

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

Hybrid – Committee Room 4, Tŷ Hywel
and videoconference via Zoom

Meeting date: 6 October 2025

Meeting time: 10.45

For further information contact:

P Gareth Williams

Committee Clerk

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Hybrid – Supplementary Pack

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

2 British Sign Language (Wales) Bill: Evidence session with the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

(10.45 – 11.30)

(Pages 1 – 11)

[British Sign Language \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Statement of Policy Intent](#)

Jane Hutt MS, Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Ben Henriques, Senior Lawyer, Welsh Government

Amira Evans, Head of Equalities, Welsh Government

Jane Peffers, Head of British Sign Language Policy, Welsh Government

British Sign Language interpretation is [available on Senedd.tv](#)

Attached Documents:

LJC(6)-27-25 – Paper 1 – Briefing paper

5 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Evidence session with Royal Town Planning Institute Cymru

(12.30 – 13.25)

(Pages 12 – 30)



Mark Hand, Director of Wales, Northern Ireland and Planning Aid England,
Royal Town Planning Institute Cymru

Rhian Brimble, Policy Officer (Wales), Royal Town Planning Institute Cymru

Attached Documents:

LJC(6)-27-25 – Paper 2 – Briefing paper

**6 Planning (Wales) Bill and Planning (Consequential Provisions)
(Wales) Bill: Evidence session with the Planning and Environment
Bar Association**

(13.30 – 14.25)

Annabel Graham Paul, Planning and Environment Bar Association

Attached Documents:

LJC(6)-27-25 – Paper 3 – Briefing Paper

**8 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3 – previously considered**

(14.35 – 14.40)

**8.2 SL(6)635 – The Amendments to Subordinate Legislation (Miscellaneous
Corrections) (Wales) Regulations 2025**

(Pages 31 – 34)

Attached Documents:

LJC(6)-27-25 – Paper 16 – Report

LJC(6)-27-25 – Paper 17 – Welsh Government response

9 Inter-Institutional Relations Agreement

(14.40 – 14.45)

**9.1 Correspondence from the Welsh Government: Meetings of inter-ministerial
groups**

(Pages 35 – 36)

Attached Documents:

LJC(6)-27-25 – Paper 18 – Letter from the Cabinet Secretary for Finance and
Welsh Language: Finance: Interministerial Standing Committee, 3 October
2025

Document is Restricted

Agenda Item 5

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

Document is Restricted

SL(6)635 – The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025

Background and Purpose

The Regulations, alongside the Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025, amend existing subordinate legislation to correct errors identified by the Committee. These instruments have been made in line with commitments given to the Committee by the Counsel General and Minister for Delivery.

The Regulations make corrections to the following regulations:

- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 [S.I. 2003/3227 (W. 308)];
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 [S.I. 2003/3246 (W. 321)];
- The Nutrition and Health Claims (Wales) Regulations 2007 [S.I. 2007/2611 (W. 222)];
- The Home Energy Efficiency Schemes (Wales) Regulations 2011 [S.I. 2011/656 (W. 94)];
- The Care and Support (Financial Assessment) (Wales) Regulations 2015 [S.I. 2015/1844 (W. 272)];
- The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 [S.I. 2021/77 (W. 20)];
- The Building Control Profession (Charges) (Wales) Regulations 2023 [S.I. 2023/1303 (W. 233)];
- The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 [S.I. 2024/28 (W. 11)];
- The National Health Service Joint Commissioning Committee (Wales) Regulations 2024 [S.I. 2024/135 (W. 29)]; and
- The Bread and Flour (Wales) Regulations 2025 [S.I. 2025/88 (W. 22)].

Procedure

Negative

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



Technical Scrutiny

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

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

In Part 4, in regulation 4, the Welsh Government has not addressed reporting points 4 and 5 of the Committee's [report](#) on the Nutrition and Health Claims (Wales) (Amendment) Regulations 2024. The Welsh Government confirmed that it did not intend to make these corrections in its [response](#) to the Committee's report.

However, as a result, the modifications made to section 37 of the Food Safety Act 1990 by the Schedule to the Nutrition and Health Claims (Wales) Regulations 2007 are not entirely successful due to the remaining references to "subsection (1)(c)" and to the "sheriff" in section 37(2) and (4) respectively of that Act.

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

In Part 10, in regulation 12(a), amendments are made to paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024, in response to reporting point 6 of the Committee's [report](#) on those Regulations. This means that the terms "NHS Trust" and "Special Health Authority" in paragraph 4(5)(b) and (c) of Schedule 2 to those Regulations will have the same meaning as found in the new definition of "health service body". Therefore, they will include NHS Trusts and Special Health Authorities established by the Secretary of State under the National Health Service Act 2006 as well as those established by the Welsh Ministers under the National Health Service (Wales) Act 2006. However, in paragraph 6(b) and (c) of Schedule 2 to those Regulations the meaning of "NHS Trust" and "Special Health Authority" will be limited to those established by the Welsh Ministers under the National Health Service (Wales) Act 2006.

Could the Welsh Government confirm that this is deliberate, and both "NHS trust" and a "Special Health Authority" are intended to have a broader meaning including those established by the Secretary of State under the National Health Service Act 2006 in paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024?

Merits Scrutiny

The following three points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. 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.



The title of the statutory instrument does not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers' attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments.

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 number of the corrections made by the Regulations relate to Welsh statutory instruments that were reported upon by the Committee at the end of 2023 and at the beginning of 2024. Therefore, these errors have been present in the text of the legislation for quite a long period of time (e.g. regulations 7, 8 and 9).

The Welsh Government should explain:

- i) Why there has been such a delay before making these corrections; and
- ii) If the Welsh Government's intention is to make corrections via an omnibus statutory instrument on a regular basis, how frequently will such an instrument be made, and how will the Welsh Government ensure that errors do not sit on the statute book for too long.

5. 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.

In relation to the preamble, whilst there are some benefits to splitting the enabling powers into separate paragraphs, there are also some drawbacks, particularly the resulting lengthy preamble which includes some repetition (e.g. section 16(1)(f) of the Food Safety Act 1990 is cited in two separate paragraphs, and references to advice from the Food Standards Agency and consultation under Article 9 of Regulation (EC) No 178/2002 are also repeated). A potential alternative may be to put the enabling powers in a schedule, however, this would not necessarily improve accessibility. As such, it may be that a lengthy and repetitive preamble is the inevitable consequence of an "omnibus" statutory instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 15 September 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025

Technical Scrutiny point 1: This reporting point is not accepted. The modifications made to section 37 of the Food Safety Act 1990 by Part 4 of the Schedule to the Nutrition and Health Claims (Wales) Regulations 2007 are successful as they are made to the subsections of section 37 that are applied by Regulation 6. Regulation 6 does not apply the entirety of section 37 of the Food Safety Act 1990, but subsections (1), (3), (5) and (6) only. The references to “subsection (1)(c)” and to the “sheriff” in section 37(2) and (4) respectively are not within the applied provisions for the purposes of the 2007 Regulations.

Technical Scrutiny point 2: The Welsh Government can confirm that this is a policy decision and deliberate. The references to NHS Trust and SHA within paragraph 6 of Schedule 2 are to be limited to Welsh bodies created by the Welsh Ministers whereas those terms used in the context of the defined term “health service body” means those created by the Welsh Ministers or the Secretary of State.

Merits Scrutiny point 3: The point is noted, but to have taken an alternate approach would have resulted in an unwieldy title.

Merits Scrutiny point 4: When the Government agrees that there is an error in legislation that requires action to correct it an assessment is made as to when it would be appropriate to make that change and whether a suitable vehicle to achieve that is likely to be available. This assessment will always give due weight to the fact that the error will remain on the statute book until corrected.

The Government’s intention is to consider lessons to be learned from dealing with corrections to subordinate legislation through an “omnibus” instrument. The Government will then determine whether or not further omnibus instruments should be brought forward.

The Government notes and tracks commitments it has made to correct legislation so that amendments are made at the appropriate time.

Merits Scrutiny point 5: The Government shares the Committee’s view that there are benefits and drawbacks of the approach taken the aim of which was to enable the reader to identify the relevant powers more easily.

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

3 October 2025

Dear Mike,

A meeting of the Finance: Interministerial Standing Committee (F:ISC) will take place on 17 October in Edinburgh. It will be chaired by the Scottish Government Cabinet Secretary for Finance and Local Government, Shona Robison.

The agenda will focus on preparations for the UK Autumn Budget and discussions on economic growth. We will discuss the latest economic position, and I will seek engagement on potential spending and tax changes at the Budget.

I will outline our desire for the UK Government to use the macro levers available to it to alleviate child poverty and to explore practical ways of raising funds to pay for measures to support the most deprived and to invest in public services.

We will continue with the discussions on improving the fiscal flexibilities available to devolved governments. There has been useful work between officials over the summer regarding the improvements which might be achieved in the short term, as well as longer term proposals and we will be looking for opportunities to progress these options.

We will discuss the potential for improvements to the operation of the Barnett formula. I will reiterate my previously stated position that the Barnett system needs to be reformed and concerns with its legitimacy and fairness addressed.

I will meet separately with the new Chief Secretary to the Treasury to discuss the Welsh Government key priorities for the UK Autumn Budget which includes securing enhanced budget flexibilities in respect of our Reserve and borrowing limits.

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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.

I will write to the Committee after the F:ISC to update it on discussions.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language