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Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref: SF/JG/1046/13

David Melding AM  
Chair  
Constitutional and Legislative  
Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA

13 March 2013

*Dear David,*

### **The Natural Resources Body for Wales (Functions) Order 2013**

I have noted the content of your Committee's latest report on the above item of draft legislation and would wish to make the following observations which I hope you and your committee members will find of assistance.

#### **Comments made under Standing Order 21.2(i)**

The report notes that there appears to be doubt as to whether the making of the Order would be *intra vires*, pointing to the need to obtain relevant Secretary of State and Ministerial consent under Section 17 of the Public Bodies Act 2011 before the Order can be made.

Reference to this was made in the Explanatory Memorandum which was laid alongside the draft Order, explaining that consent has been provided subject to agreement being reached between officials on the outstanding details and technicalities relating to the Natural Resources Body for Wales Transfer Scheme, Shared Service Agreements and Delegated Functions, and the Government of Wales Act Order.

We are very close to concluding those discussions and I will have formal confirmation of the consent before I make the Order.

## **Comments made under Standing Order 21.2(vi)**

The report identifies a small number of defects in the drafting of amendments contained in the Order. The Government agrees that it would be right to amend the Order to address these points, and also agrees with the Committee that this would not involve any material change to the Order's provisions. We will therefore incorporate the corrections into the final version when the Order is made, assuming the draft Order is approved by the National Assembly on 19 March, in accordance with section 19 of the Public Bodies Act 2011. These changes have also been agreed with the UK Government.

The relevant amendments where we agree are as follows.

### **Schedule 4**

#### **Forestry Commission Byelaws 1982**

##### **Paragraph 17 (2)**

The definition of "the Commissioners" will be excluded from the amendment.

#### **Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999**

Paragraph 104 (2) – "the Commissioners" will be correctly identified as being in the opening words of regulation 16 rather than in paragraph (a).

#### **Hazardous Waste (England and Wales) Regulations 2005**

Paragraph 205 (4) (b)– ")" will be added after "Northern Ireland" to avoid any confusion.

#### **Plant Health Forestry Order 2005**

Paragraph 208 (9) – the reference to "European Community" will be corrected so that it refers to the "European Union".

### **Schedule 5**

#### **Countryside Access (Draft Maps) (Wales) Regulations 2001**

##### **Paragraph 3**

The reference to the definition of "the Council" will be removed from the amendment to regulations 3-7.

I hope you find this information helpful

*Yours,*



**John Griffiths AC / AM**

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