how to use the headphones, but, just to remind everybody, interpretation is available on channel 1 and the verbatim feed is available on channel 0. Are there any declarations of interest? I see that there are not. We will move on therefore to the next item.

2.21 p.m.

Offerynnau nad ydynt yn Cynnwys unrhyw Faterion i'w codi o dan Reolau Sefydlog Rhif 21.2 neu 21.3

Instruments that Raise No Reporting Issues under Standing Order Nos. 21.2 or 21.3

[5] **Simon Thomas:** Mae gennym ddau offerynnau—mae'r naill yn ymwneud â benthyciadau myfyrwyr a'r llall ag ymddygiad gwrthgymdeithasol. A oes unrhyw sylwadau am yr offerynnau? Gwelaf nad oes. Mae pawb yn hapus felly gyda'r offerynnau fel y maent.

Simon Thomas: There are two instruments under this item—one relates to student loans, and the other to anti-social behaviour. Are there any comments on those instruments? I see that there are not. Everyone is content with the instruments as they are.

**Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad Arnynt i'r Cynulliad
o dan Reolau Sefydlog Rhif 21.2 neu 21.3
Instruments that Raise Issues to be Reported to the Assembly under Standing
Order Nos. 21.2 or 21.3**

[6] **Simon Thomas:** Yr offeryn cyntaf o dan yr eitem hon yw Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013. Mae'r rheoliadau yn diddymu'r gyfundrefn drwyddedu bresennol ar gyfer bridio cŵn ac yn dod â rheoliadau newydd i mewn. Maent yn cael eu gwneud o dan y Ddeddf Lles Anifeiliaid 2006. Mae nifer o bwyntiau yn y fan hon ac mae'n deg nodi ein bod ni wedi derbyn llythyrau gan RSPCA Cymru ac ymgyrch CARIAD. Byddwch wedi gweld y llythyrau yn eich papurau, gobeithio. Mae'r ddau lythyr yn codi materion yn yr adroddiad, ac mae un CARIAD yn arbennig yn cynnig bod materion o ran rhinweddau a phwyntiau technegol y dylid eu codi am yr offeryn. Gofynnaf i un o'r swyddogion gyflwyno'r adroddiad sydd gerbron.

Simon Thomas: The first instrument under this item is the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013. These regulations dissolve the present licensing system for the breeding of dogs and bring in new regulations. They are made under the Animal Welfare Act 2006. There are a number of points here and it is fair to note that we have received letters from RSPCA Cymru and the CARIAD campaign. You will have seen those letters, I hope, in your papers. The two letters raise matters in the report, and CARIAD's letter in particular suggests that there are technical and merits points that should be raised on this instrument. I will ask one of the officials to present the report before us.

[7] **Ms Salkeld:** Certainly. There are a couple of reporting points on these regulations. The first is a technical point, which relates to regulation 24. In regulation 24, you will see that a number of powers from the Animal Welfare Act 2006 are described as 'relevant post conviction powers'. Relevant post-conviction powers has a specific meaning within the Animal Welfare Act 2006 and does not include section 35, which is a power to seize a dog if somebody is disqualified under the Act from owning animals. It will apply anyway—there is no need to reference it there—if the court makes an Order under section 34, but, as a matter of drafting, it should not be referred to as a 'relevant post conviction power' because that term is used to refer to something else.

[8] There are then two merits points. The first is a merits point generally because these regulations bring in a whole new system of licensing: they do away with and revoke the existing system under the Breeding of Dogs Act 1973 and brings in a new system. The second point is in relation to regulation 8(2) and the staff to dog ratio. Regulation 8(2) lists a number of conditions that a local authority must apply when giving a licence. One of those, at 8(2)(c), is the staff to dog ratio. It states that it must be ensured that, as a minimum, there is one full-time attendant per 20 dogs.

[9] The word 'dogs' is not defined in the regulations, and neither is it defined in the Animal Welfare Act 2006. However, in the interpretation section, in section 3, you will see that 'puppy', 'stud dog', and 'breeding bitch' are all defined as 'dogs'. Therefore, the word 'dogs' would include puppies, and, therefore, it would appear from the drafting of the legislation that it should be one member of staff to 20 dogs, to include puppies. However, the Minister's statement on the introduction of these regulations, as well as the risk impact assessment, is based on the exclusion of puppies, so that it would be one member of staff to 20 dogs, plus puppies. Therefore, the regulations are saying something different from the Minister's statement and the risk impact assessment. We have put it in here as a merits point, but it could also go in as a technical point, in that the formal meaning needs further explanation under Standing Order No. 21.2(v).

[10] **Simon Thomas:** Diolch am hynny. **Simon Thomas:** Thank you for that. Do A oes gan unrhyw Aelod sylwadau? Members have any comments?

[11] **Suzy Davies:** What are we going to suggest as a committee, then, as a way of dealing with this? This is partly a policy issue, and partly a drafting issue, is it not?

[12] **Ms Salkeld:** It is a difficult issue as well, because breach of the conditions is an offence and could render someone liable to imprisonment for six months, and a fine, so it needs to be clear. It is going to be difficult for local authorities and for members of the general public if they are not clear on that staff ratio, which is a new condition and is crucial.

[13] **Eluned Parrott:** In terms of the definition, we clearly need a definition of what is described as a 'dog', for clarity on what the staff to dog ratio ought to be. However, there is one thing that concerns me a little about this. We have had representations from a number of animal welfare groups that are concerned about the detail here, but they would not have been able to engage properly with the process if they have not been clear as to what the Minister means by his intentions, either in his statements or as against the regulations themselves. Therefore, we need some clarity, and I believe that we need to take a little more time to ensure that they are properly understood, and that the implications and the impacts are properly described in the impact assessment.

[14] **Simon Thomas:** Beth yw'r amserlen ar gyfer hyn? **Simon Thomas:** What is the timetable for this?

[15] **Ms Salkeld:** When is this due to be considered in Plenary? I am not quite sure.

[16] **Simon Thomas:** Do we know what the timetable is?

[17] **Mr Williams:** No, I am not entirely sure what the timetable is. They might be due to be considered sometime in early July, but I would have to check the forward work programme.

[18] **Simon Thomas:** Credaf fod 10 Gorffennaf wedi cael ei awgrymu gan rywun, felly mae'n bosibl mai dyna'r dyddiad. **Simon Thomas:** I believe that 10 July has been suggested by someone, so it is possible that that is the date.

[19] **Suzy Davies:** If the interpretation is correct, then the drafting does not meet the policy objective, but are we 100% sure that the explanation that is given in the impact assessment is correct?

[20] **Ms Salkeld:** We have not had a definite response yet to the report.

[21] **Mr Williams:** It might even be 2 July, or 9 July.

[22] **Suzy Davies:** The Minister needs to give us a quick response, then.

[23] **Simon Thomas:** It appears to me that it is a policy decision by the Government as to whether it defines 'puppies', 'dogs', 'breeding bitches', or whatever—that is a policy decision. However, we have a clear understanding, particularly as it relates to an offence, that it has to be clear on the face of the regulations as to what is meant by the definition. The regulations themselves seem to be clear, but it is the explanation around the regulations that has not been clear. Therefore, could we be a bit more explicit in our report around that? I believe that you suggested that we can make a particular reporting point on that, around a technical word.

[24] **Ms Salkeld:** Yes. It currently stands as a merits point, but we could put it as a technical point as well, and do some wording around that.

[25] **Suzy Davies:** It could be either, because we do not know.

[26] **Eluned Parrott:** Can we ask to clarify whether or not the impact assessment defines ‘dogs’ as including puppies or not, because that will make a significant difference to its impact on businesses and animal welfare?

[27] **Ms Salkeld:** The impact assessment at the moment is costed on the basis that puppies are excluded from the 1:20 figure.

[28] **Eluned Parrott:** Okay.

[29] **Suzy Davies:** Those are things that local government would lack, but that then comes back to your point at the beginning.

[30] **Simon Thomas:** It appears to me that the regulations fudge the issue—that is what the danger is. We could be making regulations that have an effect on criminal offence. It is not clear.

[31] **Suzy Davies:** Yes, because, as you say, the consequences are extremely serious.

[32] **Simon Thomas:** Fe wnawn ni newid ychydig ar yr adroddiad, felly, i adlewyrchu hynny. Wrth gwrs, bydd yr adroddiad hwn yn mynd o flaen y Cynulliad llawn i’w ystyried. Mae’n bwysig tanlinellu y bydd y rheoliadau hyn yn mynd i’r Cynulliad i’w penderfynu arnynt o dan y broses gadarnhaol. Bydd yr adroddiad ar gael i bobl ei weld, os na ddaw mwy o eglurder o’r Llywodraeth yn y cyfamser, wrth gwrs. A yw pawb yn hapus â hynny?

Simon Thomas: We will change the report a little, therefore, to reflect that. Of course, this report will go before the full Assembly for consideration. It is important to highlight that these regulations will go before the Assembly for a decision to be made on them under the affirmative procedure. The report will be available for people to see, if no further clarification comes from the Government in the meantime, of course. Is everyone happy with that?

[33] **Eluned Parrott:** Yes, thank you.

[34] **Suzy Davies:** Yes.

[35] **Simon Thomas:** Diolch yn fawr. Nid oes unrhyw fater arall i’w ystyried o dan yr eitem hon ar ein agenda.

Simon Thomas: Thank you. There are no other matters to consider under this item on our agenda.

2.30 p.m.

Gorchmynion Cychwyn Commencement Orders

[36] **Simon Thomas:** Nid ydym fel arfer yn ystyried Gorchmynion cychwyn, ond mae dau ohonynt wedi dod i sylw’r pwyllgor heddiw, sef y Gorchmyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Dros Dro ac

Simon Thomas: We do not usually consider commencement Orders, but two have been brought to the committee’s attention today, which are the Housing and Regeneration Act 2008 (Commencement No. 3 and Transitional, Transitory and Saving

Arbed) (Cymru) 2013, a'r Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2013 (Cychwyn, Diwygiadau Canlyniadol a Darpariaethau Trosiannol ac Arbed) (Cymru) 2013. Rydym yn tynnu'ch sylw at y rhain heddiw oherwydd, er eu bod yn Orchymynion cychwyn, maent hefyd yn effeithio ar bethau eraill y tu mewn i ddeddfwriaeth. Fel y gwyddoch, fel pwyllgor, rydym wedi sylwi ar hyn o'r blaen ac rwy'n meddwl bod y Cadeirydd, David Melding, wedi codi'r mater hwn yn ddiweddar wrth adrodd yn y Cyfarfod Llawn ar un o'n hadroddiadau. Nid yw wastad yn beth da i weld Gorchymyn cychwyn sy'n effeithio ar bethau eraill y tu mewn i ddeddfwriaeth. Felly, mae hyn yn cael ei wneud er mwyn tynnu'ch sylw ac er gwybodaeth. A oes gennych unrhyw sylwadau pellach?

[37] **Suzy Davies:** Pwy sy'n gwybod am hynny'n barod? At bwy mae sylwadau wedi mynd?

[38] **Simon Thomas:** Cwestiwn da; nid wyf yn siŵr. Rwy'n meddwl mai dim ond at sylw'r pwyllgor y mae wedi'i dynnu, fel eich bod yn gwybod ei fod yn digwydd. A ydych chi am godi'r mater ymhellach?

[39] **Suzy Davies:** Os yw'n dal i ddigwydd, mae'n rhaid i rywun ddod i wybod.

[40] **Simon Thomas:** Mae'n bwydo i mewn i'r adroddiad rydym yn ei wneud ar sut mae'r Prif Weinidog a Gweinidogion Cymru yn meddu ar bwerau ac ati. Mae croeso ichi ysgrifennu at y Prif Weinidog ynglŷn â hyn os ydych chi'n teimlo ei fod yn—

[41] **Suzy Davies:** Wel, er mwyn ei atgoffa am ein hawgrymiadau y tro diwethaf.

[42] **Simon Thomas:** Iawn. Fe wnawn ni ysgrifennu, neu, fe ofynnwn i David i ysgrifennu, at y Prif Weinidog yn cyfeirio at yr hyn rydym wedi ei ddweud yn y gorffennol, sef bod hyn yn digwydd ac fe wnawn ni gadw llygad arno. A ydych yn hapus â hynny?

[43] **Suzy Davies:** Ydw.

[44] **Eluned Parrott:** Yes.

Provisions) (Wales) Order 2013, and the Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013. We are bringing these to your attention today because, although they are commencement Orders, they also affect other matters within legislation. As you know, as a committee, we have previously noticed this and I think that the Chair, David Melding has raised this issue recently when reporting in Plenary on one of our reports. It is not always a good thing to see a commencement Order that affects other issues within legislation. So, this is to make you aware of it and for your information. Do you have any further comments to make?

Suzy Davies: Who knows about that already? To whom have comments been made?

Simon Thomas: Good question; I am not sure. I think that only the committee has been made aware of it, so that you know that it is happening. Would you like to pursue the matter?

Suzy Davies: If it is still happening, someone needs to know about it.

Simon Thomas: It feeds into the report that we are doing on how the First Minister and Welsh Ministers use powers and so on. You are welcome to write to the First Minister about this if you feel that this is—

Suzy Davies: Well, just to remind him of our previous suggestions.

Simon Thomas: Okay. We will write, or we will ask David to write, to the First Minister referring him to what we have discussed in the past, namely that this does happen and we will keep an eye on it. Are you content with that?

Suzy Davies: Yes.

[45] **Simon Thomas:** Iawn. Diolch yn fawr. **Simon Thomas:** Okay. Thank you.

2.32 p.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public**

[46] **Simon Thomas:** Cynigiaf fod

Simon Thomas: I move that

y pwyllgor yn penderfynu gwahardd y cyhoedd o'r cyfarfod yn unol â Rheol Sefydlog Rhif 17.42(vi).

the committee resolves to exclude the public from the meeting in accordance with Standing Order No. 17.42(vi).

[47] **Simon Thomas:** Ar ôl y sesiwn breifat, fe ddown yn ôl am 3 , fe ddown yn ôl am 3 p.m. mewn sesiwn gyhoeddus i archwilio'r Bil. A yw pawb yn gytûn? Gwelaf eich bod. Diolch yn fawr.

Simon Thomas: After the private session, we will come back at 3 p.m. into public session to consider the Bill. Does everyone agree? I see that you do. Thank you.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 2.32 p.m.
The public part of the meeting ended at 2.32 p.m.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 3.01 p.m.
The committee reconvened in public at 3.01 p.m.*

**Tystiolaeth mewn Perthynas â'r Bil Cartrefi Symudol (Cymru) ar ôl Cyfnod 2
Evidence in relation to the Mobile Homes (Wales) Bill post Stage 2**

[48] **Simon Thomas:** Croeso yn ôl i gyfarfod y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol. Croeso eto i Mr Peter Black, yr Aelod sy'n gyfrifol am y Bil, sydd erbyn hyn o'r enw *Mobile Homes (Wales) Bill*, wedi newidiadau yng Nghyfnod 2. Gyda Peter Black y mae Mr Gwyn Griffiths—croeso i chi.

Simon Thomas: Welcome back to this meeting of the Constitutional and Legislative Affairs Committee. Welcome once again to Mr Peter Black, the Member in charge of the Bill, which is now the *Mobile Homes (Wales) Bill*, following amendments at Stage 2. Joining Peter Black is Mr Gwyn Griffiths—welcome to you, too.

[49] A ydych yn barod, Peter, i ateb cwestiynau? A yw hynny'n iawn? Gwelaf ei fod.

Are you ready, Peter, for us to move to questions? Is that okay? I see that it is.

[50] Fel yr ydym yn gwybod, roedd dros 100 o welliannau i'r Bil yn ystod y broses, ac mae wedi newid yn sylweddol. A fydddech yn gallu rhoi i'r pwyllgor rhyw flas ar y newidiadau hynny a'u pwrpas? Pam yr ydych wedi ychwanegu at rai o'r pwerau wedi'u dirprwyo yn y Bil?

As we know, there were around 100 amendments to the Bill during the process, and it has changed significantly. Could you give the committee an overview of those changes and their purpose? Why have you added to some of the delegated powers in the Bill?

[51] **Peter Black:** Yes. Not only does the Bill contain the policy proposals in the original version, but it has consolidated provisions from three existing Acts: the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, and the Mobile Homes Act 1983. So, effectively, we have created a stand-alone Welsh Bill that will deal with the mobile homes issue. I think that that is quite helpful, because it was getting a bit confusing, given that the English Bill has gone through.

[52] We have also carried forward material from the English Mobile Homes Bill, now the Mobile Homes Act 2013, which was passed recently. We felt that, where it is consistent with our policy objectives, and where the English Bill had done some good things, it was worth putting those in our Bill as well. The result is that we will now have a single Act to deal with these matters, while, in England, there continue to be three Acts, two of which date back to the 1960s. We have incorporated all of the original policy intentions. In doing that, a lot of the secondary legislation that was in the original Bill has, effectively, been subsumed and is now on the face of the Bill. Most of the secondary legislation stuff was in the previous Acts and has just been carried forward. As a result of that, I think that we now have a more comprehensive and a clearer Bill, and one that can be commenced much more quickly.

[53] **Simon Thomas:** A ydych o'r farn, felly, fod y broses hon wedi creu Bil yr ydych yn fwy bodlon arno? A ydych yn fodlon hyrwyddo'r Bil ymhellach? A oes rhywbeth y byddwch yn dal i feddwl y mae angen gwelliannau yn ei gylch wrth i'r Bil fynd i'r cyfnod nesaf?

Simon Thomas: Are you therefore of the opinion that this process has created a Bill that you are happier with? Are you content to promote this Bill further? Is there anything that you feel needs to be amended further as the Bill moves to the next stage?

[54] **Peter Black:** No. I have worked with the Government throughout this, and, had I had the resources at the beginning of this process, this is the Bill that I would have tried to bring forward. I know that the Assembly Commission has put in place additional resources so that this does not happen again. I have worked with the Government on all of these amendments. I have made sure that my original policy objectives are in there, and other stuff has been added in consultation with me. So, I feel very much that this is a Bill that I am very happy with, and it is one that I think deals with the issues that I hoped to address when this process started.

[55] **Simon Thomas:** Diolch am hynny. Byddwch yn cofio, pan ddaethoch i'r pwyllgor hwn y tro diwethaf, gwnaethom ofyn i chi am drafodaethau â Swyddfa Cymru ynglŷn â chymhwysedd y Bil. Gan fod y Bil wedi newid sut gymaint, a ydych wedi gorfod cynnal trafodaethau â Swyddfa Cymru neu o leiaf yrru copi o'r Bil newydd ati? A oes cwestiwn am y ffordd y mae'r Bil yn awr yn ffitio â deddfwriaeth yn Lloegr? Roeddech yn sôn am y Ddeddf newydd yn Lloegr.

Simon Thomas: Thank you for that. You will recall that, when you came to this committee previously, we asked you about discussions and negotiations with the Wales office about competence and the Bill. Given that the Bill has been so widely amended, have you had to hold further discussions or at least send a copy of the new Bill to the Wales Office? Is there any question over the way that this Bill now fits with the legislation in England? You mentioned the new Act in England.

[56] **Peter Black:** We have written to the Wales Office subsequently and sent it a copy of the new Bill, and we have not had a response to that letter that I am aware of. We did write to the Wales Office in the first instance, and the response that I had, after I gave evidence to this committee, was that it had no issues with competence, but was concerned about how my Bill at that stage fitted in with the Bill going through in England, and the three Acts. I think that we have addressed that concern by having this approach of creating a consolidated, single Welsh Bill.

[57] **Simon Thomas:** As the Wales Office did eventually reply to you on the first iteration of this Bill, you would now be hopeful that it would reply just to confirm that, would you?

[58] **Peter Black:** I hope that I will get a response before Stage 3 on 10 July, but I have not had a response yet. I am not anticipating any problems with the Wales Office, because it did not raise these issues in the first place and we have actually addressed the concerns that it raised in its response to me.

[59] **Suzy Davies:** Just on this question of competence, you brought into this new Bill terminology that was used in UK stand-alone Acts at one point, and, of course, the UK Parliament can legislate on pretty much whatever it likes. What work have you done to make sure that anything transferred from existing UK Acts into this Act actually deals with issues within competence? I might ask you about this later on, but I am thinking of such things as implied contract terms, and restraint of trade, which we may not, on the face of it, have competence over—how have you dealt with those?

[60] **Peter Black:** Obviously, I did not do the original drafting, but the Bill carried forward matters that we already had competence over, and we have written again to the Presiding Officer asking her to revisit the competence issues just to be on the safe side. I have not had a response to that yet, but I would expect a response. I am confident that this Bill is within competence. It is really just consolidating existing Acts that are within our competence and matters that I think Welsh Ministers would already be dealing with and which would be dealt with by local government in Wales as well.

[61] **Suzy Davies:** May I press you a little further on that? Is that okay, Chair?

[62] **Simon Thomas:** As long as it is on the competency, not the policy.

[63] **Suzy Davies:** Yes, it definitely is. I am still not 100% sure about taking a UK law in this way. Obviously, the housing and mobile homes bit is definitely within competence, but there are specific sections within those older UK laws that may not be specifically within our competence. I do not know how many dealings you have had with the Government, or how much confidence it has given you that every single term within your Act is within competence, rather than the general idea that dealing with mobile homes is.

[64] **Peter Black:** I have been reliant on my own legal advice, on the Government's legal advisers and on the counsel that it has engaged to carry out this redraft. I have no reason to believe that they would draft anything outside of competence, but, if you have any particular clauses that you want to draw to my attention, and which we could look at, I am happy to ask for legal advice on that.

[65] **Suzy Davies:** I will bring those up a little later, if that is okay.

[66] **Simon Thomas:** We will also have the Minister in after you, Peter, so we will be able to ask him as well.

[67] **Suzy Davies:** I appreciate your position, Peter.

[68] **Simon Thomas:** Eluned is next.

[69] **Eluned Parrott:** I want to refer back to the initial report from this committee, which raised three particular areas of concern, one of which was about asking you to add more detail to the face of the Bill, which you have referred to already in your introduction. The second was about regulation-making powers having very clear principles attached to them, and the third one was about seeing those powers subject to a greater level of scrutiny than that

provided by the negative procedure, for example, which was used quite a lot initially. Can you explain to us how you think you have been able to address those specific concerns?

[70] **Peter Black:** In terms of the level of detail, a lot of the provisions that were to be made by regulation in the original Bill have now been put on the face of the Bill or have been subsumed by the change of approach, particularly around the licensing regime itself. So, I think we have addressed that, and there are also clear criteria in the Bill as to why we need to use certain regulations or Orders to do certain things. So, I think the Bill is quite clear on that particular aspect.

[71] Sorry, what was the last part of your question?

[72] **Eluned Parrott:** It was about scrutiny and making sure that we have the appropriate procedure for the regulation-making or Order-making powers.

[73] **Peter Black:** I am fairly confident that the level of scrutiny is appropriate for the regulations that are required. I am sure there are one or two issues that you will want to raise with me on that particular theme, but most of the regulations that arise from this new Bill are already in place in terms of existing Acts—the 1960, 1968 or 1983 Acts, and all those regulations are already in place as well. So, it is not a question of issuing a whole new set of regulations, which makes the commencement of this Bill much easier if it becomes law.

[74] **Eluned Parrott:** Okay, thank you. I will come to some of the specific things in terms of procedure in a minute. With regard to the restatement from existing legislation, obviously, there are reasons why you want to consolidate that law. Can you talk me through the processes you went through to make sure that each of those restated provisions was fit for purpose in terms of delivering your policy objectives and fit for purpose in terms of the Welsh context—legally, but also socially?

[75] **Peter Black:** First, my policy objectives relate not so much to the restated provisions, but to the new provisions that have been put in place. There are 14 particular issues around that, which I can go through in detail, if you want. We were quite clear that those 14 objectives had to be in the new Bill. Most of the stuff that has then been carried forward is really just a consolidation of existing legislation. As such, it did not impinge on my policy objectives; it was just about putting that into the context of a new Bill. So, really, the question is: in terms of existing legislation, am I happy that the regulations and the Orders coming from existing legislation are sufficient? I am, because that is already in place and we are consolidating that, along with the new policy objectives that we have put in place.

[76] **Eluned Parrott:** To cut across you on that, the fact that it already exists in legislation that may be 30 or 40 years old is not necessarily a reason to transpose it into a new piece of legislation now. So, how did you go through the new restatements that were proposed by the Welsh Government and how did you assess them in terms of whether or not they added value to or undermined the objectives that you were trying to achieve?

[77] **Peter Black:** The drafters of this particular Bill effectively scrutinised all that was in the previous three Acts and brought forward what they considered to be necessary in terms of creating the stand-alone Bill, in line with the policy objectives that I had in place. They tried to modernise the language and the process as we went along. A couple of issues were raised at the Communities, Equality and Local Government Committee, such as the definition of ‘family’, which is a 30-year-old definition with a bit tagged on, which, I think, the Government is looking at addressing through an amendment at Stage 3. However, by and large, we have in front of us a Bill that, given the time constraints we had, has restated the basic principles of the three Acts in a new Bill in as modern a format as we are able to get them into, and we have added in the additional policy objectives in terms of the licensing

regime, the fit-and-proper-person test and various other protections for residents, as well as bringing the residential property tribunal in on a number of occasions, in terms of appeals et cetera.

[78] **Eluned Parrott:** With regard to the procedural controls that have been transferred over from the England-and-Wales legislation, were there any ones where you felt it necessary to change from, say, the negative to the affirmative procedure, or things along those lines, to make it more suitable to you, or have you transposed each as it was?

[79] **Peter Black:** I was not involved in the detailed drafting, but I think that we have transposed them virtually as they were. I see that Gwyn confirms that. So, I do not think that we have made any changes to the procedures.

[80] **Eluned Parrott:** In which case, may I ask you a few specifics and see how we go?

[81] **Peter Black:** Yes.

[82] **Eluned Parrott:** In section 10, the powers conferred on Welsh Ministers in relation to issuing standards with regard to models and the layout of mobile home sites and so on are not subject to any procedural control. Can you explain why you think that is appropriate?

[83] **Peter Black:** Is that section 10 of Schedule 2?

[84] **Eluned Parrott:** Let me check. It is Part 2, section 10.

[85] **Peter Black:** The powers in Schedule 2, which you refer to—

[86] **Vaughan Gething:** No—

[87] **Peter Black:** Is it not that?

[88] **Eluned Parrott:** It is Part 2, on the model of standards.

[89] **Peter Black:** The model of standards under section 10 has the same effect as guidance, in that local authorities must have regard to it. The guidance is not considered to be sufficiently significant for it to be an exception to the normal practice that guidance is not subject to a scrutiny procedure. Those model standards have been in existence for some time, and we have just carried that forward. As they already exist, any alterations to them would have been an administrative alteration in line with the new policy that will come into the Bill.

3.15 p.m.

[90] **Eluned Parrott:** In the same part, section 15 restates section 9 of the Caravan Sites and Control of Development Act 1960. The powers conferred on Welsh Ministers by that section to issue statutory guidance are not subject to any procedural controls. Can you explain why that is appropriate?

[91] **Peter Black:** Again, that guidance under section 15 is not considered to be sufficiently significant for it to be an exception to normal practice. The guidance is not subject to a scrutiny procedure, so we took the view that that, as it was, did not seem to stand out as something that needed to be an additional scrutiny procedure that had not applied in the past.

[92] **Eluned Parrott:** With regard to this particular section, the guidance is for local authorities to consider the need to take into account, when deciding, whether or not to issue a

fixed-penalty notice, or something along those lines. Given that there is a penalty attached to this, would it be appropriate to introduce a procedure in this instance?

[93] **Peter Black:** As I understand it, the fixed-penalty notice—please bear with me while I double-check this—is set out in the Act, in terms of how it is determined. So, we are not asking the Minister to issue guidance in terms of the penalty itself, but just to issue guidance on how that is applied. Again, we do not think that it is significant enough to warrant additional scrutiny procedures.

[94] **Suzy Davies:** It is a hypothetical question, but if you decided, for some reason, that an enhanced scrutiny procedure was appropriate for us in Wales, how would that affect what was left over? The 1960 Act will still exist in England and continue to apply in Wales, will it not? Will you be revoking or repealing it?

[95] **Peter Black:** The 1960, 1968 and 1983 Acts will no longer apply in Wales.

[96] **Suzy Davies:** That answers my next question.

[97] **Eluned Parrott:** Moving on to section 16, Part 2, which deals with fixed-penalty notices, the Bill that you introduced in the first instance gave Welsh Ministers a power to amend the amount at a later date. However, that provision has been removed in the Bill as now drafted. How will fixed penalty fees be changed in future?

[98] **Peter Black:** We took notice of your recommendation, and we took the amount off the face of the Bill. So, the fixed-penalty amount is now a matter for the local authority to decide, up to the maximum of level 1 on the standard scale, which is currently £200. That standard scale is reviewed by the Ministry of Justice on a regular basis. So, the amount is based on a standard scale.

[99] **Eluned Parrott:** Section 29 says that local authorities must have regard to evidence when deciding whether a person is a fit-and-proper person to manage a site, and that is subject to the affirmative procedure. Why does section 29 of the Bill provide Welsh Ministers with powers to amend, by regulation, the evidence that a local authority must consider when deciding whether a person is a fit-and-proper person or not?

[100] **Peter Black:** This is a power that has been added to the Bill. It was put in there because, at some stage, some of the legislation might change, and additional legislation might come in that might apply to it. It seemed appropriate that Ministers had the power to amend those criteria, but that is subject to an affirmative procedure, which is an appropriate way forward.

[101] **Eluned Parrott:** This is subject to an affirmative procedure. There are some other issues that are subject to the negative procedure or, indeed, no procedure, so, presumably, you do not anticipate that there will be massive or major changes to the type of evidence that a local authority will need to have regard to.

[102] **Peter Black:** I cannot predict what will happen in the future. We added, for example, the firearms offences from the original Bill. It may well be that other offences are created by primary legislation at the UK level, which might be considered to be relevant to a fit-and-proper-person test. It may well be that Welsh Ministers decide that that should be added to the Bill as part of the criteria. So, I think that it is a matter of judgment based on what is going to happen in the future. I am not in a position to predict that.

[103] **Eluned Parrott:** Finally from me, section 35 empowers Welsh Ministers to issue statutory guidance to local authorities on the performance of their functions under Part 2. The

guidance, obviously, is currently subject to no procedure. Why do you believe that this is appropriate in this instance? Obviously, that guidance might have a significant impact on the delivery of the Bill.

[104] **Peter Black:** The guidance, I think, helps local authorities to interpret how their duties should be performed. I do not think that it is significant enough to be subject to a procedure in the Bill. For that reason, we have not put a procedure in there.

[105] **Eluned Parrott:** Do you think that there might be a case for saying that, in the first instance, it might be something that is useful to be subjected to some kind of scrutiny? With changes in the future, that may not be necessary, but, in the first instance, some form of scrutiny will allow local authorities to engage with the process.

[106] **Peter Black:** I do not think that it is normal for guidance to be subject to a procedure of that type; so, I think that it is reasonable to say that Ministers should have the discretion to issue guidance to local authorities. Sometimes, that guidance has to be issued in a timely manner. A procedure could well delay it, particularly if something urgent comes up. I am content that this process, as set out in the Bill, is sufficient and appropriate.

[107] **Simon Thomas:** On that point, Eluned has taken us through a series of parts of the Bill that have guidance in them, and you have made it very clear that this is just being transferred, really, from the extant Bills. Not to put words in your mouth, but I think that you said that it is the Government side that has drafted these, transferring them and putting them into the context of your policy objectives. Do you feel that that leaves you with a Bill that is somewhat unbalanced between where you are striking your policy objectives, where there are regulation-making powers, and other parts that now look rather old fashioned, where Ministers know best and they will issue guidance? Have you looked at the balance of the Bill in that way?

[108] **Peter Black:** We have. It has been a process that has been time-constrained. If my Bill had proceeded as originally drafted, you would have had that situation in any case—existing guidance and existing legislation would have gone forward in that way, and the additional policy objectives would have been dealt with in a different way. The difference here is that we have the advantage of having it all consolidated into one Bill, to make the whole thing easier to deal with. I do not think that that balance is too out of kilter. I think that we are roughly about right in terms of how we should proceed.

[109] **Simon Thomas:** I think that Eluned wants to come in on one point.

[110] **Eluned Parrott:** I am just returning to the issue of being able to consult on statutory guidance or guidance as part of the delivery mechanism. Obviously, you will be aware of the Active Travel (Wales) Bill, under which guidance is being used to deliver a policy objective or to inform how a policy objective will be delivered. The stated intention there is that there will be consultation around that guidance to make sure that it is fit for purpose. Do you think that there may be occasions within your Bill where guidance should be consulted upon, to make sure that users, owners and local authorities have an opportunity to contribute to make it fit for purpose?

[111] **Peter Black:** Where guidance is being used to deliver policy objectives, I think that there is a clear case for some consultation to take place. In this particular instance, in section 35(1), I think that this guidance is around administrative matters as opposed to a policy objective. Therefore, I think that it is appropriate as it is.

[112] **Simon Thomas:** We will now turn to Vaughan.

[113] **Vaughan Gething:** I will start with section 50 on the face of the Bill, Peter. This refers to the particulars in the agreement and the content of the written statement that a site owner must give to a prospective buyer at least 28 days before potential purchase. Could you set out for us whether you think that that power is necessary? If it is necessary, why have you chosen the negative procedure for a regulation-making power?

[114] **Peter Black:** It is necessary. The guidance is thrown in at the end; it is an option. I do not think that it has to happen. It says

[115] ‘complies with such others requirements as may be prescribed by regulations’.

[116] I do not think that the regulations need to be put in place to deliver on this. The negative procedure is appropriate because, again, most of the details of those agreements are set out on the face of the Bill, and any other regulations that the Welsh Ministers would issue could well be on administrative matters, such as, for example, the form of a statement or a particular wording.

[117] **Vaughan Gething:** Given that you detail on the face of the Bill a range of areas that must be part of that statement, would you consider whether the first set of catch-all regulations that Ministers may add to, in the first instance, should be affirmative and, thereafter, negative?

[118] **Peter Black:** In this particular instance, it is appropriate as it is set out, because it allows Ministers to prescribe by regulations any other requirements, and most of them would be administrative.

[119] **Vaughan Gething:** May I turn now to—

[120] **Peter Black:** These are already in place under the 1983 Act, as Gwyn has just pointed out.

[121] **Vaughan Gething:** That is the old legislation that Eluned was talking about. May I turn to the Schedules, and go to Schedule 1? This refers to sites that are not regulated sites. There are regulation-making powers here for Ministers to prescribe smaller areas, potentially, in particular in paragraph 3, where they can reduce the area of 20,000 sq m. Could you give us examples of when you think Welsh Ministers could or would need to use the power, to see whether the power is needed, and then explain, if you think that the power could be needed, why, at present, it is not subject to a procedural control?

[122] **Peter Black:** This is a consolidation from a previous Act, so it is a matter that is already in place. I cannot give you those examples, but we felt that it was appropriate to carry it forward from a previous Act to ensure that we covered all the bases.

[123] **Vaughan Gething:** In terms of the procedural point, in answer to questions from Eluned earlier on, you referred to guidance and your view that it is pretty unusual for there to be a procedural control on guidance, and yet, here, Welsh Ministers would be making Orders, so it is not a matter of guidance—they would be amending part of the Bill, albeit a Schedule. So, have you turned your mind to whether or not there should still be the power to amend this, without there being a procedural control?

[124] **Peter Black:** Both the powers in Schedule 1 are taken from the First Schedule to the 1960 Act. They will be local in application, although made by Welsh Ministers. For that reason, no procedure was thought appropriate in 1960, and we decided to go along with that in 2013.

[125] **Vaughan Gething:** Okay; that is a pretty clear answer. The same is true of paragraph 14 of Schedule 1. I am interested in whether you will give me the same answer to each of the instances in Schedule 1.

[126] **Peter Black:** Yes, that is the second power that I referred to.

[127] **Vaughan Gething:** It is suggested here that Schedule 1 does not provide any powers for Welsh Ministers to amend any Orders that they make at a later date. Is that something that you have considered and would like to reconsider?

[128] **Peter Black:** These Orders apply to specific issues and particular circumstances, so I think that those Orders would be appropriate to those individual circumstances and would be local in nature. I do not think that there is any need to amend those Orders subsequently, because they would be addressing particular circumstances.

[129] **Vaughan Gething:** Paragraph 14(2)(b) of Schedule 1, says that:

[130] ‘An order under this paragraph...may be varied or revoked by a subsequent order only on the application of the local authority on whose application it was made.’

[131] Is that where you see the flexibility? If, for example, Welsh Ministers have disapplied any or all of the previous parts of the Schedule, is that where you are looking to have the flexibility, but, again, without any procedural control other than the local authority requesting that Welsh Ministers make an Order? It is just so that I understand this.

3.30 p.m.

[132] **Peter Black:** This power to withdraw exceptions is explicitly made on the application of a local authority by Order and relates to a particular piece of land. Therefore, any variation or revocation of that Order will also be on application to the local authority; that is the local nature of the Order. The way that it is set out, as carried forward from the 1960 Act, is appropriate and proportionate in relation to the circumstances under which that Order might be applied. I have never really studied the history of mobile homes Acts going back to 1960, but I cannot think of any circumstance in which this might apply, although it may well be necessary in the future.

[133] **Vaughan Gething:** Schedule 2 contains a number of powers about terms within agreements, for example paragraph 7 of Part 1 refers to recovery of overpayments by an occupier. I am interested that you have again chosen the negative procedure; it would, again, be helpful if you would set out why you think that the powers in this Schedule are necessary, and then why the negative procedure is being used, given that you are potentially making Orders about how money may or may not be recovered. Have you considered whether the affirmative procedure would be a more appropriate procedure, at least in the first instance?

[134] **Peter Black:** I do not think that paragraph 7 refers to an Order, does it?

[135] **Vaughan Gething:** The reference is to the recovery of overpayments. This Part refers to the power to make a number of Orders in relation to the terms of mobile home agreements. That is just one example of an area covered in this Schedule.

[136] **Peter Black:** Yes, these provisions have been carried forward from the original Acts. How the overpayment is recovered is an administrative matter rather than a policy matter. It is appropriate, given the time constraints involved, that Welsh Ministers are able to make that Order by way of a negative procedure.

[137] **Vaughan Gething:** Paragraph 10(2) in the same Schedule refers to the ability to prescribe in regulations that the occupier must provide documents to the potential occupier. Again, it is a negative procedure in the first instance and no procedure thereafter. Given that there is a procedural safeguard in the first instance, could you set out why you think that there is no need or reason for there to be any form of procedural safeguard, even if it is the negative, for subsequent regulations?

[138] **Peter Black:** I did raise this with the Government draughtspersons at the time. I think that there may be a case for a subsequent procedure in there. The argument is that this is, again, an administrative process, and certainly paragraph 22(a) in the Schedule relates to the nature of the form, but paragraph 10(2)(a) is possibly more wide-ranging than that. As it is drafted at the moment, I am content with the negative procedure. I would be happy to consider a further procedure, but the Minister would have to say whether he would be prepared to accept that as well.

[139] **Vaughan Gething:** Okay. Finally from me, paragraph 8 of Schedule 2 refers to the commission rate. Again, this is subject to the negative procedure. The committee, when money is involved and when it is about who has to pay how much to somebody else, prefers to have a more positive procedure. You have chosen the negative; can you set out whether you still think that that is the appropriate procedure here and whether you would consider the affirmative procedure as an alternative?

[140] **Peter Black:** At the outset of drafting this Bill, I set out a clear policy objective: I was not going to get involved with the commission on mobile homes because there are issues around the economics of the mobile homes industry. All this has done is carry forward the provision in the 1983 Act, as I understand it, in terms of how that commission rate is determined and it sets out what Ministers' powers are on that. I have not sought to alter that, and I did not want to get involved in that process. Once you start fiddling around with the commission, you start having to rebalance the entire economics of the mobile home industry. I am content that the negative procedure should apply as it did in the 1983 Act. I know that the committee took a different view in its report. The Government is also content that the negative procedure should apply in this. Again it is a matter for the committee what further recommendations it wants to make and whether anybody brings forward any amendments on this issue.

[141] **Vaughan Gething:** Changing the procedure would not, of course, affect the amount of the commission; it would affect the procedure for changing the commission. So, I am a little confused about the argument. I know that you said that you do not want to interfere with the rate of the commission and undermine the economics, but this is about how that process is managed. So, at present, there is a free hand for Welsh Ministers to amend the commission arrangements, whereas, if there was an affirmative procedure, there would have to be greater involvement.

[142] **Peter Black:** Any change to the commission rate would have to involve consultation, as happened a few years ago under the previous Government at a UK level. The conclusion of that consultation was that it would make no change to the commission rate. Given that there would have to be extensive consultation on changing that commission rate, the level of awareness raised by that consultation would be sufficient to alert Members to the need to call this in if they felt that the change was going to be unreasonable or unfair. The negative procedure would be sufficient in that regard.

[143] **Vaughan Gething:** I am still a little confused because the negative procedure does not require consultation. If, as you have just said, you think consultation is required, and you wanted to change the commission rate, then why not have an affirmative process, which guarantees an element of scrutiny that we know the negative is unlikely to provide? That is

why the question is this: why not have the affirmative procedure to guarantee some form of consultation?

[144] **Peter Black:** As I say, consultation has taken place in the past on this. I am content that what is set out in the 1983 Act should be carried forward. I am not concerned with changing that at this stage, and I wanted to concentrate on my own policy objectives. I am content to leave it as a negative procedure. The Minister may take a similar view; this is really a matter for the Minister.

[145] **Simon Thomas:** Suzy, did you want to comment? I remind Members that we are trying to concentrate on the regulatory side rather than the policy side.

[146] **Suzy Davies:** I completely understand that. You mentioned in your response to Vaughan Gething that when the UK Government was making decisions about the commission rate, it went to consultation and so forth, confirming that commission issues are within UK Government competence. However, what can you tell me to reassure me that the setting of commission rates is within Assembly competence?

[147] **Peter Black:** That consultation took place prior to the Government of Wales Act 2006, so at that point, it was within UK competence.

[148] **Suzy Davies:** It still is, but I am trying to find out—

[149] **Peter Black:** This commission rate is within Welsh competence now.

[150] **Suzy Davies:** Can you explain to me how you have come to that conclusion?

[151] **Peter Black:** The Government of Wales Act 2006, as I understand it, effectively gave us the power to deal with these issues.

[152] **Suzy Davies:** Specifically the setting of commission rates?

[153] **Peter Black:** Power specifically around mobile homes and housing issues, which includes the commission rate.

[154] **Suzy Davies:** Okay, that is fine; thank you.

[155] **Simon Thomas:** Before we move on, Peter, can I just sweep up one thing that is still outstanding with regard to the negative and affirmative procedures? In section 50 of the Bill, there are regulations regarding the written statement between site owners and prospective owners. Again, these are negative procedures, as Vaughan has just outlined. That strikes me as one of the areas in which you were most interested when you first came to the committee. Are you content—albeit this may be a transposition of previous legislation—that the Assembly does not have an affirmative crack at such an important element of the Bill?

[156] **Peter Black:** As I said, in terms of such other requirements, most of the necessary stuff is on the face of the Bill and is carried forward from the previous Act. I am content that any changes that Welsh Ministers may wish to make to that would be largely administrative, and I do not think that they could effectively alter the actual face of the Bill. So, I think that the negative procedure is most probably appropriate.

[157] **Simon Thomas:** You are content that those powers are not wide-ranging enough to change your policy intent in that sense?

[158] **Peter Black:** I am content with that.

[159] **Suzy Davies:** I have some questions for you regarding section 50 onwards and Schedule 2. The first one is paragraph 22, Schedule 2, which empowers Welsh Ministers to prescribe in regulations the required form of a notice. That is done by a negative procedure, so I assume that that is just a carry-across from existing UK legislation. Is it?

[160] **Peter Black:** As I understand it, yes.

[161] **Suzy Davies:** You did not need to give that any particular further thought.

[162] **Peter Black:** Paragraph 22 is a carry-forward and a consolidation, and it largely relates to the nature and design of the form.

[163] **Suzy Davies:** Right, okay; it is about what the form looks like. Before I ask you some specific questions about section 52, I still want to try to get to the bottom of what has been worrying me a little about this part of the Bill, namely Schedule 2—Part 1 in particular, ‘Terms implied by Act’. You explained to me earlier that the existing UK legislation would be revoked as it affects Wales, and that, effectively, we are starting from scratch, using our competence under the Government of Wales Act to start with new law. You have taken some of your ideas from the existing law and have, in fact, used some of the very same words for some of it. What I am trying to get to the bottom of is this: just because the UK Government had competence to bring in specific pieces of law, are we sure that the Assembly has to do it? I know that the subject area of mobile homes is covered by the Government of Wales Act, but, for example, Part 1 is about the terms implied by the Act. I must ask myself this question: does the Assembly have competence over implied contract terms? That is about private contract law—it is not about an area of public policy, or about setting out new punishments or conditions, or anything like that. You are trying to import a piece of law that was UK law, but the Assembly may not have competence to start off or do—I am sorry, I am not being very clear. I have a real concern that we are talking, in this Part of the Bill, about private contract arrangements between a site owner and a resident.

[164] **Peter Black:** First, I am advised that we do have the competence. Secondly, regarding section 51, ‘Terms of agreements’, those terms are set out in Part 1 of Schedule 2. Therefore, the power to amend those implied terms—which come from section 2A of the Mobile Homes Act 1983—will actually be subject to the affirmative procedure, and is then a power to amend Schedule 2 to this Bill.

[165] **Suzy Davies:** My real question—and there may be a perfectly simple answer—is this: does the Assembly have the power to imply contract terms into private contracts?

[166] **Peter Black:** I am not a lawyer—I could not answer that question.

[167] **Suzy Davies:** It may be a ‘yes’—I just want someone to tell me.

[168] **Peter Black:** I can only answer in terms of this Bill. The power to amend the implied terms, under section 52, relates to a power to amend in Part 1 of Schedule 2 to this Bill, and, therefore, it is an amendment to legislation, as opposed to an amendment to a contract to implied terms.

[169] **Suzy Davies:** My question is this: do we have the competence to have Part 1 in here at all, before we even start talking about this?

[170] **Peter Black:** My advice is that we do.

[171] **Suzy Davies:** That is good—that is all that I wanted to hear, thank you.

[172] **Simon Thomas:** Just to confirm—you have written again to the Presiding Officer for confirmation of this?

[173] **Peter Black:** Yes, we have written to the Presiding Officer, asking her to confirm that this Bill was within competence.

[174] **Simon Thomas:** And that, therefore, these issues should be reconsidered by that procedure?

[175] **Peter Black:** Yes.

[176] **Suzy Davies:** You have mentioned that, provided that we have the powers to have this Part in the Bill in the first place, any regulatory powers to amend will be done by the affirmative procedure. Presumably, you have come to the conclusion that it is important enough for any decisions of that nature to be scrutinised?

[177] **Peter Black:** Yes, and section 64(3) contains a requirement to consult as well. Therefore, in a sense, it is a sort of semi-superaffirmative procedure, is it not? [*Laughter.*]

[178] **Simon Thomas:** I do not think that we can use that term. [*Laughter.*]

[179] **Suzy Davies:** If it is a semi-superaffirmative, then that suggests that this is rather important. Was there an argument for having these on the face of the Bill—the organisations that should be consulted, for example?

[180] **Peter Black:** Is there a precedent for putting organisations that should be consulted on the face of a Bill? That is a very transient concept, is it not? You would not normally put on the face of a Bill a list of who should be consulted.

[181] **Suzy Davies:** It was considered at length during the School Standards and Organisation (Wales) Bill as a suggestion.

[182] **Simon Thomas:** And we did put some of the organisations on the face of the Bill. [*Laughter.*] However, I do not expect you to comment on another Bill, Peter.

[183] **Peter Black:** I think that if you start putting organisations on the face of a Bill, you would find that they may cease to exist, and that if a new organisation came into being, you would need to have primary legislation, or some form of legislation, to keep amending that. I think that that would be difficult.

[184] **Suzy Davies:** Okay. So it is about flexibility as much as anything then.

[185] **Peter Black:** Yes.

[186] **Suzy Davies:** Section 53 is about the powers that are conferred on Welsh Ministers regarding site rules. Again, there is quite a lot of power for local authorities in this Bill, so why do you believe that it is necessary for Welsh Ministers to have as significant a say when it comes to site rules?

[187] **Peter Black:** The various powers in section 53 all come from the Mobile Homes Act 2013, which is the English Act that we have imported. They have made those changes to the Mobile Homes Act 1983 in relation to England. They are all matters of a procedural and administrative nature, which we believe is appropriate for subordinate legislation made under the negative procedure.

3.45 p.m.

[188] **Suzy Davies:** Can you think of any reasons why, at ministerial level, there would need to be specific changes to site rules? There might be localised reasons, perhaps, that you cannot have homes bigger than a certain size or something like that. Can you think of any occasions where these might be used?

[189] **Peter Black:** There may be changes to planning legislation, for example, in terms of the distance between the homes. There could be changes to other legislation, such as, for example, legislation in relation to flooding or sewerage, which would require residents to act in a particular way. So, there are changes that can happen, both in legislation and elsewhere, that might require those site rules to be amended at an all-Wales level.

[190] **Suzy Davies:** You said ‘at an all-Wales level’. That is what I was trying to get to: why not leave that as a local decision?

[191] **Peter Black:** Of course, site rules can be amended at the site level, if the relevant consultation takes place.

[192] **Suzy Davies:** Section 57—and I will just remind you what it states—specifies that, where it appears that a mobile home site is required in an area or on land that should be taken over by a local authority as a mobile home site, that land may be acquired compulsorily with the authorisation of Welsh Ministers. Compulsory purchase is quite a power, and it does not seem to be subject to any procedural control. In what circumstances can you envisage a local authority wanting to compulsorily purchase land for such a site?

[193] **Peter Black:** Let me just find my reference in my papers. There is reference here to the Acquisition of Land Act 1981. So, any compulsory purchase would have to be carried out within the rules set out by that Act. This is a consolidation of previous Acts. The significance of that lies in section 57(2)(c).

[194] **Suzy Davies:** Right. My question was: why do we need this section at all, bearing in mind that you have all of the legislation relating to compulsory purchase?

[195] **Peter Black:** This also consolidates legislation in relation to Gypsy and Traveller sites as well. I am expecting amendments with regard to that at Stage 3.

[196] **Suzy Davies:** Finally from me, with regard to section 61 and what constitutes a mobile home—you have probably answered this question for me already—can you foresee occasions when, perhaps, the size and dimensions of particular properties might change in response to different legislation on other matters?

[197] **Peter Black:** Yes. There is health and safety legislation. Obviously, manufacturers may start to design super-duper mobile homes that did not quite fit into the sites. There would be consultation about that. This is an administrative matter.

[198] **Suzy Davies:** So, it is a responsive matter, rather than—

[199] **Peter Black:** Yes, I think so.

[200] **Suzy Davies:** That is lovely; thank you.

[201] **Simon Thomas:** Peter, os yw'r Bil **Simon Thomas:** Peter, if this Bill becomes hwn yn dod yn Ddeddf—yn dod i rym— an Act—is enacted—you had said at the

roeddech wedi dweud ar y cychwyn mai un o rinweddau'r broses yr ydych wedi mynd drwyddo gyda'r Llywodraeth yw eich bod yn teimlo bod hwn nawr yn fwy parod fel Bil i ddod i rym. Os felly, o ran adran 65, sy'n ymwneud â chychwyn, sy'n rhoi hawl i Weinidogion Cymru gychwyn llawer o'r Bil, a ydych yn fodlon â hynny ac yn teimlo bod hynny yn ddarpariaeth ddigonol?

outset that one of the merits of the process that you have gone through with the Government is that you feel that this is now a better Bill in terms of coming into force. If so, with regard to section 65, which relates to commencement and gives Welsh Ministers the right to commence much of what is contained in the Bill, are you content with that and do you feel that that is adequate in terms of its provision?

[202] **Peter Black:** Yes, I am keen to have this commenced at the earliest possible moment. Having a commencement clause in there helps with that. Any further commencement Orders relating to any regulations that have to be put in place will, I believe, be put in place fairly quickly afterwards. Then, there would need to be some sort of period during which the new licences are put in place and local authorities carry out inspections as part of that. There would be a transition period, as I understand it. So, I am very content and I would like to see this being enforced as soon as possible.

[203] **Simon Thomas:** Diolch am hynny. A oes unrhyw gwestiynau gan Aelodau eraill? Gwelaf nad oes. A oes unrhyw bwyntiau yr hoffech eu gwneud, Peter, neu a ydych yn hapus gyda'r cwestiynau?

Simon Thomas: Thank you for that. Do Members have any further questions? I see that they do not. Do you have any points that you would wish to make, Peter, or are you content with the questions that you have been asked?

[204] **Peter Black:** I am happy that you have been very comprehensive.

[205] **Simon Thomas:** Diolch yn fawr, Peter. Diolch yn fawr i Peter Black a Gwyn Griffiths am ddod i roi tystiolaeth y prynhawn yma. Cawn doriad o bum munud tra ein bod yn cysylltu'r system fideo-gynadledda gydag Aberystwyth er mwyn clywed gan y Gweinidog, Carl Sargeant.

Simon Thomas: Thank you, Peter. Thank you very much to Peter Black and Gwyn Griffiths for coming to give evidence this afternoon. We will take a five-minute break while we connect the video-conference with Aberystwyth in order to hear from the Minister, Carl Sargeant.

*Gohiriwyd y cyfarfod rhwng 3.49 p.m. a 4.06 p.m.
The meeting adjourned between 3.49 p.m. and 4.06 p.m.*

[206] **Simon Thomas:** Hello, Minister. Can you hear us all right via the video link?

[207] **The Minister for Housing and Regeneration (Carl Sargeant):** Yes, fine. Thank you.

[208] **Simon Thomas:** Diolch yn fawr. Fe wnawn ni ailymgynnull yn awr.

Simon Thomas: Thank you. We will reconvene now.

[209] **Carl Sargeant:** That is more tricky.

[210] **Simon Thomas:** Does that bit not work?

[211] **Carl Sargeant:** No. The translation does not seem to be working here.

[212] **Simon Thomas:** Not even in Aberystwyth?

[213] **Carl Sargeant:** I do apologise for that.

[214] **Simon Thomas:** Let us continue for the moment. If you could just introduce yourself—. I know who you are, Minister. We are taking evidence from the Minister for Housing and Regeneration, Carl Sargeant. Could you introduce your officials for the record, please?

[215] **Carl Sargeant:** Okay. Tom, do you want to start?

[216] **Mr Taylor:** I am Tom Taylor. I am the Bill manager for the Mobile Homes (Wales) Bill.

[217] **Ms Kellaway:** I am Helen Kellaway from Legal Services.

[218] **Mr Vaile:** I am Henry Vaile. I am the Bill support manager for the Mobile Homes (Wales) Bill.

[219] **Simon Thomas:** Thank you for joining us over the airwaves, as it were, to give evidence to the committee. I will start by asking you, Minister, to explain a bit about the changes that the Government has made, with the agreement of the Member in charge, during Stage 2 of the Bill. The Bill has significantly changed now. Could I ask you to outline why you have undertaken these changes and in what way you feel that the Bill has been improved?

[220] **Carl Sargeant:** I thank the committee for the opportunity to interact with you from sunny Aberystwyth. I am grateful for your availability and for us to be able to do this via video-conference.

[221] As you are aware, this is not a Welsh Government Bill; it is still the primary Member's, Peter Black's, Bill. With opposition opportunity, we sought, as Welsh Government, to amend the Bill, working very closely with the Member in charge, to make a Bill that was fit for purpose and from which fewer issues would arise around unintended consequences in the drafting of that. Where we have seen fit to do so, we have worked with Commission drafting lawyers and our own to ensure that the Bill will have legislative competence and the ability for us to introduce that, as Welsh Government, when the Bill passes through the Assembly.

[222] **Simon Thomas:** There are new delegated powers on the face of the Bill. Are those powers that you are seeking, as a Minister?

[223] **Carl Sargeant:** We have tried, working with Peter, to change the way in which the format of the Bill has been drafted, so that the Minister and those associated who will feel the impact of the Bill, such as the licensees and licensors in local authorities, have the appropriate legislation behind them to enact a more comprehensive Bill that will have the effect of the first draft of what Peter brought to the Assembly. All we have done is to restate and reconfirm a different approach to developing the Bill that was intended when Peter launched it in the first point of call.

[224] **Simon Thomas:** We have just taken evidence from Mr Peter Black. One of the things that he mentioned was possible amendments going forward still to the Bill. For example, he mentioned Gypsy and Traveller sites. Do you have such amendments in mind yourself, even after this Bill has completed Stage 2?

[225] **Carl Sargeant:** Yes. We did have the committee Stage 2 appearance—.

[226] We are getting a little bit of feedback here, Chair, I am sorry, so it is a bit confusing

on the intercom.

[227] With the elements around the Gypsy and Traveller provision, we are seeking to replicate that in the Mobile Homes (Wales) Bill, and we will seek to make amendments as appropriate at Stage 3. There are also other elements of that around the terms that we used, where we lifted them from the Caravan Sites Act 1968—Members raised objection to that over the way in which they were scribed. We are seeking to make some purely technical amendments at Stage 3, subject to us getting the right terminology and to it being acceptable to colleagues in the Assembly and Peter Black.

[228] **Simon Thomas:** Thank you for that, Minister. We are hearing you loud and clear, so I hope that we can continue with questions from other members of the committee now. I would like to ask Suzy Davies to ask her questions.

[229] **Suzy Davies:** Thank you. Good afternoon, Minister. First of all, I think that we are all quite pleased to see consolidation to produce a Wales-only piece of legislation here. In doing that, can you just explain the processes that you went through to ensure that any of the provisions restated from UK law were specifically relevant to the Welsh context? I have just understood what you said about modernising some of the language, but did you concentrate on straight lifts from previous legislation, or did you look at it very carefully to make sure that it was fit for purpose in Wales?

[230] **Carl Sargeant:** The previous Bills were in place and relevant to Wales, and they still are. The fact is that what we have done is that we have lifted the content out of there and placed it in the new Bill, while recognising from comments made by colleagues that some of the language used could be a little dated, and we are looking at that more closely now. However, we do not believe that there is anything there that is not ‘Welshified’. We believe that, just by moving that across, it was appropriate, and it still is appropriate, and all that we have done, as the Member recognises, is to consolidate these Bills.

[231] **Suzy Davies:** Is there anything in the existing legislation that you did not particularly want to bring across?

[232] **Carl Sargeant:** No.

[233] **Suzy Davies:** Okay. That is a nice clear answer; I like that.

[234] On the procedural controls that are contained in the existing Acts—I think that it is three Acts—presumably, you thought they were adequate. You did not use this as an opportunity to beef them up or even to reduce them if you thought that that might have been better for Wales, or perhaps to even introduce different procedures altogether.

[235] **Carl Sargeant:** No. We looked very carefully at the Bill that was presented in the first place. The intention of Peter Black’s Bill to the Assembly was very clear, and all that we have done, in effect, as I started with in my opening remarks, means that this is very much still Peter Black’s Bill; we have just tried, working with him, to amend it appropriately so that it will be easier to implement the detail. So, we have not sought to increase any additionality within the previous three Acts, and we thought it appropriate at the time to lift that out and consolidate it for this Bill, including the elements that Peter wished to add in his initial Bill that was introduced to the Assembly.

[236] **Suzy Davies:** Is it going to be a Welsh Bill now? You will be aware how keen we are on scrutinising material that comes originally out of this Assembly. Did you not think that there might have been the odd occasion, perhaps, where an existing piece of negative procedure in the UK Bills could have been spiced up, if I can use that phrase, so that we

would have an opportunity to scrutinise it a little more closely?

4.15 p.m.

[237] **Carl Sargeant:** No.

[238] **Suzy Davies:** That is another clear answer. A final question—

[239] **Carl Sargeant:** I am trying to be helpful with my clear answers. [*Laughter.*]

[240] **Suzy Davies:** That is great; we like that.

[241] Some of the other Members will have questions on competence, but I am just curious on this one point, which is a concern I have over Schedule 2, Part 1, which is about implied contract terms. Obviously, under UK law, the Government is entitled to imply contract terms in private agreements between two individuals. Can you confirm that you are happy that the Welsh Assembly has the ability to imply contract terms in what are effectively private agreements?

[242] **Carl Sargeant:** I will ask my colleague to confirm that for you now.

[243] **Ms Kellaway:** What we are doing in this part is replicating the Mobile Homes Sites Act provision in Schedule 2, I think—or Schedule 1. So, there is nothing new there.

[244] **Suzy Davies:** But you see my point—this is a piece of legislation that is coming directly from the Welsh Assembly. All reference to UK legislation has resulted in revocation. How did you go through the process of deciding that the implied contract terms were something that we had competence on, as opposed to restating what is there?

[245] **Carl Sargeant:** We have no reason to believe that there is any element within the Bill as currently drafted that is out of competence. Again, my team is talking with officials tomorrow just to look at any potential amendments that we may bring to Stage 3 that we are qualified to bring to the Assembly on the basis of competency. We do not believe that there is any element of that, unless committee feels that we have missed something. We certainly do not believe that that is the case.

[246] **Suzy Davies:** Thank you. I will not press it any further, because other Members may have questions on competence generally.

[247] **Eluned Parrott:** Good afternoon, Minister. As originally presented, the Bill did not transpose any existing UK legislation. You referred to it just now in answer to Suzy Davies, but can you tell us what communications you have had since Stage 2—especially since you have brought forward such significant amendments—to ascertain whether this is within competence, and whether the UK Government is likely to raise any issues?

[248] **Carl Sargeant:** As I said, this is not our Bill; this is a Member-proposed Bill—Peter Black's. We believe that all our amendments are within competence or they would not have been accepted by the Commission. Despite this being a Member's Bill, we are working very closely with him and with UK Government departments to ensure that the competency is there for this. It is in the best interest of us all to try to seek assurance that this is within competence and that it will have the desired effect, but we are not aware at this point in time that there are any competence issues. My officials are meeting tomorrow.

[249] **Eluned Parrott:** That is great to hear; thank you, Minister. In terms of the nature of the Bill, obviously it is a significantly different Bill to that introduced by the Member in

charge in the first instance. Can tell us, with regard to the amendments that you tabled to this Bill, whether any of them were tabled in response to any correspondence that you had from the UK Government with regard to the competence issue in the original Bill?

[250] **Carl Sargeant:** No.

[251] **Eluned Parrott:** Thank you, Minister; that is very clear.

[252] On the new delegated powers that you have sought through the Bill, in a letter to this committee last week you stated that you have included two new powers for Welsh Ministers with regard to two policy areas, one of which is the procedures around setting out site rules, which are sections 52 and 53, and the second of which is procedures around sales and gifting as set out in Schedule 2. Why have you sought additional delegated powers in these two areas?

[253] **Carl Sargeant:** I am grateful for the question. There is quite a bit of detail on this issue. Section 53 on site rules gives power to Welsh Ministers to make provisions prescribing site rules, including the procedure relating to various effects such as the date when the site rules come into force and keeping a register of resolution of disputes, et cetera. These are new powers that were inserted at Stage 2. These regulation-making powers replicate those introduced in England by the Mobile Homes Act 2013, with the amendment of the 1983 Act. That is the element of the site rules, and why we sought to make that provision.

[254] Sorry, the other element was around sale—

[255] **Ms Kellaway:** The sale and gifting of mobile homes.

[256] **Carl Sargeant:** On the element around sales, there are a further 12 powers in Schedule 2 relating to the sales and gifting. The Assembly procedures for these provisions are largely negative, apart from the provision in Schedule 2, paragraph 10. Again, I believe that those particular provisions are suitable for the regulations, as it will enable Welsh Ministers to set out the administrative details regarding this information. We recognise that these issues are important not just for Welsh Ministers, but in enabling the people regulating and making this licensing programme. We need to make sure that everyone is aware of these two very important parts of the Bill.

[257] **Eluned Parrott:** Thank you, Minister. To press you on the procedural aspects of those two powers that you have sought, in section 52, the Order is subject to the affirmative procedure following consultation. However, it occurs to me that section 53 also involves a considerable number of provisions that may be of interest to, for example, site owners and site users. They will need to understand and know how those changes in regulations will apply to them. Why has the negative procedure been chosen there, and do you feel that it is appropriate to include consultation provisions in section 53 and Schedule 2?

[258] **Carl Sargeant:** We believe that the negative procedure is the appropriate vehicle. However, as I said to you in a previous response, it is important to recognise that these are largely technical issues. I believe that it is appropriate for the people developing and implementing the licensing programme and site owners to fully understand what the legislation indicates and will dictate. Therefore, the consultation process is important to ensure that we get the right drafting of this Bill. I believe that the negative procedures are appropriate for this procedure.

[259] **Eluned Parrott:** Given the fact that a considerable number of site owners and members of the public may be impacted by these regulations, as they are introduced and amended, would you consider introducing a slightly higher form of scrutiny or making

provision for consultation within those sections?

[260] **Carl Sargeant:** I am not convinced by the argument that the Member makes, but I am sure that the committee will make a recommendation in its report. We have considered very carefully the procedures that we apply to the Bill and the amendments subject to that. That is why we have amended the Bill in accordance with Standing Orders with the Assembly Commission's agreement.

[261] **Eluned Parrott:** Okay, thank you very much, Minister.

[262] **Simon Thomas:** I will now ask Vaughan Gething to take us to the next set of questions.

[263] **Vaughan Gething:** Good afternoon, Minister. I want to pick up on an issue that has been touched on by Eluned Parrott, namely issues around sales and gifting. This is in relation to your exchange with Jocelyn Davies during Stage 2 in the Communities, Equality and Local Government Committee on the definition of 'family'. Minister, we all know that you are a family man, but we do not yet know what an occupier's family is. Have you given any further thought to what the occupier's family is and how it may be defined in a way that gives certainty in this part of the regulations? I am referring to paragraph 11 of Schedule 2.

[264] **Carl Sargeant:** The Member raises a fair point, and we are considering that. We do not know either. [*Laughter.*]

[265] **Vaughan Gething:** In your exchange with Jocelyn Davies, you indicated that you would come forward with some more reasonable language in the Bill, subject to the legal position of the text. Can you confirm whether we could all expect to see that at Stage 3, Minister?

[266] **Carl Sargeant:** Yes, you will. As I said earlier, we lifted this from the Bill, and it has been well used and well understood. However, we believe that the language is quite dated and we are finding it increasingly difficult to come up with terminology that is acceptable in legal terms; therefore, we will seek to do that. Subject to us finding the appropriate description, we will raise that at Stage 3 in the committee.

[267] **Simon Thomas:** I think that Suzy Davies had a follow-up question on that.

[268] **Suzy Davies:** I have another point on this gifting to successors in title. The Bill, as I understand it, seeks to remove any veto that the site owner may have on who occupies the home on the death of an existing resident, for example. What is there in the Bill that can protect the remaining residents on any given site to make sure that anyone who is the recipient of a gift of one of these homes is a suitable person to take on that home? The position is different when you are selling. It is a bit like a landlord making sure that he has decent tenants. What would be the equivalent protection here, if I can call it that?

[269] **Carl Sargeant:** I understand the question. It will be relevant to the site rules that are applied to the specific site involved, regarding conduct et cetera, if that is what Members are concerned about.

[270] **Suzy Davies:** Yes, but things like conduct tend to just manifest themselves after the property has been given to the new occupant.

[271] **Carl Sargeant:** Ultimately, that can happen in any situation, not just with mobile homes. I have been visiting a place in Wrexham this morning as part of our consideration of the housing Bill. The same sort of question arises at whatever stage of the tenancy. The

person that would be handed the tenancy would be subject to the site rules of the owner. Conduct around that would be appropriate at any time, whether that is at inception or later on during the tenancy rules.

[272] **Suzy Davies:** The major difference, of course, is that we are not talking about tenants here; we are talking about people who own their properties.

[273] **Carl Sargeant:** The issue around what is contained in paragraph 8 relates to existing agreements and new agreements—whether it is a new tenant being handed the property. We believe that the site rules will cover that. If it is helpful, Chair, I will send you a note on that, just to clarify the position for you.

[274] **Simon Thomas:** Thank you, Minister; that would assist the committee.

[275] **Vaughan Gething:** Finally, on commencement, the explanatory memorandum stated that commencement would take 12 to 24 months. I just want to confirm whether that is still your understanding, and that, if and when passed, that is a reasonable timescale for commencement to take place.

[276] **Carl Sargeant:** We believe that 12 to 24 months is a reasonable length of time, and we are just working out the final timeline. Again, it is dependent on passage through the Assembly. However, we believe that it is an appropriate timescale to deliver.

[277] **Simon Thomas:** Thank you, Minister. You mentioned that you might be able to provide a note with more details on the question asked by Suzy Davies. Perhaps we could request that that could be done quite quickly, within the next two to three days, as this is an ongoing process now. That would assist us immensely, as any amendments have to be tabled next week, and we also need to make our recommendations as a committee within that process.

[278] **Carl Sargeant:** I would be happy to do that. It is not a comprehensive note that we need to write to you, so we will get that to you within the next two days.

[279] **Simon Thomas:** I understand. Are there any other points that you wish to make in response to any of the questions asked?

[280] **Carl Sargeant:** The Bill has been heavily amended by Government, as it could have been by any of the parties, in determining the final outcome of the Bill, but it is still very much owned by Peter Black, and we have been very grateful for his support and for the ability for my officials to work with him to make sure that his intentions for the Bill and what he proposed, supported by the Assembly, will now will be in a better place for delivery in terms of the amendments that have been tabled and agreed. Any tidying-up amendments in Stage 3 will seek to do that with the support of the Member moving forward. It has very much been a process that has been driven by the Member in charge of the Bill.

4.30 p.m.

[281] **Simon Thomas:** Thank you for that, Minister. To confirm something that Peter Black told us, he has contacted the Presiding Officer to reaffirm the competency of the Bill in its new form, as amended, and, as a committee, that is something that we welcome. It perhaps gives a little bit more confirmation than amendments simply being accepted as tabled amendments. So, there is, hopefully, confirmation of some of the questions that you have been asked today, following on from his evidence earlier. With that, Minister, I thank you for your patience in trying to establish the link to Aberystwyth. I hope you get a chance to enjoy the last hours of sunlight there, which are well worth watching.

[282] **Carl Sargeant:** Thank you very much, and thanks to the committee.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Meeting**

[283] **Simon Thomas:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[284] Is everyone content? I see that they are.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 4.31 p.m.
The public part of the meeting ended at 4.31 p.m.*

DRAFT - DRAFT