

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Gareth Williams

Meeting date: 1 March 2021

Committee Clerk

Meeting time: 09.30

0300 200 6565

SeneddLJC@senedd.wales

Supplementary pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

3.1 SL(5)750 – The Senedd Cymru (Letters Patent and Proclamations) Order 2021 (Pages 1 – 2)

CLA(5)–07–21 – Paper 3 – Report

CLA(5)–07–21 – Paper 4 – Regulations

CLA(5)–07–21 – Paper 5 – Explanatory Memorandum

CLA(5)–07–21 – Paper 53 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 53

3.5 SL(5)745 – The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (Wales) Regulations 2021

(Page 3)

CLA(5)–07–21 – Paper 19 – Report

CLA(5)–07–21 – Paper 20 – Regulations

CLA(5)–07–21 – Paper 21 – Explanatory Memorandum

CLA(5)–07–21 – Paper 22 – Written statement, 9 February 2021

CLA(5)–07–21 – Paper 23 – Statutory guidance

CLA(5)–07–21 – Paper 48 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 48



3.6 SL(5)746 – The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

(Page 4)

CLA(5)–07–21 – Paper 24 – Report

CLA(5)–07–21 – Paper 25 – Regulations

CLA(5)–07–21 – Paper 26 – Explanatory Memorandum

CLA(5)–07–21 – Paper 27 – Written statement, 9 February 2021

CLA(5)–07–21 – Paper 49 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 49

3.7 SL(5)747 – The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

(Page 5)

CLA(5)–07–21 – Paper 28 – Report

CLA(5)–07–21 – Paper 29 – Regulations

CLA(5)–07–21 – Paper 30 – Explanatory Memorandum

CLA(5)–07–21 – Paper 50 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 50

3.8 SL(5)748 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

(Page 6)

CLA(5)–07–21 – Paper 31 – Report

CLA(5)–07–21 – Paper 32 – Regulations

CLA(5)–07–21 – Paper 33 – Explanatory Memorandum

CLA(5)–07–21 – Paper 51 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 51

3.9 SL(5)749 – The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

(Page 7)

CLA(5)–07–21 – Paper 34 – Report

CLA(5)–07–21 – Paper 35 – Regulations

CLA(5)–07–21 – Paper 36 – Explanatory Memorandum

CLA(5)–07–21 – Paper 52 – Welsh Government response

Attached Documents:

CLA(5)–07–21 – Paper 52

4.4 Letter from the First Minister: The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021

(Page 8)

CLA(5)–07–21 – Paper 46 – Letter from the First Minister, 25 February 2021

Attached Documents:

CLA(5)–07–21 – Paper 46

4.5 Letter from the Minister for Housing and Local Government: First review of preparations for the 2021 Senedd election in accordance with the Welsh Elections (Coronavirus) Bill

(Pages 9 – 12)

CLA(5)–07–21 – Paper 47 – Letter from the Minister for Housing and Local Government, 26 February 2021

Attached Documents:

CLA(5)–07–21 – Paper 47

Agenda Item 3.1

Government Response: The Senedd Cymru (Letters Patent and Proclamations) Order 2021

We note that the report indicates that the Order was made by the Welsh Ministers before it was laid before the Senedd.

The Order was made by Her Majesty in Privy Council, in exercise of the power under section 116(3) the Government of Wales Act 2006. Pursuant to section 116(4) the Order is subject to annulment of a resolution of the Senedd.

Merit Scrutiny Points under Standing Order 21.3(ii)

1. The wording “subject only to such variations as are necessitated by the circumstances” as set in article 2 of the Order, has been included to allow, where circumstances dictate, for there to be a variation of the form of words in the Letters Patent and proclamations as set out in the Schedules to the Order. The wording has been included to accommodate necessary interim changes to the form of wordings in the Letters Patent and Proclamations, such changes can be adopted until such time as the Order can be amended.

The identical wording was adopted in article 2 of the National Assembly for Wales (Letters Patent) Order 2011 and the wording was relied upon to substitute the “National Assembly for Wales” with “Senedd Cymru” in all Letters Patent following the Senedd’s change of name in the Senedd and Elections (Wales) Act 2000.

We do not consider that section 4(2)(a) specifically provides that a royal proclamation will dissolve the Senedd. Section 4(2) provides that Her Majesty may by proclamation dissolve the Senedd, but does not provide that Her Majesty must dissolve the Senedd and we are satisfied therefore that the Llywydd may exercise her emergency power under section 4(2) of GoWA where the Senedd has already been dissolved and at very short notice.

In the context of the wording of a royal proclamation under section 4(2)(a), we do consider that the wording in article 2 would permit such a variation of the proclamation wording, as would be necessary if the Senedd had already been dissolved before the Llywydd were to exercise her power under section 4(2) of the 2006 Act. In this regard, we would foresee the wording at point 1 of the Order “Senedd Cymru is hereby dissolved” would be omitted from a proclamation made under section 4(2) where the Senedd had already been dissolved.

2. The Welsh Elections (Coronavirus) Bill was agreed by the Senedd on the 10th February 2021. It is hoped that Royal Assent will be achieved in the coming weeks. The Order has been drafted to accommodate the disapplication of section 4(2)(c) for the purpose of the 2021 general election.

In the event that Royal Assent is not achieved, the wording as set out in [1] above and which appears in article 2 of the Order, could be used to vary the form of wording of a proclamation made under section 4(2) of the 2006 Act in respect of the first meeting of the Senedd.

We are satisfied that there is sufficient statutory provision requiring the Senedd to meet in the period of 14 days or 21 days after the next General Election, either by virtue of the Welsh Elections (Coronavirus) Bill or Section 39 of the Senedd and Elections (Wales) Act 2020.

3. The form of wording of any proclamation made under section 5(4) of the 2006 Act may be varied on an interim basis, pursuant to the words as set out in [1] above and which appears in article 2 of the Order, to vary the date of the first meeting of the Senedd from 7 days to 14 days.

The words in article 2, as referred to at [1] above is intended to adopt interim changes, and as such, it is anticipated that the Order will need to be amended following the next General Election, to give effect to section 36 of the Senedd and Elections (Wales) Act 2020 in relation to the date of the first meeting.

Agenda Item 3.5

Government Response: The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (Wales) Regulations 2021 (“the Regulations”)

A full Integrated Impact Assessment (IIA) on the Regulations has been completed. Sections 1, 3, and 7 were published on the [Welsh Government website](#) on 23 February following a slight delay due to a technical error. Section 7.2 of the IIA summarises the Equality Impact Assessment

The remaining sections of the IIA are routinely made available on request.

Agenda Item 3.6

Government Response: The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

The Committee has raised 1 technical point in relation to these Regulations.

The Committee has identified that the preamble refers to a draft of the Regulations being laid before and approved by a resolution of “the Senedd Cymru”. This is at odds with the definition in the Government of Wales Act 2006, of “Senedd Cymru”, i.e. with no definite article.

We accept that the inclusion of the definite article is erroneous. If approved by the Senedd this will be corrected in the version to be signed by the Minister.

We thank the Committee for their consideration of these Regulations.

Agenda Item 3.7

Government Response: The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

The Committee has raised 1 technical point in relation to these Regulations.

The Committee has identified that the preamble refers to a draft of the Regulations being laid before and approved by a resolution of “the Senedd Cymru”. This is at odds with the definition in the Government of Wales Act 2006, of “Senedd Cymru”, i.e. with no definite article.

We accept that the inclusion of the definite article is erroneous. If approved by the Senedd this will be corrected in the version to be signed by the Minister.

We thank the Committee for their consideration of these Regulations.

Agenda Item 3.8

Government Response: The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

The Committee has raised 1 technical point in relation to these Regulations.

The Committee has identified that the preamble refers to a draft of the Regulations being laid before and approved by a resolution of “the Senedd Cymru”. This is at odds with the definition in the Government of Wales Act 2006, of “Senedd Cymru”, i.e. with no definite article.

We accept that the inclusion of the definite article is erroneous. If approved by the Senedd this will be corrected in the version to be signed by the Minister.

We thank the Committee for their consideration of these Regulations.

Agenda Item 3.9

Government Response: The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

The Committee has raised 1 technical point in relation to these Regulations.

The Committee has identified that the preamble refers to a draft of the Regulations being laid before and approved by a resolution of “the Senedd Cymru”. This is at odds with the definition in the Government of Wales Act 2006, of “Senedd Cymru”, i.e. with no definite article.

We accept that the inclusion of the definite article is erroneous. If approved by the Senedd this will be corrected in the version to be signed by the Minister.

We thank the Committee for their consideration of these Regulations.



Llywodraeth Cymru
Welsh Government

Mick Antoniw MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@Senedd.wales

25 February 2021

Dear Mick

I am writing in response to your letter of 11 February requesting further details of the equality impact assessment carried out in relation to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021, which came into force on 20 January.

The equality impact assessment and children's rights impact assessments in relation to the amendments at Part 3A 'Restrictions on attending schools and further education institutions' were both completed before the regulations were laid before the Senedd, and can be viewed at the following links:

<https://gov.wales/equality-impact-assessment-regulations-governing-school-premises-closures>

<https://gov.wales/childrens-rights-impact-assessment-regulations-governing-school-premises-closures>

You may also be interested to see the summary impact assessment and associated children's right impact assessment on the alert level restrictions:

<https://gov.wales/restrictions-within-alert-levels-summary-impact-assessment>

<https://gov.wales/alert-levels-and-restrictions-wales-childrens-rights>

Best Wishes

MARK DRAKEFORD

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
YP.PrifWeinidog@llyw.cymru • ps.firstminister@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Agenda Item 4.5


Llywodraeth Cymru
Welsh Government

Mick Antoniw MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

26 February 2021

Dear Mick,

I am writing to inform you that I have published a Written Statement on the first review of preparations for the 2021 Senedd election in accordance with the Welsh Elections (Coronavirus) Bill, which can be found at: <https://gov.wales/written-statement-first-review-preparations-2021-senedd-election-accordance-welsh-elections>.

The Written Statement refers to the inaugural meeting of the Interministerial Group on Elections and Registration. A communique from the meeting can be found at: <https://www.gov.uk/government/publications/communiques-from-the-interministerial-group-for-elections-and-registration>. I am sorry that, owing to an administrative oversight, I did not provide advance written notice of the meeting in accordance with the Inter-institutional Relations Agreement.

Yours sincerely,



Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **First review of preparations for the 2021 Senedd election in accordance with the Welsh Elections (Coronavirus) Bill**

DATE **26 February 2021**

BY **Julie James MS, Minister for Housing and Local Government**

In accordance with section 15 of the Welsh Elections (Coronavirus) Bill (“the Bill”), I can confirm that the Welsh Ministers completed our first review of the preparations for the holding of the poll for the 2021 Senedd election on 18 February 2021.

In summary, the result of the review is that we remain committed to the election being held on 6 May as scheduled, alongside local authority by elections as determined by Returning Officers, and also the Police and Crime Commissioner elections which are the responsibility of the UK Government. As the public health situation is currently gradually improving, the postponement of the Senedd election is not reasonably anticipated at this time. Everybody must prepare on this basis.

We continue to work closely with the UK and Scottish Governments. On 3 February I joined the inaugural meeting of the Interministerial Group for Elections and Registration. A

communique from the meeting can be found at:
<https://www.gov.uk/government/publications/communiques-from-the-interministerial-group-for-elections-and-registration>.

Further reviews

The next statutory review of preparations for 2021 Senedd election is due to be completed by 12 March and I will lay a further statement as soon as reasonably practicable after its completion. The First Minister will also lay a statement in accordance with section 6 of the Bill on or before 24 March setting out whether he intends to exercise his power under that section to propose postponement of the poll.

Criteria and pre-election period guidance

The criteria to be used by the First Minister for determining whether it is necessary or appropriate to postpone the election, and the guidance on the exercise of Welsh

Government functions in the pre-election period, will be published as soon as possible and in accordance with sections 4 and 6 of the Bill.

Campaigning

Our Coronavirus FAQs incorporate guidance on campaigning and can be found here: <https://gov.wales/alert-level-4-frequently-asked-questions#section-61335>. We will continue to update this page as we receive more questions and as the public health situation develops, and we will issue guidance to election campaigners, in accordance with section 9 of the Bill, as soon as possible.

It is important to note that our position on campaigning has not changed at this stage, as there is not sufficient headroom to adjust existing restrictions at present. This means that although it is a reasonable excuse to leave home for essential work purposes related to elections (for example if you are part of an electoral services team), to comply with legal obligations connected to elections (for example collecting signatures for a nomination), or to vote, it is not a reasonable excuse to leave home to deliver leaflets or campaign door-to-door.

Running the elections

We are working closely with Returning Officers to help them source venues and staff for the elections. As part of this, we emphasise that schools, community centres, places of worship and other facilities should if at all possible be put at the disposal of Returning Officers for use as polling stations and counting centres so that the poll is accessible. The opening of premises for official use for elections is permitted under our Coronavirus regulations.

We would also encourage public servants and other members of the public, including those seeking work, to put themselves forward via Volunteering Wales (volunteering-wales.net) to work on the elections.

Voting

Polling stations will be Covid-secure, and it will be the responsibility of Returning Officers to ensure this. Voters attending polling stations will not need to register for the purposes of NHS Wales Test, Trace, Protect unless the venue is open for another purpose which requires it. Organising a poll or attending a polling station will not breach Coronavirus regulations restricting movement or mass gatherings, as long as physical distancing and other rules are observed.

But we would also encourage people, particularly those who are shielding, to consider applying for a postal vote. If you intend to vote by post please apply as soon as possible as this will help administrators in their preparations for 6 May.

Counting votes and election results

We are fully supportive of the steps Returning Officers will need to take to manage the counting of votes differently to maintain compliance with electoral law as well as Coronavirus regulations. We are making available additional funding for this purpose. We appreciate that there may be delays in completing counts and announcing results as a result of the necessary changes and we recognise that this is understandable if we are to have a free and fair elections in current circumstances.