

Rebecca Evans AM  
Minister for Social Services and Public Health

13 December 2016

Dear Rebecca

### **Public Health (Wales) Bill**

Thank you for attending the Committee's meeting on Monday 21 November 2016 to aid our scrutiny of the Public Health (Wales) Bill ("the Bill"). We would welcome further clarification on a number of issues, as set out below.

#### *Legislative competence*

As you will be aware, should the Wales Bill receive Royal Assent all bills introduced to the Assembly would need to undergo competence tests under the "reserved powers" model. You provided assurances that the Bill would receive Royal Assent before the Wales Bill comes into force, should the Assembly pass the Bill at Stage 4. We were, however, particularly interested in identifying whether any provisions of the Bill would be outside the Assembly's legislative competence if the Wales Bill was in place now. We would welcome clarification on this point.



As part of our on-going work on the implications of the Wales Bill, we will be considering for all Bills (Government and non-Government) whether the scope of legislative competence as defined in the new settlement has impacted on the content of the Bill.

*Section 15 [Enforcement authorities]*

During Stage 1 scrutiny of the Public Health (Wales) Bill that was rejected by the Fourth Assembly, our predecessor Committee recommended that section 15 should be amended to clarify that public authorities will be the enforcement authorities under the Bill. As both the previous Minister in charge and you have stated that you intend that public authorities will be the enforcement authorities, we would welcome clarification that you intend to table an amendment to the Bill to this effect.

*Section 90 [Power to add or remove special procedures]*

We also questioned you about section 90 of the Bill which would allow the Welsh Ministers to amend, by regulations, the list of special procedures listed in Section 54. Subsection 90(5) states:

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Regulations under this section may make amendments to the Part that are consequential upon amendments to section 54 effected by the Regulations

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We note the response you provided to the Committee. However, we would welcome clarification as to what 'consequential' means in this context.

It would be helpful to receive a response to this letter by 16 January 2017.



I am copying this letter to Dai Lloyd AM, Chair of the Health, Social Care and Sport Committee and Jane Hutt AM, the Leader of the House, to inform her of our general approach to Stage 1 scrutiny in relation to future Government Bills.

Yours sincerely

*Huw Irranca-Davies*

**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

