



## **AGENDA ITEM: 11**

### **NORTH WALES FIRE AND RESCUE AUTHORITY EXECUTIVE PANEL**

**1<sup>st</sup> February 2010**

#### **Update on Domestic Sprinklers Legislative Competence Order (LCO)**

**Report by Colin Hanks, Assistant Chief Fire Officer**

#### **Purpose of Report**

- 1 The report is presented to inform Members of the progress on the Domestic Sprinklers Legislative Competence Order (LCO).

#### **Background**

- 2 Ann Jones AM (Vale of Clwyd) gave evidence to the Welsh Affairs Select Committee on 10th November 2009 in respect of a Legislative Competence Order (LCO) relating to Domestic Fire Safety. Ann Jones is progressing Legislative Competence to bring about a change in legislation in Wales which will require all new houses to be provided with a sprinkler system.

#### **Information**

- 3 In Wales, an LCO is a piece of constitutional legislation in the form of an Order-in-Council. It transfers legislative authority from the Parliament of the United Kingdom to the National Assembly for Wales. The LCO must be approved by the Assembly, the Secretary of State for Wales, both Houses of Parliament, and then HM The Queen in Council. Each LCO adds a 'Matter' to one of the 'Fields' stated in Schedule 5 of the Government of Wales Act 2006. This is the list of areas in which the National Assembly for Wales may legislate. The only other way that Schedule 5 can be amended is by the inclusion of provisions in UK Parliamentary Bills (referred to as 'Framework Powers' by the UK Government and 'Measure-making powers' by the National Assembly).

- 4 Each Matter then gives the Welsh Assembly Government permission to pass legislation known as an Assembly Measure, which operates in Wales just as an Act of Parliament operates across the UK (i.e. can be enforced by the Courts). An Assembly Measure allows provisions to be made in a certain area e.g. Health and Social Services, Education, for the Assembly to pass. The text that comes with the LCO contains the actual title of the legislation (Measure) that would be passed by the Welsh Assembly later on, for example "Provision for and in connection with a requirement that an automatic fire suppression system be installed in new residential premises" would appear on the LCO and would later form the title of the Measure once written up.
- 5 This LCO has taken quite some time to reach this point, mainly due to coinciding with a Transfer of Functions Order (TFO) for Building Regulations to be devolved to Wales.
- 6 Building Regulations will be devolved to Wales but it is unlikely that any review will take place before 2011 and is likely to involve Energy Efficiency in the first instance.
- 7 The Fire and Rescue Services in Wales and the Chief Fire Officers Association have supported Ann Jones from the beginning of this quest and it is pleasing to note that there was support from Jane Davidson, the Housing Minister, the Wales Office and, indeed, the Committee in general.
- 8 It is envisaged that the Committee will request the Rt. Hon. Peter Hain, MP, Secretary of State for Wales, to respond to the Committee report quickly due to the length of time it has taken to date and that powers are likely to be conferred to the Assembly in the beginning of the calendar year 2010.
- 9 The next step will be for this request of competence to be debated in both Houses, after which it will go before HM The Queen for Royal approval.

## **Recommendation**

That Members note the progress of the proposed legislation.