

## **Agenda Supplement – Legislation, Justice and Constitution Committee**

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Meeting Venue:	For further information contact:
<b>Video Conference via Zoom</b>	<b>P Gareth Williams</b>
Meeting date: 24 October 2022	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

### **Virtual – Supplementary pack**

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

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#### **5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered** (13.45 – 13.50)

##### **5.2 SL(6)238 – The Agricultural Wages (No.2) (Wales) Order 2022**

(Pages 1 – 10)

Attached Documents:

LJC(6)-27-22 – Paper 31 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 20 October 2022

LJC(6)-27-22 – Paper 32 – Letter to the Minister for Rural Affairs and North Wales, and Trefnydd, 6 October 2022

LJC(6)-27-22 – Paper 33 – Report

#### **6 Written Statements under Standing Order 30C** (13.50 – 13.55)

##### **6.1 WS-30C(6)012 – The Biocidal Products (Health and Safety) (Amendment) Regulations 2022**

(Pages 11 – 12)



Attached Documents:

LJC(6)-27-22 – Paper 8 – Commentary

## **6.2 WS-30C(6)013 – The Control of Mercury (Amendment) (EU Exit) Regulations 2022**

(Pages 13 – 14)

Attached Documents:

LJC(6)-27-22 – Paper 10 – Commentary

## **7 Inter-Institutional Relations Agreement**

(13.55 – 14.00)

### **7.3 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022**

(Pages 15 – 16)

Attached Documents:

LJC(6)-27-22 – Paper 34 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 21 October 2022

## **12 Legislative Consent Memorandum on the Levelling-up and Regeneration Bill**

(14.15 – 14.25)

(Pages 17 – 31)

[Legislative Consent Memorandum: Levelling-up and Regeneration Bill](#)

Attached Documents:

LJC(6)-27-22 – Paper 16 – Legal advice note

## **13 Legislative Consent Memoranda (Memorandum No. 1 and Memorandum No. 2) on the Procurement Bill: Draft report**

(14.25 – 14.30)

(Pages 32 – 56)

Attached Documents:

LJC(6)-27-22 – Paper 18 – Draft report

**14 Legislative Consent Memorandum on the Trade (Australia and New Zealand) Bill: Draft report**

(14.30 – 14.35)

(Pages 57 – 70)

Attached Documents:

LJC(6)-27-22 – Paper 19 – Draft report

**15 Legislative Consent Memorandum on the Northern Ireland Protocol Bill: Draft report**

(14.35 – 14.55)

(Pages 71 – 86)

Attached Documents:

LJC(6)-27-22 – Paper 20 – Draft report

**16 Social Partnership and Public Procurement (Wales) Bill: Draft report**

(14.55 – 15.10)

(Pages 87 – 112)

Attached Documents:

LJC(6)-27-22 – Paper 21 – Draft report

**19 Intergovernmental relations**

(15.30 – 15.40)

(Pages 113 – 115)

Attached Documents:

LJC(6)-27-22 – Paper 30 – Draft letter

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee

[SeneddLJC@Senedd.Wales](mailto:SeneddLJC@Senedd.Wales)

20 October 2022

Dear Huw

### **Agricultural Wages (No.2) (Wales) Order 2022**

Thank you for letter dated 6 October 2022 regarding the Agricultural Wages (No.2) (Wales) Order 2022. I note you have further questions arising from the response Welsh Government provided to the second and third technical reporting points which the LJCC previously raised.

#### Definition of the term 'apprenticeship framework'

Welsh Government accepts the use of the phrase '*published by Lantra on or before the date that this Order comes into force*' would help to avoid any doubt, notwithstanding Welsh Government is satisfied the use of the word 'current' is appropriate. On that basis, it is therefore proposed this amendment will be discussed and agreed with the Panel and the amended wording will be included in the Agricultural Wages (Wales) Order 2023, which it is anticipated will come into force on 1 April 2023.

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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.

In the meantime, the Committee may be interested and reassured to know there have not been any concerns raised about clarity of the definition of 'apprenticeship framework' in the Agricultural Wages (Wales) Order 2022. I can also reassure the Committee the Panel and Welsh Government were aware of all the apprenticeship frameworks published by Lantra at the time the Agricultural Wages (Wales) Order 2022 came into force (and therefore aware of those frameworks which would be covered by the definition of 'apprenticeship framework' contained within the Order). The most recently published Lantra framework was published in 2021 and we understand a further review is not now planned by Lantra until 2024.

Statutory duties imposed on agricultural workers by Article 10 of the Order

I am grateful to the LJCC for raising this point. I consider this a matter which will need to be discussed by policy officials and the Panel as part of their discussions in relation to the Agricultural Wages (Wales) Order 2023. Whilst I appreciate this does not immediately address the points raised by the LJCC, it is worth noting that Article 10 has been in place since the first Agricultural Wages Order was introduced in 2016. It is in place to ensure the smooth operation of payment of agricultural wages at the appropriate grade and to date has not proved contentious, but it will be a matter we will review.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

Lesley Griffiths MS  
Minister for Rural Affairs and North Wales, and Trefnydd

6 October 2022

Dear Lesley

### **Agricultural Wages (No.2) (Wales) Order 2022**

At our meeting on 26 September 2022 we considered the Agricultural Wages (No.2) (Wales) Order 2022 and the Welsh Government's response to our draft reporting points. Our report on the Order has now been laid before the Senedd.

You will be aware that our report raises three technical points, in accordance with Standing Order 21.2, and one merits point, in accordance with Standing Order 21.3. While we considered and acknowledged the Welsh Government response to these points during our meeting, we have a number of further questions to raise with you as regards the response we received to the second and third technical reporting points.

The second technical point seeks further explanation around the term "apprenticeship framework", which is defined in the Order by reference to frameworks published by Lantra. In particular, the Welsh Government is asked whether the dates of any such frameworks will be clear, to avoid the Order capturing frameworks published after the Order comes into force. This is important because the content of future frameworks is unknown. If future frameworks are captured by the Order then this will amount to sub-delegation to Lantra of the Welsh Ministers powers to make legislation.

In response, the Welsh Government notes that the issue date of each framework is published in Lantra's online frameworks library. The Welsh Government also says that "The definition of apprenticeship framework is "any of the **current** apprenticeship frameworks for the agricultural sector in Wales published by Lantra, or previous versions of the apprenticeship frameworks for the agricultural sector in Wales published by Lantra." The Welsh Government considers that the use of the word "current" makes it clear that it is those apprenticeship frameworks which have been issued before the date the order comes into force that are taken into account.

While this response makes it clear that the Welsh Government is properly seeking to avoid sub-delegation, we believe that there is still potentially an issue with the use of the word "current" in this context. It may not be sufficiently clear that the word "current" is intended to denote a fixed point in time. Someone who reads the Order in, for example, six months' time will not necessarily know that current is intended to mean 'current, at the date this order came into force'. We believe this creates uncertainty as to the extent of the law.

We would welcome further clarity and explanation as to why the word "current" was considered appropriate in these circumstances, and confirmation as to whether the use of a phrase such as 'published on or before the date that this Order comes into force' was considered to avoid creating uncertainty for the lay reader?

The third technical point asks the Welsh Government how the statutory duties imposed on agricultural workers by Article 10 of the Order will be enforced. In response, the Welsh Government states "Article 10 has been included in the Agricultural Wages Order since 2016. It is included to ensure that agricultural employees maintain documentary evidence of qualifications and experience gained by them in order for them to be able to demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade. Welsh Government would not propose to enforce this provision. It is simply the case that if employees do not comply with article 10 and do not maintain documentary evidence of qualifications and experience, they may not be able to demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade."

We do not consider it to be good practice for legislation to impose a statutory duty on individuals without setting out clearly the consequences and methods of enforcement that will apply if that duty is breached. This may create uncertainty for agricultural workers subject to the duty. There is also the potential for unintended consequences. For example, might an employer seek to enforce these duties by way of a private law claim against an employee?

We would welcome further clarity and explanation as to why the Welsh Government considers that imposing a statutory duty is the best way to achieve its aim of encouraging workers to maintain documentary evidence, particularly when the Welsh Government does not envisage the duties being enforced.

In particular, we would welcome a response to the following questions:

- How and why did the Welsh Government decide that a statutory duty was the most appropriate way of achieving its aim, and what other options were considered?
- Why impose a statutory duty if there is no intention of enforcing it?

- Why are there no safeguards to avoid unintended consequences, such as attempted private law claims?

We would be grateful to receive your response by 20 October.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair

# SL(6)238 – [The Agricultural Wages \(No. 2\) \(Wales\) Order 2022](#)

## Background and Purpose

This Order revokes and replaces, subject to some changes and a transitional provision, the Agricultural Wages (Wales) Order 2022.

Part 2 of the Order provides that agricultural workers are to be employed subject to the terms and conditions set out in Parts 2 to 5 of the Order and specifies the different grades and categories of agricultural worker.

Part 3 makes provision about the minimum rates of remuneration that must be paid to agricultural workers. Provision is made for accommodation offset allowance which may be deducted from an agricultural worker's remuneration. Provision is also made for dog allowance, on-call allowance, night work allowance and birth and adoption grants which do not form part of an agricultural worker's remuneration.

Part 4 provides that an agricultural worker is entitled to agricultural sick pay in the circumstances specified. Provision is made about calculating the amount of agricultural sick pay that an agricultural worker is entitled to. A payment of statutory sick pay is to count towards an agricultural worker's entitlement to agricultural sick pay.

Part 5 makes provision about an agricultural worker's entitlement to time off. Provision is made about an agricultural worker's entitlement to rest breaks, daily rest and a weekly rest period. Provision is also made specifying the agricultural worker's annual leave year and about the agricultural worker's entitlement to annual leave, holiday pay and about payment in lieu of annual leave. Provision is also made about an agricultural worker's entitlement to be paid bereavement leave.

## Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

## Technical Scrutiny

The following three points are identified for reporting under Standing Order 21.2 in respect of this instrument.

**1. Standing Order 21.2(iv) – that it appears to have retrospective effect where the authorising enactment does not give express authority for this**



This Order came into force on 6 August 2022 but it took effect from 1 April 2022; in other words, it had retrospective effect. The previous 2022 Order (i.e. the Agricultural Wages (Wales) Order 2022) also had retrospective effect.

The Explanatory Memorandum states that “delays to making the previous 2022 Order meant this Order could not be progressed to the usual annual timetable”.

We note that the Agricultural Sector (Wales) Act 2014 does not expressly provide that agricultural wages orders can have retrospective effect

The Welsh Government is asked:

- what, if any, issues the retrospectivity of this Order has caused in practice for agricultural workers and their employers, and what unfairness has the retrospectivity caused?
- to confirm whether any arrangements have been put in place to ensure that the next Order will be progressed in a more timely manner, without the need for it to have retrospective effect?

## **2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

Article 2(1) defines “apprenticeship framework” by reference to apprenticeship frameworks that have been published by Lantra. A footnote provides a link to the following webpage: <https://acwcerts.co.uk/web/frameworks-library>. However, the frameworks library on that webpage appears to be empty.

This creates confusion as to the meaning of an important term (“apprenticeship framework”) used in the Order. It also makes the law inaccessible.

The Welsh Government is asked to clarify what is meant by “apprenticeship framework” and how readers can find out what apprenticeship frameworks for the agricultural sector in Wales have been published by Lantra.

The Welsh Government is also asked to confirm that the date of any apprenticeship framework will be clear, so that the Order captures only apprenticeship frameworks that have already been published. This is necessary to avoid the Order capturing **future** apprenticeship frameworks – it is crucial to avoid capturing future apprenticeship frameworks because the content of those frameworks is currently unknown and capturing them in the Order would amount to sub-delegating to Lantra a power to legislate.

## **3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

Article 10 says that agricultural workers **must** maintain documentary evidence of qualifications and experience gained by them that is relevant to their employment, and that



they **must** inform their employer if they have gained qualifications and experience that enables them to be employed at a different grade.

The Welsh Government is asked to explain how will this **statutory duty** be enforced?

## Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

Articles 29, 30 and 31 provide for rest breaks, daily rest periods and weekly rest periods. These articles include new provisions that apply to agricultural workers who are under 18.

However, the Explanatory Memorandum makes no reference to a children's rights impact assessment having been carried out. Under section 1 of the Rights of Children and Young Persons (Wales) Measure 2011, the Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of, among other things, Part I of the UN Convention on the Rights of the Child.

Can the Welsh Government confirm it complied with that duty when making the Order and what, if any, were the main issues that arose as part of its consideration of the Convention?

## Welsh Government response

### Technical Scrutiny

#### **Point 1: Standing Order 21.2(iv) - that it appears to have retrospective effect where the authorising enactment does not give express authority for this**

Welsh Government is not aware of any issues or unfairness the retrospective application of the Order has caused in practice for agricultural workers or their employers.

Welsh Government and the Panel agree that the 2023 Order must be made in a timely manner and without retrospective effect. The 2022 (No.2) Order was made later than the usual coming into force date of 1 April due to the delay in making the 2022 Order. It is not anticipated that the delayed making of the 2022 (No.2) Order will delay the making of the 2023 Order.

The next Panel meetings take place on 5 and 6 September 2022, where the draft 2023 Order will be negotiated and agreed prior to consultation with stakeholders. Policy officials have drafted a timetable setting out key milestones and deliverables for the Panel's agreement which will ensure the 2023 Order is made by 1 April 2023, as intended by the Panel.

#### **Point 2: Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation**



Welsh Government has checked the link to the frameworks library and the link is working. It is clear from the frameworks library which frameworks are published by Lantra and the issue date of each of those frameworks.

The definition of 'apprenticeship framework' is "any of the **current** apprenticeship frameworks for the agricultural sector in Wales published by Lantra, or previous versions of the apprenticeship frameworks for the agricultural sector in Wales published by Lantra". Welsh Government considers that the use of the word 'current' makes it clear that it is those apprenticeship frameworks which have been issued before the date the Order comes into force that are taken into account.

**Point 3: Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation**

Article 10 has been included in the Agricultural Wages Order since 2016. It is included to ensure that agricultural employees maintain documentary evidence of qualifications and experience gained by them in order for them to be able to demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade. Welsh Government would not propose to enforce this provision. It is simply the case that if employees do not comply with article 10 and do not maintain documentary evidence of qualifications and experience, they may not be able to demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade.

**Merits Scrutiny**

**Point 4: Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

A Children's Rights Impact Assessment was carried out in relation to the Order and it was contained within the Integrated Impact Assessment. No particular consideration was given to articles 29, 30 and 31, as these articles reflect the existing provisions relating to rest periods which are contained within the Working Time Regulations 1998, and which therefore already apply to agricultural employees in Wales.

**Committee Consideration**

The Committee considered the instrument and Welsh Government response at its meeting on 26 September 2022 and reports to the Senedd in line with the reporting points above.



<b>UK MINISTERS ACTING IN DEVOLVED AREAS</b>	
<p><b>012 - <a href="#">The Biocidal Products (Health and Safety) (Amendment) Regulations 2022</a></b>  <i>Laid in the UK Parliament: 18 October 2022</i></p>	
<b>Sifting</b>	
Subject to sifting in UK Parliament?	N/A
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
SICM under SO 30A (because amends primary legislation)	Not required
<b>Scrutiny procedure</b>	
Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
<b>Background</b>	
<p>These Regulations are proposed to be made by the UK Government under section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.</p>	
<b>Summary</b>	
<p>Biocidal products are used to protect people and animals, preserve goods, stop pests and control viruses, bacteria and fungi through a chemical or biological action. As a result of EU Exit, and as part of a GB-wide common framework, biocidal products are now required to be authorised by the Health and Safety Executive (HSE) under the new Great Britain Biocidal Product Regulations (GB BPR) regime. In particular, pre-Exit authorisations are required to be resubmitted to the HSE for the HSE to authorise under the new GB BPR regime.</p>	

Under the GB BPR regime, the HSE is required to process authorisation applications within 3 years. Without such authorisation, the biocidal product cannot be sold in Great Britain. According to the UK Government's Explanatory Memorandum to these Regulations, two issues arising from EU Exit have caused temporary delays to processing such applications:

1. Great Britain no longer has access to the EU database containing information about biocidal active substances.
2. The transition from a EU regime to a GB regime has resulted in a one-off influx of applications to HSE, seeking authorisation under the new GB BPR regime.

This means the HSE will not be able to meet the legal deadlines for processing applications under the GB BPR regime. Therefore, these Regulations extend the deadline for processing applications by a period of 5 years (i.e. until 31 December 2027). This means that biocidal products that received pre-Exit authorisation can remain on the market during this extension.

#### **Statement by Welsh Government**

Senedd Legal Advisers agree with the statement laid by the Welsh Government dated 19 October 2022 regarding the effect of these Regulations.

#### **Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Senedd Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

# Agenda Item 6.2

<b>UK MINISTERS ACTING IN DEVOLVED AREAS</b>	
<b>013 - <a href="#">Control of Mercury (Amendment) (EU Exit) Regulations 2022</a></b> <i>Laid in the UK Parliament: 19 October 2022</i>	
<b>Sifting</b>	
Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative statutory instrument
Date of consideration by the House of Commons European Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	3 November 2022
SICM under SO 30A (because amends primary legislation)	Not required
<b>Scrutiny procedure</b>	
Outcome of sifting	Not known
Procedure	Not known
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
<b>Background</b>	
<p>These Regulations are proposed to be made by the UK Government under section 8(1)(b) of the European Union (Withdrawal) Act 2018.</p>	
<b>Summary</b>	
<p>These Regulations change the reference to “a Member State” in the heading of Annex 2 to Commission Implementing Decision (EU) 2017/2287 to “Great Britain”, for consistency with amendments made by the Control of Mercury (Amendment) (EU Exit) Regulations 2020.</p>	
<b>Statement by Welsh Government</b>	
<p>Legal Advisers agree with the statement laid by the Welsh Government dated 20 October 2022 regarding the effect of these Regulations. However, the written statement does not specify any impact the Regulations have on the Senedd’s legislative competence and/or the</p>	

Welsh Ministers' executive competence (as required by Standing Order 30C.3(ii)).

Senedd Legal Services can, however, confirm there is no such impact.

**Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Ein cyf/Our ref: MA/LG/2452/22

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee

[huw.Irranca-Davies@senedd.wales](mailto:huw.Irranca-Davies@senedd.wales)

21 October 2022

Dear Huw,

### **The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022**

I wish to inform the Committee I am giving consent to the Secretary of State for Environment, Food and Rural Affairs to lay The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022 (“the draft Regulations”) on 20 October 2022.

The draft Regulations will be made under the European Union (Withdrawal) Act 2018 and address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The retained EU law concerns the importation of animals and related animal products, or the transit of animals and animal products through Great Britain.

The draft Regulations modify European Union Directives, transfer functions of EU bodies within those EU Directives to the appropriate authority and amend the Trade in Animals and Related Products Regulations 2011 and the Trade in Animals and Related Products (Scotland) Regulations 2011 to update the legislative regime and implement the modifications and transfer of functions.

The Welsh Ministers will shortly be making equivalent regulations, which will create a number of regulation-making powers for the Welsh Ministers and amend the Trade in Animals and Related Products (Wales) Regulations 2011. However, I would like to draw to your attention to regulation 4(3) and 8(2) of the draft Regulations, which provide that if the Welsh Ministers give consent, the Secretary of State may exercise regulation making powers, as appropriate authority in relation to Wales.

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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.

Legislation made under the European Union (Withdrawal) Act 2018 is covered by a 'carve out' within the Government of Wales Act 2006 (Amendment) Order 2021, as such the creation of these 'concurrent-plus' functions would not impinge on the Senedd's ability to legislate in this area in future, if it so wished.

Similar functions in the sphere of Animal Health and Welfare have previously been approved on the basis there is a mutual interest for all administrations in the application of coherent disease prevention and the functions in the draft Regulations need to work for the whole of Great Britain. Furthermore, they are exercised in the context of a functioning Common UK Animal Health and Welfare Framework with clearly defined governance processes for cross-government engagement. Any policy changes or use of the powers will be discussed at the Animal Disease Policy Group, which is the governance body of this Common Framework, and where policy decisions are made by consensus.

It is important to note that the Secretary of State's ability to exercise this function depends upon the Welsh Ministers' consent. We envisage this would only happen in exceptional circumstances. This function is therefore appropriate and mirrors what already happens in other legislation and administrative processes in this policy area.

I would like to reassure this committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, therefore, I am giving my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, and cross-government coordination and consistency.

The regulations will be laid in draft before the UK Parliament on 20 October 2022 to come into force the day following a debate which will take place between 11 November and 01 December.

I have written in similar terms to the Chair of the Economy, Trade, and Rural Affairs Committee.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AS/MS**

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd

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# Agenda Item 13

By virtue of paragraph(s) vi of Standing Order 17.42

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