



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Report On Primary Legislation By The Environment, Planning And Countryside Committee

The Commons Bill

The Bill was remitted to the Committee following the Plenary debate on the Queen's Speech on 21 June 2005.

The Committee took evidence on the Bill at its meeting on 22 September 2005. The witnesses were: John Thorley of the National Sheep Association, Welsh Commons; Edwin Harris of the National Sheep Association, Welsh Commons; Katie-Jo Luxton of RSPB Cymru and Dr Tim Stowe of RSPB Cymru. ¹ Among the key issues raised were the running costs and powers of commons associations and whether the Bill promoted the better management of common land.

The Committee subsequently undertook detailed scrutiny of the Bill at its meetings on 3 and 23 November 2005 and received an update on its proposed amendment to Clause 31 on 16 February 2006. ²

While the Committee broadly welcomed the Bill, it was concerned that it did not contain framework provisions and therefore was not in keeping with the undertaking in the *Better Government for Wales* White Paper that Bills would be drafted in a way that would give the Assembly wider and more permissive powers. The Minister informed the Committee that the Bill was largely drafted

¹ A transcript of the evidence can be found at
<http://assembly/rop/ROP/Committees/EPC/2005/epc050922fv7.html>

² Transcripts of the proceedings can be found at
<http://assembly/rop/ROP/Committees/EPC/2005/epc051103fv7.html>
<http://assembly/rop/ROP/Committees/EPC/2005/EPC051123fv7.html>
<http://assembly/rop/ROP/Committees/EPC/epc060216fv7.pdf>

before the publication of the White Paper and that any attempt to introduce framework clauses might jeopardise its parliamentary passage.

Mick Bates proposed an amendment to Clause 31 (1) (a), which would provide discretionary flexibility within the functions of commons associations. The Minister pointed out that the effect of the amendment would be that all activities on the land for which associations were established could be transferred to them under an Order, which would not be desirable. However, given that there was agreement on the principle of the amendment, the Minister agreed to take further advice and discuss it with the Department for the Environment, Food and Rural Affairs. He reported back to the Committee on 16 February that the Bill had been so amended in Parliament as to provide the flexibility inherent in the Committee's amendment.

A handwritten signature in black ink, appearing to read 'Glyn Davies', written in a cursive style.

Glyn Davies AM
Chair, Environment, Planning and Countryside Committee