



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 5 July 2016

**COMMITTEE OF THE WHOLE HOUSE
PROCEEDINGS**

WALES BILL

[FIRST DAY]

CLAUSES 1 AND 2, CLAUSE 4, SCHEDULE 4, CLAUSES 5 TO 19, SCHEDULE 3, CLAUSES 20 AND 21, NEW CLAUSES RELATING TO THOSE CLAUSES AND SCHEDULES, NEW SCHEDULES RELATING TO THOSE CLAUSES AND SCHEDULES

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Withdrawn 17

Clause 1, page 1, leave out lines 5 to 9 and insert—

“In section 1 of the Government of Wales Act 2006 (the Assembly), after subsection (1), insert —“

Jeremy Corbyn
Dame Rosie Winterton
Paul Flynn

Not called 8

Clause 1, page 1, leave out line 8 and insert “CONSTITUTIONAL ARRANGEMENTS FOR WALES”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 18

Clause 1, page 1, line 10, leave out “and the Welsh Government are” and replace with “is”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 19

Clause 1, page 1, line 14, leave out “and the Welsh Government.”

Wales Bill, continued

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 20

Clause 1, page 1, line 16, leave out “and the Welsh Government are” and replace with “is”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 21

Clause 1, page 1, line 18, at end insert—

“() In section 45 of the Government of Wales Act 2006 (the Welsh Government), for the words in subsection (1) before paragraph (a) substitute—

“(1) There is to be a Welsh Government or Llywodraeth Cymru.

(1A) The Welsh Government is a permanent part of the United Kingdom’s constitutional arrangements.

(1B) The purpose of subsection (1A) is, with due regard to the other provisions of this Act, to signify the commitment of the Parliament and Government of the United Kingdom to the Welsh Government.

(1C) In view of that commitment it is declared that the Welsh Government is not to be abolished except on the basis of a decision of the people of Wales voting in a referendum.

(1D) The members of the Welsh Government are—”.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 22

Clause 1, page 1, line 18, at end insert—

“() In the Government of Wales Act 2006, after Part 2 (the Welsh Government) insert—“

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

Negated on division 5

Clause 1, page 2, leave out lines 1 to 6 and insert—

“PART 2B

SEPARATION OF THE LEGAL JURISDICTION OF ENGLAND AND WALES

*Introductory***92B New legal jurisdictions of England and of Wales**

The legal jurisdiction of England and Wales becomes two separate legal jurisdictions, that of England and that of Wales.

Wales Bill, *continued**Separation of the law***92C The law extending to England and Wales**

- (1) All of the law that extends to England and Wales—
 - (a) except in so far as it applies only in relation to Wales, is to extend to England, and
 - (b) except in so far as it applies only in relation to England, is to extend to Wales.
- (2) In subsection (1) “law” includes—
 - (a) rules and principles of common law and equity,
 - (b) provision made by, or by an instrument made under, an Act of Parliament or an Act or Measure of the National Assembly for Wales, and
 - (c) provision made pursuant to the prerogative.
- (3) Any provision of any enactment or instrument enacted or made, but not in force, when subsection (1) comes into force is to be treated for the purposes of that subsection as part of the law that extends to England and Wales (but this subsection does not affect provision made for its coming into force).

*Separation of the Senior Courts***92D Separation of Senior Courts system**

- (1) The Senior Courts of England and Wales cease to exist (except for the purposes of section 6) and there are established in place of them—
 - (a) the Senior Courts of England, and
 - (b) the Senior Courts of Wales.
- (2) The Senior Courts of England consist of—
 - (a) the Court of Appeal of England,
 - (b) the High Court of England, and
 - (c) the Crown Court of England, each having the same jurisdiction in England as is exercised by the corresponding court in England and Wales immediately before subsection (1) comes into force.
- (3) The Senior Courts of Wales consist of—
 - (a) the Court of Appeal of Wales,
 - (b) the High Court of Wales, and
 - (c) the Crown Court of Wales, each having the same jurisdiction in Wales as is exercised by the corresponding court in England and Wales immediately before subsection (1) comes into force.
- (4) For the purposes of this Part—
 - (a) Her Majesty’s Court of Appeal in England is the court corresponding to the Court of Appeal of England and the Court of Appeal of Wales,
 - (b) Her Majesty’s High Court of Justice in England is the court corresponding to the High Court of England and the High Court of Wales, and
 - (c) the Crown Court constituted by section 4 of the Courts Act 1971 is the court corresponding to the Crown Court of England and the Crown Court of Wales.
- (5) References in enactments or instruments to the Senior Courts of England and Wales have effect (as the context requires) as references to the Senior Courts of England or the Senior Courts of Wales, or both; and
- (6) References in enactments or instruments to Her Majesty’s Court of Appeal in England, Her Majesty’s High Court of Justice in England or the Crown Court

Wales Bill, continued

constituted by section 4 of the Courts Act 1971 (however expressed) have effect (as the context requires) as references to either or both of the courts to which they correspond.

92E The judiciary and court officers

- (1) All of the judges and other officers of Her Majesty's Court of Appeal in England or Her Majesty's High Court of Justice in England become judges or officers of both of the courts to which that court corresponds.
- (2) The persons by whom the jurisdiction of the Crown Court constituted by section 4 of the Courts Act 1971 is exercisable become the persons by whom the jurisdiction of both of the courts to which that court corresponds is exercisable; but (despite section 8(2) of the Senior Courts Act 1981)—
 - (a) a justice of the peace assigned to a local justice area in Wales may not by virtue of this subsection exercise the jurisdiction of the Crown Court of England, and
 - (b) a justice of the peace assigned to a local justice area in England may not by virtue of this subsection exercise the jurisdiction of the Crown Court of Wales.

92F Division of business between courts of England and courts of Wales

- (1) The Senior Courts of England, the county courts for districts in England and the justices for local justice areas in England have jurisdiction over matters relating to England; and (subject to the rules of private international law relating to the application of foreign law) the law that they are to apply is the law extending to England.
- (2) The Senior Courts of Wales, the county courts for districts in Wales and the justices for local justice areas in Wales have jurisdiction over matters relating to Wales; and (subject to the rules of private international law relating to the application of foreign law) the law that they are to apply is the law extending to Wales.

92G Transfer of current proceedings

- (1) All proceedings, whether civil or criminal, pending in any of the Senior Courts of England and Wales (including proceedings in which a judgment or order has been given or made but not enforced) shall be transferred by that court to whichever of the courts to which that court corresponds appears appropriate.
- (2) The transferred proceedings are to continue as if the case had originated in, and the previous proceedings had been taken in, that other court.”

Jeremy Corbyn
 Dame Rosie Winterton
 Paul Flynn

Not called 9

Clause 1, page 2, line 1, after “law” insert “and review of the justice system in Wales”

Jeremy Corbyn
 Dame Rosie Winterton
 Paul Flynn

Negatived on division 7

Clause 1, page 2, line 3, at end insert—

- “(2) The Lord Chancellor and the Welsh Ministers must keep the functioning of the justice system in relation to Wales under review with a view to its development

Wales Bill, continued

and reform, including keeping under review the question of whether the single legal jurisdiction of England and Wales should be divided into a jurisdiction for Wales and a jurisdiction for England.

- (3) In exercising their duty in subsection (2) the Lord Chancellor and the Welsh Ministers must have regard to—
- (a) divergence in the law and its administration as between England and Wales,
 - (b) the need to treat the Welsh and English languages on the basis of equality, and
 - (c) any other circumstances in Wales affecting operation of the justice system.
- (4) The Lord Chancellor and the Welsh Ministers may appoint a panel to advise them on the exercise of their functions in this section.
- (5) The Lord Chancellor must make an annual report on the functioning of the justice system in relation to Wales to the Welsh Ministers.
- (6) The Welsh Ministers must lay the report before the Assembly.
- (7) The Lord Chancellor must lay the report before both Houses of Parliament.”

Jeremy Corbyn
Dame Rosie Winterton
Paul Flynn

Not called 10

Clause 1, page 2, leave out lines 4 to 6.

Clause agreed to.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 23

Clause 2, page 2, line 12, leave out “normally”.

Mr Mark Williams

Not called 3

Clause 2, page 2, line 12, leave out “legislate with regard” and insert “enact provisions relating”.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 24

Clause 2, page 2, line 13, after “Assembly” insert—
“unless all of the following conditions apply—

- (a) there is an imminent risk of serious adverse impact on—
 - (i) the national security of the United Kingdom, or
 - (ii) public safety, public, animal or plant health or economic stability in any part of the United Kingdom,
- (b) the legislation specifically addresses that risk,

Wales Bill, continued

- (c) the imminence of the risk in relation to Wales makes it impractical to seek the consent of the Assembly,
- (d) no Bill has been passed under section 110(1)(a) specifically to address the risk, and
- (e) no subordinate legislation specifically to address the risk has been laid before the Assembly and has come into force.”

Mr Mark Williams

Not called 4

Clause 2, page 2, line 13, at end insert—

- “(7) For the purpose of subsection (6), a provision relates to a devolved matter if the provision—
- (a) applies in relation to Wales and does not relate to a reserved matter.
 - (b) modifies the legislative competence of the Assembly, or
 - (c) confers a function on, or removes or modifies a function of, any member of the Welsh Government.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 25

Clause 2, page 2, line 13, at end insert—

- “(7) In this section, “devolved matters” means matters that—
- (a) are within the legislative competence of the Assembly;
 - (b) modify the legislative competence of the Assembly;
 - (c) modify a function of the Assembly;
 - (d) modify a function of a member of the Welsh Government exercisable within devolved competence (and “within devolved competence” is to be read in accordance with section 58A).”

Clause agreed to.

Clause 4 agreed to.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 26

Schedule 4, page 94, line 10, at end insert—

“National Assembly for Wales Commissioner for Standards.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 27

Schedule 4, page 94, line 10, at end insert—

“National Assembly for Wales Remuneration Board.”

Wales Bill, continued

Schedule agreed to.

Clause 5 agreed to.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 28

Clause 6, page 7, line 2, leave out paragraph (b) and insert—

“(b) for “The Secretary of State may by order provide for the poll at an ordinary general election to be” substitute “The Presiding Officer may propose that the poll at an ordinary general election is.””

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 29

Clause 6, page 7, line 2, at end insert—

“(7A) Leave out subsection (2) and insert—

“(2) If the Presiding Officer makes a proposal under subsection (1), Her Majesty may by proclamation under the Welsh Seal—

- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of fourteen days beginning immediately after the day of the poll.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 30

Clause 6, page 7, line 2, at end insert—

“(7B) In subsection (4) for “An order under this section may” substitute “If the Presiding Officer makes a proposal under subsection (1), the Welsh Ministers may by order”.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 31

Clause 6, page 7, line 6, at end insert—

“(10A) Section 5 of the Government of Wales Act 2006 (Extraordinary general elections) is amended as set out in paragraphs (a) to (d)—

- (a) In subsection (1) for “Secretary of State” substitute “Presiding Officer”.
- (b) In subsection (4) for “Secretary of State” substitute “Presiding Officer”.
- (c) In subsection (4) for “Order in Council” substitute “proclamation under the Welsh Seal”.
- (d) In subsection (4) for “seven” substitute “fourteen”.

Wales Bill, continued

Clause agreed to.

Clause 7 agreed to.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Clause 8, page 10, line 3, leave out subsections (5) and (6)

Withdrawn 32

Clause agreed to.

Clause 9 agreed to.

Jonathan Edwards
Hywel Williams
Liz Saville Roberts

Page 11, line 38, leave out Clause 10

Not selected 1

Clause agreed to on division.

Clause 11 agreed to.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Clause 12, page 12, line 24, at end insert—

Not called 33

“(a) for a sum paid out of the Welsh Consolidated Fund not to be applied for any purpose other than that for which it was charged or (as the case may be) paid out”

Clause agreed to.

Clauses 13 and 14 agreed to.

Wales Bill, continued

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 38

Clause 15, page 14, line 3, leave out “translation of references” and insert “consequential provision”.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 39

Clause 15, page 14, line 5, at end insert—
“() Cynulliad Cenedlaethol Cymru,”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 40

Clause 15, page 14, line 6, at end insert—
“() Comisiwn Cynulliad Cenedlaethol Cymru,”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 41

Clause 15, page 14, line 7, at end insert—
“() Deddfau Cynulliad Cenedlaethol Cymru, or”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 42

Clause 15, page 14, line 11, after “to”, insert “Cynulliad Cenedlaethol Cymru,”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 43

Clause 15, page 14, line 12, after first “Wales,” insert “Comisiwn Cynulliad Cenedlaethol Cymru,”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 44

Clause 15, page 14, line 12, after “Commission,” insert “, Deddfau Cynulliad Cenedlaethol Cymru”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards

Not called 45

Clause 15, page 14, line 17, after “name”, insert “in Welsh or English (as the case may be).”

Wales Bill, *continued*

Clause agreed to.

Jeremy Corbyn
 Dame Rosie Winterton
 Paul Flynn

Negatived on division **11**

Clause **16**, page **14**, leave out lines 30 and 31 and insert—

“(a) for subsection (1) substitute—

“(1) Before the commencement of sections 8 and 9, the Secretary of State must lay a statement (“a fiscal framework”) before each House of Parliament setting out the arrangements for calculating and making payments into the Welsh Consolidated Fund under section 118 of the Government of Wales Act 2006 following the commencement of those sections.

(1A) The Secretary of State must send a copy of the fiscal framework to the First Minister for Wales and the First Minister must lay it before the Assembly.”

(b) after subsection (2) insert—

“(2A) But an order may not be made under subsection (2) until a fiscal framework laid under this section has been approved by resolution of both Houses of Parliament and of the Assembly.”

(c) for the heading substitute “Fiscal framework and commencement of income tax provisions.””

Clause agreed to on division.

Jeremy Corbyn
 Dame Rosie Winterton
 Paul Flynn

Not called **14**

Clause **17**, page **15**, leave out lines 29 to 31

Jeremy Corbyn
 Dame Rosie Winterton
 Paul Flynn

Not called **15**

Clause **17**, page **15**, line **35**, at end insert—

“() In this section and section 58B “within devolved competence” and “outside devolved competence” are to be read in accordance with subsections (7) and (8); but for the purposes of section 58AB no account is to be taken of the requirement to consult the appropriate Minister in paragraph 11(2) of Schedule 7B.”

Clause agreed to.

Wales Bill, continued

Clause 18 agreed to.

Jeremy Corbyn
Dame Rosie Winterton
Paul Flynn

Not called 13

Clause 19, page 17, line 27, at end insert—

“(2) After section 58A of that Act (inserted by section 17(1) of this Act) insert—

“58B Transfer of functions within devolved competence

- (1) Functions conferred on a Minister of the Crown by virtue of any pre-commencement enactment or pre-commencement prerogative instrument, so far as they are exercisable within devolved competence by a Minister of the Crown, are to be exercisable by the Welsh Ministers instead of a Minister of the Crown.
- (2) Provision for a Minister of the Crown to exercise a function with the agreement of, or after consultation with, any other Minister of the Crown ceases to have effect in relation to the exercise of the function by a member of the Welsh Government by virtue of subsection (1).
- (3) In this section “pre-commencement enactment” means—
 - (a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act;
 - (b) an enactment made, before the commencement of this section, under such an Act or such other enactment; “pre-commencement prerogative instrument” means a prerogative instrument made before or during the session in which this Act was passed.”

Clause agreed to.

Schedule 3 agreed to.

Jeremy Corbyn
Dame Rosie Winterton
Paul Flynn

Not called 16

Clause 20, page 18, line 8, at end insert—

“(ab) section 58B,”

Clause agreed to.

Clause 21 agreed to.

Progress reported.
