

## **Constitutional and Legislative Affairs Committee**

(CLA(4)-08-11)

**CLA46**

### **Constitutional and Legislative Affairs Committee Draft Report**

**Title: The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011**

**Procedure: Negative**

These Regulations prescribe the standard daily amounts which may be recovered by the Welsh Ministers for each day on which—

- (a) a local inquiry sits or the person appointed to hold the local inquiry is otherwise engaged on work connected with it; or
- (b) the person appointed to undertake a qualifying inquiry or, as the case may be, a qualifying procedure is engaged on work connected with the qualifying inquiry or qualifying procedure.

#### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **Merits Scrutiny**

##### Regulatory Impact Assessment

The Explanatory Memorandum says that a Regulatory Impact Assessment (RIA) is “Not required as the revision of the Regulation is to make increases in statutory fees.” However, when these fees were updated last (in 2007) an RIA was provided.

##### Calculation of New Fee Levels

There is no information in the Explanatory Memorandum to explain how the increases in fees have been calculated, the total amount of extra income that it is estimated will be raised as a result and the impact this will have on local authority and Welsh Government budgets and funding as a result.

##### Committee Consideration

The Committee is concerned at the lack of explanation for the above matters contained in the Explanatory Memorandum and at the lack of a Regulatory Impact Assessment. The Committee is of the view that when subordinate legislation imposes new or increased fees or charges on

public or private bodies or individuals this should be accompanied by a self-contained explanation of how the fees or charges have been calculated and their wider impact on the bodies or people the changes affect. The Committee agrees that the information provided in the Explanatory Memorandum is inadequate for this purpose.

The Committee agreed that this raises a matter of public policy likely to be of interest to the Assembly and agreed to draw the matter to the attention of the Assembly through a report under Standing Order 21.3(ii).

**Constitutional and Legislative Affairs Committee  
October 2011**