

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Video Conference via Zoom

Meeting date: Monday, 22 March 2021

Meeting time: 09.30 – 10.54

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/11218>

Attendance

Category	Names
Members of the Senedd:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Gareth Howells (Legal Adviser)

1 Introduction, apologies, substitutions and declarations of interest

The Chair confirmed that, in accordance with Standing Order 34.19, he had determined that the public were excluded from the Committee's meeting in order to protect public health.

There were no apologies or substitutions.



2 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B

2.1 pNeg(5)41 – The Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021

The Committee considered the instrument and was content that the negative procedure should apply.

3 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

3.1 SL(5)776 – The Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021

The Committee considered the instrument and was content.

3.2 SL(5)781 – The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021

The Committee considered the instrument and was content.

3.3 SL(5)784 – The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) (Amendment) Regulations 2021

The Committee considered the instrument and was content.

3.4 SL(5)785 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2021

The Committee considered the instrument and was content.

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

4.1 SL(5)777 – The Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified.

4.2 SL(5)780 – The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

4.3 SL(5)782 – The Digital Health and Care Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting point identified.

4.4 SL(5)786 – The Care and Support (Charging) (Wales) (Amendment) Regulations 2021

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

4.5 SL(5)787 – The Business Tenancies (Extension of Protection from Forfeiture etc.) (Wales) (Coronavirus) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting point identified.

4.6 SL(5)791 – The Health Protection (Coronavirus, International Travel and Operator Liability) (Miscellaneous Amendments) (Wales) Regulations 2021

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

4.7 SL(5)793 – The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting point identified.

4.8 SL(5)789 – The Additional Learning Needs (Wales) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting point identified.

4.9 SL(5)775 – The Education Tribunal for Wales Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

4.10 SL(5)798 – The Equality Act 2010 (Capacity of parents and persons over compulsory school age) (Wales) Regulations 2021

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified.

4.11 SL(5)778 – The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

4.12 SL(5)790 – The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

4.13 SL(5)792 – The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

4.14 SL(5)795 – The Public Health (Protection from Eviction) (No. 2) (Wales) (Coronavirus) Regulations 2021

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

4.15 SL(5)796 – The Senedd Cymru (Representation of the People) (Amendment) Order 2021

The Committee considered the instrument and the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

5.1 SL(5)758 – The Education Workforce Council (Interim Suspension Orders) (Additional Functions) (Wales) Order 2021

The Committee noted the Welsh Government response.

5.2 SL(5)767 – The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021

The Committee noted the Welsh Government response.

6 Subordinate legislation that raises no reporting issues under Standing Order 21.7

6.1 SL(5)799 – The Additional Learning Needs Code for Wales 2021

The Committee considered the Code and was content.

6.2 SL(5)788 – The Candidate Election Expenses (Senedd Elections) Code of Practice 2021 (Appointed Day) Order 2021

The Committee considered the Order and was content.

6.3 SL(5)794 – The Senedd Cymru (Returning Officers’ Charges) Order 2021

The Committee considered the Order and was content.

7 Written Statements under Standing Order 30C

7.1 WS–30C(5)218 – The Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021

The Committee noted the statement and the commentary.

7.2 WS–30C(5)219 – The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

8 Papers to note

8.1 Letters from the Minister for Environment, Energy and Rural Affairs: The Exemptions from Official Controls at Border Control Posts (Amendment) Regulations 2021

The Committee noted the letters from the Minister for Environment, Energy and Rural Affairs.

8.2 Correspondence with the Minister for Housing and Local Government: The Local Land Charges (Fees) (Wales) Rules 2021

The Committee noted the response from the Minister for Housing and Local Government to its letter on the Local Land Charges (Fees) (Wales) Regulations 2021.

8.3 Letter from the Llywydd: Welsh Elections (Coronavirus) Bill 2021 – impact on Senedd Committees

The Committee noted the letter from the Llywydd.

8.4 Letter from the Minister for Environment, Energy and Rural Affairs to the Parliamentary Under Secretary of State for the Department for Environment, Food

and Rural Affairs: The Reservoirs Act (Panels of Civil Engineers) (Applications and Fees) Regulations 2021

The Committee noted the letter from the Minister for Environment, Energy and Rural Affairs to the Parliamentary Under Secretary of State for the Department for Environment, Food and Rural Affairs.

8.5 Written statement by the Counsel General: Improving the accessibility of Welsh law

The Committee noted the Counsel General's written statement.

8.6 Letter from the Minister for Housing and Local Government: British–Irish Council Digital Inclusion Work Sector Ministerial Meeting

The Committee noted the letter from the Minister for Housing and Local Government, and that it had been sent in accordance with the Inter–institutional Relations Agreement.

8.7 Letter from the Minister for Housing and Local Government: British–Irish Council Joint Housing and Spatial Planning Work Sectors Ministerial meeting

The Committee noted the letter from the Minister for Housing and Local Government, and that it had been sent in accordance with the Inter–institutional Relations Agreement.

8.8 Correspondence with the Minister for Finance and Trefnydd: Standing Order 30C Written Statement – The Greenhouse Gas Emissions (Kyoto Protocol Registry) (Amendments) (EU Exit) Regulations 2021

The Committee noted the response from the Minister for Finance and Trefnydd to its letter in relation to the Standing Order 30C statement on The Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021.

9 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

The Committee agreed the motion.

10 Legislative Consent Memorandum on the Armed Forces Bill – consideration of draft report

The Committee considered and agreed its report on the Welsh Government's Legislative Consent Memorandum on the Armed Forces Bill.

11 Legislative Consent Memorandum on the Animal Welfare (Sentencing) Bill – consideration of draft letter to the Minister

The Committee considered and agreed a draft letter to the Minister for Environment, Energy and Rural Affairs in relation to the Welsh Government's Legislative Consent Memorandum on the Animal Welfare (Sentencing) Bill.

12 Statutory Instruments laid but not formally scrutinised by the Committee

The Committee considered the approach to the handling of statutory instruments laid but not formally scrutinised by the Committee at the end of the Fifth Senedd. The Committee agreed that a special merits report would be laid on 28 April 2021, that will note the statutory instruments laid between 18 March and 28 April which the Committee has not had an opportunity to scrutinise.

13 Legacy work – consideration of draft report

The Committee considered and agreed, subject to minor amendments, its legacy report.

14 Scrutiny of regulations made under the EU (Withdrawal) Act 2018 – update

The Committee noted the letter from the Minister for Finance and Trefnydd.