

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	P Gareth Williams
Meeting date: 11 October 2021	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Informal pre-meeting (13.00–13.30)

- 1 Introductions, apologies and substitutions**
13.30
- 2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**
13.30–13.35 (Pages 1 – 2)
LJC(6)–09–21 – Paper 1 – Statutory instruments with clear reports
Draft Affirmative Resolution Instruments
 - 2.1 SL(6)055 – The General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021**
 - 2.2 SL(6)057 – The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021**
- 3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**
13.35–13.40
Made Negative Resolution Instruments



3.1 SL(6)061 – The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 3) Regulations 2021

(Pages 3 – 7)

LJC(6)–09–21 – Paper 2 – Draft report

LJC(6)–09–21 – Paper 3 – Letter from the Minister for Health and Social Services, 1 October 2021

[Regulations](#)

[Explanatory Memorandum](#)

Draft Affirmative Resolution Instruments

3.2 SL(6)056 – The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021

(Pages 8 – 9)

LJC(6)–09–21 – Paper 4 – Draft report

[Regulations](#)

[Explanatory Memorandum](#)

Made Affirmative Resolution Instruments

3.3 SL(6)058 – The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021

(Pages 10 – 14)

LJC(6)–09–21 – Paper 5 – Draft report

LJC(6)–09–21 – Paper 6 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 27 September 2021

[Regulations](#)

[Explanatory Memorandum](#)

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

13.40–13.45

4.1 SL(6)052 – The Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (No. 3) (Wales) Regulations 2021

(Pages 15 – 20)

LJC(6)–09–21 – Paper 7 – Committee report

LJC(6)–09–21 – Paper 8 – Welsh Government response

5 Subordinate legislation that raises issues to be reported to the Senedd under Standing Order 21.7

13.45–13.50

5.1 SL(6)059 – The Curriculum for Wales – Statements of What Matters Code

(Page 21)

LJC(6)–09–21 – Paper 9 – Draft report

[Code](#)

[Explanatory Memorandum](#)

5.2 SL(6)060 – The Curriculum for Wales – Progression Code

(Pages 22 – 23)

LJC(6)–09–21 – Paper 10 – Draft report

[Code](#)

[Explanatory Memorandum](#)

6 Papers to note

13.50–13.55

6.1 Welsh Government report: The legislative response by the Welsh Ministers to the coronavirus pandemic

(Pages 24 – 58)

LJC(6)–09–21 – Paper 11 – Written statement by the Welsh Government, 4 October 2021

LJC(6)–09–21 – Paper 12 – Welsh Government report: The legislative response by the Welsh Ministers to the coronavirus pandemic

- 6.2 Correspondence from the First Minister: Annual report on the Inter-institutional relations agreement**
(Pages 59 – 82)
LJC(6)–09–21 – Paper 13 – Letter from the First Minister, 4 October 2021
LJC(6)–09–21 – Paper 14 – Annual report on the Inter-institutional relations agreement
- 6.3 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Official Controls (Extension of Transitional Periods) (England and Wales) Regulations 2021**
(Pages 83 – 86)
LJC(6)–09–21 – Paper 15 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 27 September 2021
LJC(6)–09–21 – Paper 16 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd to the Chair of the Economy, Trade and Rural Affairs Committee, 27 September 2021
- 6.4 Correspondence between the Local Government and Housing Committee and the Minister for Climate Change: Legislative Consent Memorandum on the Leasehold Reform (Ground Rent) Bill**
(Pages 87 – 91)
LJC(6)–09–21 – Paper 17 – Letter from the Minister for Climate Change, 1 October 2021
LJC(6)–09–21 – Paper 18 – Letter from the Chair of the Local Government and Housing Committee, 24 September 2021
- 7 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**
13.55
- 8 Legislative Consent Memorandum on the Police, Crime, Sentencing and Courts Bill – consideration of draft report**
13.55–14.05 (Pages 92 – 107)
LJC(6)–09–21 – Paper 19 – Draft report

- 9 Legislative Consent Memorandum on the Advanced Research and Invention Agency Bill – consideration of draft report**
14.05–14.15 (Pages 108 – 115)
LJC(6)–09–21 – Paper 20 – Draft report
- 10 Legislative Consent Memorandum on the Skills and Post–16 Education Bill – consideration of draft report**
14.15–14.30 (Pages 116 – 127)
LJC(6)–09–21 – Paper 21 – Draft report
LJC(6)–09–21 – Paper 22 – Letter from the Minister for Education and the Welsh Language to the Chair of the Children, Young People and Education Committee, 1 October 2021
- 11 Legislative Consent Memorandum on the Animal Welfare (Kept Animals) Bill – consideration of draft report**
14.30–14.45 (Pages 128 – 136)
LJC(6)–09–21 – Paper 23 – Draft report
LJC(6)–09–21 – Paper 24 – Letter to the Minister for Environment, Energy and Rural Affairs, 23 March 2021
- 12 Legislative Consent Memoranda on the Building Safety Bill**
14.45–15.00 (Pages 137 – 157)
[Legislative Consent Memorandum – Building Safety Bill](#)
[Supplementary Legislative Consent Memorandum – Building Safety Bill](#)
LJC(6)–09–21 – Paper 25 – Legal advice note
- 13 Legislative Consent Memorandum on the Subsidy Control Bill**
15.00–15.15 (Pages 158 – 172)
[Legislative Consent Memorandum – Subsidy Control Bill](#)
LJC(6)–09–21 – Paper 26 – Legal advice note

14 Legislative Consent Memorandum on the Public Service Pensions and Judicial Offices Bill

15.15–15.25

(Pages 173 – 176)

[Legislative Consent Memorandum – Public Service Pensions and Judicial Offices Bill](#)

LJC(6)–09–21 – Paper 27 – Legal advice note

15 International agreements considered on 4 October 2021 – consideration of draft report

15.25–15.30

(Pages 177 – 184)

LJC(6)–09–21 – Paper 28 – Draft report

LJC(6)–09–21 – Paper 29 – Letter from the First Minister, 4 October 2021

LJC(6)–09–21 – Paper 30 – Letter to the First Minister, 20 September 2021

16 Strategic approach to the Committee's remit and forward work planning

15.30–15.45

(Pages 185 – 194)

LJC(6)–09–21 – Paper 31 – Strategic planning paper

Statutory Instruments with Clear Reports 11 October 2021

SL(6)055 – The General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021

Procedure: Affirmative

The [General Power of Competence \(Commercial Purpose\) \(Conditions\) \(Wales\) Regulations 2021](#) (“the Regulations”) are made by the Welsh Ministers in exercise of the powers conferred upon them by sections 28(4), 28(5)(b) and 28(6)(c) of the Local Government and Elections (Wales) Act 2021.

The Regulations prescribe additional conditions that a principal council must meet before exercising the general power of competence to do things for a commercial purpose. A principal council must prepare and approve a business case in support of the proposed exercise of the power. In addition, a principal council is required to publish any business case approved in accordance with the Regulations, as soon as reasonably practicable. The principal council is also required to recover any costs incurred by it in anything it supplies to a company through which the general power is exercised for a commercial purpose, from that company.

The Welsh Ministers have consulted with such organisations and persons that are likely to be affected by these Regulations.

The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021, which was made on 3 March, brings the general power into force for principal councils on 1 November 2021. These Regulations come into force on the same date.

Parent Act: Local Government and Elections (Wales) Act 2021

Date Made:

Date Laid:

Coming into force date: 01 November 2021



SL(6)057 – The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021

Procedure: Affirmative

The Historic Environment (Wales) Act 2016 (“the 2016 Act”) amended the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”) by introducing heritage partnership agreements for scheduled monuments in Wales¹.

A heritage partnership agreement is a voluntary arrangement for the long term management of one or more designated historic assets. In relation to scheduled monuments, such agreements may be entered into between the Welsh Ministers and the owner of a scheduled monument in Wales or the owner of land adjoining, or in the vicinity of, a scheduled monument.

Although the legislative framework for heritage partnership agreements was set out in the 2016 Act, it required the Welsh Ministers to make further provision (through regulations) regarding the content of such agreements and the procedures for agreeing and terminating them.

These [Regulations](#) make specific provision regarding heritage partnership agreements for scheduled monuments in Wales, supplementing the provisions of the 1979 Act.

Parent Act: Ancient Monuments and Archaeological Areas Act 1979

Date Made:

Date Laid:

Coming into force date: 01 January 2022

¹ The 2016 Act also introduced heritage partnership agreements for listed buildings. These are covered in the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021, which have been laid by the Welsh Government.



SL(6)061 - The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers)(Wales) (Miscellaneous Amendments) (No. 3) Regulations 2021

Background and Purpose

These [Regulations](#) amend the following Regulations:

- The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (“the International Travel Regulations”);
- The Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales)(Amendment) Regulations 2021 (S.I. 2021/40 (W. 11)) (“the Operator Liability Regulations”); and
- The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/574 (W. 132)) (“the Public Health Information Regulations”).

Part 2 of these Regulations amend the International Travel Regulations. The International Travel Regulations impose requirements on people entering Wales after having been abroad.

Regulations 3, 6 and 8 make provision to remove Schedule 3 (exempt countries and territories outside the common travel area), containing what are commonly referred to as ‘green list’ countries, from the International Travel Regulations.

Regulation 4 makes amendments to regulation 2A (exemptions for vaccinated travellers and others) of the International Travel Regulations, including an expansion of the list of relevant countries at paragraph (11) and introduction of further relevant countries and territories in a new paragraph (12). These changes mean that:

- mixed doses and vaccination taken under certain different programmes are recognised,
- the following countries are added to the list of countries with recognised vaccination certification: Australia, Antigua and Barbuda, Barbados, Bahrain, Brunei, Canada, Dominica, Israel, Japan, Kuwait, Malaysia, New Zealand, Qatar, Saudi Arabia, Singapore, South Korea, Taiwan and the United Arab Emirates (UAE)

Regulation 5 amends regulation 6A (requirement to possess notification of a negative test result) of the International Travel Regulations so as to exempt a regulation 2A traveller from the requirements of that regulation.

Regulation 7 makes amendments to the requirements that apply to private test providers at paragraphs 1ZA and 2ZA of Schedule 1C.



Regulation 9 amends Schedule 4 to the International Travel Regulations to update the list of specified sporting events. A person is able to leave isolation to compete or train in, or provide coaching or other support to a person competing in a sporting event specified in Schedule 4. These changes add three events to the list of specified sporting events

Part 3 of these Regulations makes minor amendments to the Operator Liability Regulations to reflect the changes to the restrictions on international travel. The Operator Liability Regulations impose requirements those who operate international passenger services (“operators”) arriving into Wales from outside the common travel area.

The Public Health Information Regulations impose requirements on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales to provide passengers with specified public health information.

Part 4 of these Regulations amend The Public Health Information Regulations to make changes to the specified public health information that operators must provide to passengers prior to, and during travel into, Wales.

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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. 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

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Eluned Morgan MS, Minister for Health and Social Services, in a letter to the Llywydd dated 1 October 2021. In particular, we note what the letter says regarding the breach of the rule:

“Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel;



in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.”

2. 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

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraphs at page 2 of the Explanatory Memorandum:

“The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

The Government considers that the Operator Liability Regulations and the Public Health Information Regulations do not engage any of the individual rights under the Human Rights Act 1998 and the European Convention on Human Rights. And, to the extent that any such rights may be engaged, the Government considers that the interference is minimal and can be justified as being necessary and proportionate to achieve a legitimate aim. The amendments to the Operator Liability Regulations and the Public Health Information Regulations made by these Regulations do not change the engagement of individual rights. ”

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

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations..”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

7 October 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 5



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

1 October 2021

Dear Elin

The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 3) Regulations 2021

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this Statutory Instrument will come into force at 04:00 a.m. on 4 October 2021, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

This statutory instrument amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”), the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (“the Operator Liability Regulations”) and the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (“the Public Health Information Regulations”).

These Regulations amend the International Travel Regulations by making the following changes:

- Merging the amber and green lists of countries and territories;
- Removing the requirement for a pre-departure test for fully vaccinated individuals travelling from non-red list countries;
- Amending the definition of ‘fully vaccinated’ Regulation 2A travellers so that:
 - mixed doses and vaccination taken under certain different programmes are recognised,
 - the following countries are added to the list of countries with recognised vaccination certification: Australia, Antigua and Barbuda, Barbados,

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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.

Bahrain, Brunei, Canada, Dominica, Israel, Japan, Kuwait, Malaysia, New Zealand, Qatar, Saudi Arabia, Singapore, South Korea, Taiwan and the United Arab Emirates (UAE)

- Adding a requirement for private diagnostic laboratories to send samples for genomic sequencing within 24 hours of processing a sample;
- Adding three events to the list of specified sporting events;
- Making a number of minor consequential or technical changes.

These Regulations also make consequential amendments to the Operator Liability Regulations and the Public Health Information Regulations to reflect the changes to the restrictions on international travel made by these Regulations.

Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, Huw Irranca-Davies, MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely



Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Agenda Item 3.2

SL(6)056 - The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021

Background and Purpose

The Historic Environment (Wales) Act 2016 ("the 2016 Act") amended the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") by introducing heritage partnership agreements for listed buildings in Wales¹.

A heritage partnership agreement is a voluntary arrangement for the long term management of one or more designated historic assets. In relation to listed buildings, such agreements may be entered into between the owner of a listed building and either the local planning authority or the Welsh Ministers.

Although the initial legislative framework for heritage partnership agreements was set out in the 2016 Act, it required the Welsh Ministers to make further provision regarding the content of such agreements and the procedures for agreeing and terminating them.

These [Regulations](#) make specific provision regarding heritage partnership agreements for listed buildings in Wales, supplementing the provisions of the 1990 Act.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument:

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

Regulation 6(4) provides:

"(4) A date specified in accordance with paragraph (2)(a) as the date by which representations must be received..." [emphasis added]

Each of the subparagraphs within regulation 6(4) refers to a corresponding subparagraph in regulation 6(2) (i.e. (4)(a) refers to (2)(a), (4)(b) refers to (2)(b) and so on). Each one specifies a

¹ The 2016 Act also introduced heritage partnership agreements for scheduled monuments. These are covered in the Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021, which have been laid by the Welsh Government.



different method for calculating the date by which representations must be received, depending on which subparagraph in paragraph (2) is applicable.

It appears that the reference to paragraph (2)(a) should be a reference to paragraph (2) more generally, to reflect the fact that each of the subparagraphs in paragraph (2) require a relevant date to be specified, not just paragraph (2)(a).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 October 2021



Agenda Item 3.3

SL(6)058 - The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021

Background and Purpose

These [Regulations](#) make amendments to subordinate legislation in the field of biosecurity controls for the imports of live animals and animal products, as part of a Great Britain-wide approach.

The effect of these Regulations will be further to delay the introduction of documentary and physical checks at border control posts in Wales, in respect of imported animal products. Such checks will now be phased in between 1 January 2022 and 1 July 2022.

Procedure

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

1. 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.

We note that these Regulations further delay the introduction of documentary and physical checks at border control posts in Wales, in respect of imported animal products, as part of a Great Britain-wide approach. Such checks will now be phased in between 1 January 2022 and 1 July 2022.

The introduction of these checks have now been delayed several times, originally until 1 April 2021, then until 31 July 2021, then until 1 October 2021 and now until 1 January 2022.



As regards the delay, we note what the Welsh Government says in the Explanatory Memorandum to the Regulations:

"Following a review by officials of the implementation plan for import controls including Sanitary and Phytosanitary ("SPS") checks on live animals and products of animal origin, a decision has been made to delay the introduction of documentary and physical checks at designated BCPs. This is because since the end of the transition period, businesses and competent authorities have had to adapt and meet extensive new EU and UK requirements when moving goods under the new trading relationship with the EU. Whilst the work being undertaken by UK and Welsh Government Officials and their delivery agencies, to prepare for these new controls has progressed since the last change made to relevant legislation, the same issues with infrastructure delivery and operator readiness remain.

This supports the revised timetable that delays the introduction of pre-notification requirements, documentary, identity and physical checks, at designated BCPs. These border controls will be introduced in a phased approach ('the transitional staging period'), from 1 January 2021 to 1 July 2022.

This revised timetable will allow businesses and competent authorities more time to prepare as they adapt to the new trading relationships and recover from the longer, deeper impacts of the COVID-19 pandemic."

The Explanatory Memorandum also says that the preference of industry stakeholders would be for Great Britain documentary and physical checks to be introduced sooner rather than later, because such import checks have been applied by the European Union since January 2021. We note that Great Britain-wide consultation on these Regulations highlighted the need for governments to provide clarity on future import/export arrangements, but that there was general consensus that this delay is necessary.

As regards consultation regarding the further delay, the Explanatory Memorandum states:

"UK Government consulted on 17 September 2021, seeking the views of stakeholders on the delay to the implementation of the phased imports regime...The consultation asked whether stakeholders agreed with the delay, or whether they felt that the original planned timeline, with the introduction of full SPS controls, should come into effect as planned from 01 October 2021.

There was limited response to this consultation; however, from ongoing conversations in Wales, we are aware that industry stakeholders would prefer GB controls on imports from the EU are introduced sooner rather than later, as they generally feel it is unfair that exports from GB have faced such controls by the EU since January 2021. The wider stakeholder responses highlighted the need for clarity to be provided by government, on future border arrangements both on imports and exports, but showed that there is broad and general consensus that the changes being delivered with this SI to the controls timeline are necessary for effective sector readiness, and failure to implement



these changes by the end of September as delivered by this instrument would create requirements which neither importers could meet nor competent authorities could deliver."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

1 October 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 12**

Legislation, Justice and Constitution Committee



Ein cyf/Our ref: MA/LG/3005/21

Elin Jones, MS
Llywydd
Senedd Cymru

27 September 2021

Dear Elin,

The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021

I have today made the Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No.3) Regulations 2021 in exercise of the powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2, and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 which come into force on 29 September.

I attach a copy of the statutory instrument which I intend to lay once it has been registered.

In accordance with paragraph 7(3) and 7(4) of Schedule 7 of the European Union (Withdrawal) Act 2018, this instrument must be laid before and approved by the Senedd by 24 October 2021 in order for it to remain in effect.

In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to hold the plenary debate for this item of subordinate legislation on 19 October.

Bae Caerdydd • Cardiff Bay
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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 am copying this letter to the Huw Irranca-Davies, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS

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

SL(6)052 – The Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (No. 3) (Wales) Regulations 2021

Background and Purpose

Section 81 and Schedule 29 to the Coronavirus Act 2020 (“the 2020 Act”) provide protection from eviction by increasing the notice period a landlord is required to give a tenant when seeking possession. These [Regulations](#) extend the period during which increased notice must be given to tenants until 31 December 2021 (from the previous end date of 30 September 2021), and this will apply to tenancies granted tenancies under the Rent Act 1977 and the Housing Acts 1985, 1988 and 1996.

Specifically, these Regulations amend Schedule 29 to the 2020 Act (“Schedule 29”). Schedule 29 modifies various statutory provisions, relating to notices that need to be given in order to seek possession of dwellings, during “the relevant period”. The provision made by Schedule 29 was originally to end on 30 September 2020 (at the end of the relevant period). However, due to the continuing pandemic the “relevant period” has been extended several times by subsequent regulations. Regulations extended the period in relation to Wales until 31 March 2021, to the 30th June 2021 and then to September 30 2021. Regulation 2 of these Regulations further amends paragraph 1(1)(b)(ii) so that Schedule 29 has effect, in relation to Wales, until 31 December 2021.

Procedure

Made Negative.

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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

1. 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



We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Julie James MS, Minister for Climate Change, in a letter to the Llywydd dated 22 September 2021. In particular, we note the following in the letter:

“In the light of the ongoing pandemic, and the recent rise in case numbers and hospitalisations, the Welsh Ministers have concluded that there remains an urgent need to ensure that the number of tenants under threat of eviction from their homes is kept as low as possible. Doing so will assist with the containment of Coronavirus, ease the burden on frontline staff, and ensure tenants are provided with appropriate support. The Regulations make an important contribution to meeting that urgent need. In order to ensure that the provisions of Schedule 29 continue to apply after 30 September, the Regulations come into force on 30 September. Due to their immediacy, the Regulations have not been subject to consultation and there has been insufficient time to carry out a Regulatory impact Assessment in relation to them.”

2. 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

These Regulations engage a landlord’s rights under Article 1 Protocol 1 of the European Convention on Human Rights (“A1P1”). The Committee note that the Regulations will only extend the relevant period for a specified period (up to 31 December 2021).

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

Paragraph 4.4 states: “Since the time when the relevant period was last extended, there have been improvements in the public health situation as a consequence of the success of the vaccine programme. However, there has been a recent increase in case numbers which has led to an increase in hospitalisations, albeit at a much lower rate than was the case before the roll out of the vaccination programme. The most recent short to medium term projections show that cases will continue to rise for some time. Therefore, since the virus is once again circulating widely in the community, delaying evictions will continue to help control its transmission.

Generally, the virus remains a serious threat to public health, which would be significantly exacerbated if the current wave of cases were accompanied by a sudden wave of evictions and a resultant increase in homelessness. This will remain true as we move into the winter months, where the impact of Covid-19, in conjunction with a possible resurgence in influenza infections and other normal winter pressures, may place the health service under significant strain. In these circumstances, taking continued action to limit the risk of a sudden spike in evictions so that public health continues to be protected, is considered appropriate.”



Taking the above comments into account, the Committee note that Landlords have already had restrictions imposed on them for a significant period of time. The restrictions originally contained in the Coronavirus Act in April 2020 were imposed on landlords until September 30 2020. Whilst the pandemic meant that it was considered proportionate by the Welsh Government to extend the “relevant period” on three previous occasions, the circumstances have since changed significantly and this has been reflected by legislation that has reduced the alert level for the whole of Wales to alert level zero. This has meant that restrictions in several sectors have been relaxed. The Committee would like further evidence from the Welsh Government that demonstrates that the action now being taken remains proportionate on grounds of human rights.

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 Committee note that the Welsh Government have considered other options before deciding to extend the current restrictions for a further 3 months. Option B in the Explanatory Memorandum explores the possibility of taking a more graduated and proportionate action in relation to landlords given the improvement in the general picture of public health.

It states that *“recognising the positive impact that the vaccination programme has had on the public health situation, there is an argument that it might be appropriate to start reducing notice periods back towards their pre-Covid length.”*

The Committee note that a more graduated approach has been taken in England (not dissimilar to the option considered above) to take into account the improvements made in the risks to public health and to apply a proportionate response to how landlords may evict their tenants. The Regulations in England are drafted in a way that reduces and tapers down the notice periods from 6 months to 2 or 4 months depending on the circumstances and whether they are fault or no fault evictions. The Explanatory Memorandum for the Regulations in England state that *“this is to ensure that the measures remain proportionate to the public health risks.”*

The Committee note the options and reasons given in the Explanatory Memorandum and would like the Welsh Government to expand on and justify the legislative approach taken in these Regulations. Specifically, can the Welsh Government explain why it did not take a tapered approach similar to that in England given the positive impact of the vaccination programme.

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

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:



“Given the emergency, it has not been possible to conduct any consultation on these Regulations and there is no statutory requirement to do so. However, the Welsh Government has strong relationships with stakeholders from across the housing sector; bodies representing landlords have been informally engaged on the purpose and effect these Regulations.”

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

The Committee note that no regulatory impact assessment has been prepared for these Regulations and the Explanatory Memorandum states:

“The COVID-19 emergency and the urgency to make these Regulations means it has not been possible to prepare a quantified Regulatory Impact Assessment.”

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

These Regulations extend the period of time (by approximately 12 weeks) during which a landlord will be subject to the extended notice periods that must be given in order to seek possession of their property, and those extended periods will apply where a landlord wishes to seek possession because of unpaid rent. These Regulations, combined with the provisions made by the Public Health (Protection from Eviction) (Wales) Regulations 2021 and the Health (Protection from Eviction) (No. 2) (Wales) Regulations 2021 (which prevent, except in specified circumstances, attendance at a dwelling for the purpose of executing a warrant of possession or of delivering a notice of eviction) mean that landlords will have been subject to a number of restrictions on obtaining possession over a significant period of time. As this Committee pointed out previously, this may lead to financial difficulties for some landlords in the private rented sector, particularly small-scale landlords who may rely on their rental income to cover mortgage payments or as their only source of income. The Committee note the Welsh Government’s response to the Committee’s concerns raised in this regard for the Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (No. 2) (Wales) Regulations 2021. In that response, the Welsh Government acknowledged the potential adverse economic impact on Landlord’s but stated that the following support had been given to Landlord’s and the broader sector:

- *“£4.1 million to top up Department for Work and Pensions funding for Discretionary Housing Payments to help those in receipt of housing related benefits who are in rent arrears,*
- *funding of the Private Rented Sector (PRS) Debt Helpline to advise and support private sector tenants struggling with rent, income and housing benefits; delivered by Citizen’s Advice Cymru,*
- *funding of £166 million to local authorities in 2021-22 through the Housing Support Grant to deliver housing related support services. The services help to prevent people*



from becoming homeless, stabilizes their housing situation, or helps potentially homeless people to find and keep accommodation,

- *Providing additional funding through the Discretionary Assistance Fund (DAF),*
- *Our Tenancy Saver Loan scheme; which made low cost loans available to private sector tenants who suffered a temporary change of income and fell into rent arrears;*
- *Funding for Shelter Cymru to advise and support tenants.*
- *Our new Tenancy Hardship Grant, will support private rented sector tenants in Wales who are in significant rent arrears as a direct consequence of the pandemic.”*

Given the lack of consultation, the absence of a regulatory impact assessment and the fact that these regulations are being brought into force at short notice breaching the 21 day rule, what, if any, action has the Welsh Government taken further to the measures listed in your previous response, to mitigate the economic effects of these Regulations on landlords.

Welsh Government response

A Welsh Government response is required for merits points 2, 3 and 6.

Committee Consideration

The Committee considered the instrument at its meeting on 4 October 2021 and reports to the Senedd in line with the reporting points above.



Government Response: The Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (No. 3) (Wales) Regulations 2021

Merit Scrutiny point 2:

Response

As the Committee has noted, the rationale for the decision taken is set out in paragraph 4.4 of the Explanatory Memorandum and summarised again in paragraph 6.12. Paragraphs 6.8 and 6.18 note the potential financial and economic effects that the Regulations may have on landlords and others but also note those things that help to mitigate any harmful effects.

The Welsh Government is satisfied that the Regulations are compatible with Convention Rights.

Merit Scrutiny point 3:

Response

Paragraph 6.12 of the Explanatory Memorandum states that *'given the recent, and predicted, increases in both case numbers and hospitalisations, retaining six month notice periods is likely to best support the objectives of containing and slowing the virus, easing the burden on frontline staff and supporting people. In particular, concerns about the impact of a further wave combined with the expected impact of normal winter pressures on the health service, supports a more cautious approach.'*

The Committee may wish to note that a more cautious approach is also being followed in Scotland, where the notice period for most grounds (including rent arrears) is increased to six months until 31 March 2022, and in Northern Ireland, where increased notice periods of twelve weeks will remain in place until May 2022.

Merit Scrutiny point 6:

Response

The Committee will wish to note that since the Welsh Government's previous response, the Tenancy Hardship Grant has been officially introduced. The Grant supports tenants with rent arrears owed to landlords and accrued due to Covid-19 up to June 2021, and mitigates against some of the economic effects of the Regulations on landlords, particularly as the grant is paid directly to landlords on behalf of the tenant who applies.

The Tenancy Hardship Grant has replaced the Tenancy Saver Loan. Tenants who have already taken a loan through the scheme will have their loan converted to a grant.

SL(6)059 – The Curriculum for Wales – Statement of What Matters Code

Background and Purpose

The [Curriculum for Wales – Statement of What Matters Code](#) (“the Code”) places a statutory duty on schools and settings to ensure their design and planning of a curriculum under the new Curriculum for Wales Framework includes and draws from the statements of what matters set out in the Code.

The Code sets out 27 statements of what matters across the six areas of learning and experience on which all maintained schools and funded non-maintained schools must base their curriculum.

The Curriculum and Assessment (Wales) Act 2021 (“the Act”) sets out the six areas of learning, namely expressive arts; health and well-being; humanities; languages, literacy and communication; mathematics and numeracy; and science and technology. Section 6 of the Act states that neither a curriculum nor teaching and learning will encompass an area of learning and experience unless they encompass the concepts set out in the Code.

Procedure

Draft negative. Unless the Senedd resolves not to approve the draft within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of its being laid, the Code of Practice will come into force in September 2022.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7(iv) in respect of this code.

1. The Code is not intended to come into force until September 2022. The Committee notes from the Explanatory Memorandum that this is to allow guidance to be updated in line with the Code “to enable schools and settings greater time to draw on that advice to inform their curriculum design and planning through the 2021/2022 academic year”. The Committee further notes that updates to guidance will be subject to the negative procedure.

Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 October 2021



Agenda Item 5.2

SL(6)060 – The Curriculum for Wales – Progression Code

Background and Purpose

The [Curriculum for Wales – Progression Code](#) (“the Code”) has been developed under Section 7 of the Curriculum and Assessment (Wales) Act 2021 (the Act). The Code sets out the ways in which a curriculum must make provision for all learners. Teaching and learning in a school’s and setting’s curriculum will not make provision for appropriate progression unless it accords with this Code. Further, a curriculum will not fully encompass the areas of learning and experience (Areas) unless it reflects appropriate progression and unless it accords with the Progression Code.

The Code sets out the 5 overarching principles of progression that span Curriculum for Wales requirements, as well as the more specific principles of progression for each of the Areas on which all maintained schools and funded non-maintained settings must base their curriculum. These principles of progression form part of the Curriculum for Wales Framework.

This Code applies to the following schools and settings:

- maintained schools and maintained nursery schools
- funded non-maintained nursery education providers
- the teacher in charge of a pupil referral unit
- the management committee for a pupil referral unit
- a person who provides teaching and learning for a child, otherwise than at a maintained school, maintained nursery school or pupil referral unit (EOTAS) in a local authority in Wales.

The requirement on schools and settings to use the principles of progression set out in this Code aligns with other requirements regarding the design and development of their curriculum under the Curriculum for Wales Framework.

This Code gives legal effect to the principles of progression. Those principles of progression are set out in pages 7 to 15 of this Code. They are also referred to in [Curriculum for Wales Framework guidance](#), published online on Hwb. Education practitioners and others with an interest in curriculum design and realisation may find it helpful to review these principles in the context of that online guidance, rather than separately as necessarily set out in this Code. The Framework guidance will be kept up to date online to reflect the requirements of this Code. The principles of progression though are mandatory requirements for those designing their curriculum and assessment arrangements.



Procedure

Draft negative. Unless the Senedd resolves not to approve the draft within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of its being laid, the Code of Practice will come into force in September 2022.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7(iv) in respect of this code.

1. The Code is not intended to come into force until September 2022. The Committee notes from the Explanatory Memorandum that this is to allow guidance to be updated in line with the Code *"to enable schools and settings greater time to draw on that advice to inform their curriculum design and planning through the 2021/2022 academic year"*. The Committee further notes that updates to guidance will be subject to the negative procedure.

Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 October 2021





WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The legislative response by the Welsh Ministers to the coronavirus pandemic**

DATE **04 October 2021**

BY **Eluned Morgan, Minister for Health and Social Services**

The Welsh Government has published a report on its legislative response to the coronavirus pandemic. It covers the period from 10 August 2020 to 31 August 2021 and includes all subordinate legislation relating to coronavirus made by or on behalf of the Welsh Ministers during this period not just legislation which originates from the Coronavirus Act 2020. This replaces the interim report covering 10 August 2020 to 28 February 2021 which was published on the wales.gov website on 20 April.

Coronavirus pandemic legislation: 10 August 2020 to 31 August 2021:

<https://gov.wales/coronavirus-pandemic-legislation-10-august-2020-31-august-2021>

The legislative response by the Welsh Ministers to the coronavirus pandemic – Report to Senedd Cymru

This report covers the period 10/08/2020 to 31/08/2021 and includes all subordinate legislation relating to coronavirus made by or on behalf of the Welsh Ministers during this period, not just legislation which originates from the Coronavirus Act 2020 ('the 2020 Act'). It encompasses the [document previously published on the Gov.wales website on 20 April](#), during the pre-election recess, which covered the period from 10/08/2020 to 28/02/2021.

Background

The 2020 Act was passed by the UK Parliament in March 2020 and provided the UK Government and devolved administrations with additional powers to respond to the Covid-19 pandemic. The measures in the 2020 Act primarily fall into five categories:

1. **Increasing the available health and social care workforce** – for example, by allowing the temporary registration of suitable NHS staff and social workers, allowing retired staff with the right skills to return to the NHS without a negative impact on their pension and providing additional indemnity cover to key workers as necessary.
2. **Easing and reacting to the burden on frontline staff** – for example, by reducing the number of administrative tasks they have to perform, enabling local authorities to prioritise care for people with the most pressing needs, allowing key workers to perform more tasks remotely and with less paperwork.
3. **Containing and slowing the virus** – by providing Public Health Officers with powers to help control the spread of coronavirus in the UK and powers in relation to limiting events and gatherings.
4. **Managing the deceased with respect and dignity** – by enabling the death management system to deal with potential increased demand for its services.
5. **Supporting people** – for example, by allowing individuals to receive Statutory Sick Pay, and supporting businesses, for example by providing powers that will ensure the governments of the UK are able to support the food industry to maintain supplies.

The provisions in the 2020 Act were the result of significant and collaborative work between all four nations, and cover a range of matters including specific powers for Wales to be exercised by the Welsh Ministers.

The 2020 Act is due to expire at the end of the period of 2 years beginning with the day on which it is passed, so 25 March 2022. The UK Government is required to review the non-devolved provisions of the 2020 Act every six months and the 2020 Act provides a mechanism enabling provisions to be expired earlier than the planned 2 year expiry or extended beyond the planned 2 year expiry as necessary. In relation to devolved provisions of the 2020 Act however this could not be done without the consent of the devolved administrations.

While there is no statutory obligation on the Welsh Ministers to report on the use of these powers, the (then) Minister for Health and Social Services gave an undertaking to the Senedd to do so.

Alongside the powers in the 2020 Act, a wide range of coronavirus-related legislation has been made using pre-existing powers.

Written statements have been issued to inform Members of the making of key coronavirus-related legislation, for example the making of and subsequent amending of the Health Protection (Coronavirus Restrictions) (Wales) (No.5) Regulations 2020 and the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 and also our intention to suspend provisions in the Coronavirus Act 2020 (Suspension: Local Authority Care and Support) (Wales) Regulations 2021.

To help improve the accessibility of Welsh law relating to coronavirus, subordinate legislation made by the Welsh Ministers in response to the pandemic has been published on a single page¹ on the GOV.wales website and statutory instruments also continue to be published on the legislation.gov.uk website.

Coronavirus-related legislation

The tables below outline:

- the use of Welsh Minister powers under the 2020 Act or confirmation none have been used (Table 1);
- the status of the provisions under the 2020 Act (Table 2);
- all other relevant subordinate legislation made (Table 3);
- the principal restriction-related Regulations, including those related to travel, made under the Public Health (Control of Diseases) Act 1984 (Table 3).

¹ <https://gov.wales/coronavirus-legislation-and-guidance-law#Welshlegislationimposingcoronavirusrestrictions>

Table 1
Welsh Minister powers under the 2020 Act

Provision of 2020 Act	Type of power	Description of provision	Operation of the provision in reporting period	Status at end of reporting period
Section 3 Schedule 2	Regulation	Power to amend Schedule 2 in respect of the emergency arrangements concerning medical practitioners in Wales.	Not required	Not required
Section 15 and part 2 of Schedule 12	Guidance	Power for the Welsh Ministers (paragraph 35) to issue guidance for local authorities on how to undertake the prioritisation of services within the emergency period, and the power to direct some or all local authorities to comply with the guidance.	Adult social services during the Covid-19 pandemic” statutory guidance published https://gov.wales/adult-social-services-during-covid-19-pandemic-guidance . Section 15 and Part 2 of Schedule 12, so far as they relate to Wales were suspended by the Welsh Ministers on 22 March (The Coronavirus Act 2020 (Suspension: Local Authority Care and Support) (Wales) Regulations 2021) and subsequently early expired early on 1 August 2021 (The Coronavirus Act 2020 (Early Expiry: Local Authority Care and Support) (Wales) Regulations 2021)	Guidance no longer in force
Section 33	Notices	Power to issue notices to modify requirements relating to DBS checks for work in regulated health and social care services;	Not required	Not required
Section 37 and Part 1 of Schedule 16	Direction Guidance	Power to give a “temporary closure” direction to responsible bodies including proprietors and governing bodies of institutions, in respect of schools, registered childcare providers and higher and further education institutions in England or Wales. Also includes a power to issue guidance.	Not required	Not required

Provision of 2020 Act	Type of power	Description of provision	Operation of the provision in reporting period	Status at end of reporting period
Section 38 and Paragraphs 1 and 2 of Schedule 17	Direction Notice Guidance	Power to make directions in connection with the running of the education, training and registered childcare systems in Wales (“a temporary continuity direction”). Also includes a power to issue notices and guidance.	<p>07/01/2021: Modification of School Organisation Code (Wales) Notice 2021</p> <p>10/02/2021: Modification of School Organisation Code (Wales) (No 2) Notice 2021</p> <p>25/02/2021: Modification of School Organisation Code (Wales) (No 3) Notice 2021</p> <p>05/01/2021: Modification of section 3 of the Education Act 1996 (Wales) Notice 2021</p> <p>18/08/20: Disapplication of Changing School Session Times Requirements (Wales) (No 2) Notice 2020</p> <p>29/09/20: Disapplication of Changing School Session Times Requirements (Wales) (No 3) Notice 2020</p> <p>23/10/20: Disapplication of Changing School Session Times Requirements (Wales) (No 4) Notice 2020</p> <p>24/11/20: Disapplication of Changing School Session Times Requirements (Wales) (No 5) Notice 2020</p> <p>27/01/21: Disapplication of Changing School Session Times Requirements (Wales) Notice 2021</p> <p>25/02/21: Disapplication of Changing School Session Times Requirements (Wales) (No 2) Notice 2021</p> <p>27/01/21: Modification of Curriculum Requirements in Wales Notice 2021</p> <p>Not required for childcare</p>	<p>All notices expires on 23 July 2021 (at the end of the school year). There is currently no intention to issue further notices for the 2021-2022 school year.</p> <p>Not required for childcare</p>

Provision of 2020 Act	Type of power	Description of provision	Operation of the provision in reporting period	Status at end of reporting period
Section 51 and Schedule 21	Declaration Designation of public health officers Guidance to public health officers	Power to make declarations of serious and imminent threat in respect of Wales and to designate public health officers to exercise powers in Wales.	Declaration made on the 17 March 2020 https://www.thegazette.co.uk/notice/3546514 Currently no designations of public health officers No guidance	Declaration remains in force
Section 52 and Schedule 22	Direction	Powers to give directions relating to events, gatherings and premises	Not required	Not required
Section 58 and Schedule 28	Direction	Power to give directions to address lack of capacity in respect of the transport, storage and disposal of dead bodies.	Not required ²	Not required
Sections 65 to 68	Regulation	Power to postpone local authority elections in Wales and to make further supplementary etc. provision;	The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020	SIs remains in force
Section 78	Regulation	Power in relation to meetings of specified local authorities	Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020	SIs remain in force but the majority of provisions only applied until 30 April 2021 and some provisions expired on 30 April 2021. New, permanent provisions have applied in Wales since 1 May 2021 in the Local Government and

² Section 58 and Schedule 28 will be suspended on the 24 September 2021 by the Coronavirus Act 2020 (Suspension: Transportation, Storage and Disposal of Dead Bodies etc.) (Wales) Regulations 2021 (S.I.1042 (W. 244)).

Provision of 2020 Act	Type of power	Description of provision	Operation of the provision in reporting period	Status at end of reporting period
				Elections (Wales) Act 2021 and the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021
Section 81 and Schedule 29	Regulation	Power to amend Schedule 29 and any enactment for supplementary etc. provision relating to protection from eviction	<p>Coronavirus Act (Assured Tenancies and Assured Short hold Tenancies, Extension of Notice Periods) (Amendment) (Wales) Regulations 2020 increased the three month notice period in Schedule 29 for ATs (except ASB grounds) and ASTs to 6 months.</p> <p>The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020(a) extended the “relevant period” to 31 March 2021 and (b) extended the notice periods for all other Residential Tenancies in Schedule 29 from 3 to 6 months, except for ASB and Domestic Violence Grounds. The relevant period was further extended to 30 June 2021 by the Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (Wales) Regulations 2021, and subsequently to 30 September 2021 by the Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (No.2) (Wales) Regulations 2021.</p>	SIs remains in force

Provision of 2020 Act	Type of power	Description of provision	Operation of the provision in reporting period	Status at end of reporting period
Section 82	Regulation	Power to alter the relevant period for the purpose of business tenancies protection from forfeiture provision under the Act.	Not required	Not required
Sections 87 to 93	Regulation	Powers in relation to commencement, powers to suspend or revive provisions, powers to alter the expiry date of provisions and other powers to make consequential amendments.	The Coronavirus Act 2020 Commencement No. 1) (Wales) Regulations 2020 – made : 26 March 2020 In force: section 10, Part 1 of Schedule 8, paras 11, 12 and 13 of Schedule 8 and section 15 and Part 2 of Schedule 12 for Wales	In force

Table 2**Coronavirus Act Status**

This table sets out the status of provisions in the Coronavirus Act 2020.

Further explanations about the purpose and effect of the 2020 Act can be found on the relevant part of the UK Parliament website – <https://services.parliament.uk/Bills/2019-21/coronavirus.html>.

The 2020 Act also makes provision, in Part 2, for enabling the “switching off” of Part 1 provisions when they are not needed. One such mechanism is the facility for provisions that are in force to be suspended and then subsequently revived, as and when the course of events permits or requires. Where Regulations, or orders, are made under this power they will be available on the <http://www.legislation.gov.uk/> website and will also be included on the GOV.wales website³.

The content and format of the table will be reviewed and updated as changes occur.

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
<i>Interpretation</i>				
1	Meaning of ‘coronavirus’ and related terminology	Came into force on Royal Assent	N/A	N/A
<i>Emergency registration of health professionals</i>				
2 Sch 1	Emergency registration of nurses and other health and care professionals	Came into force on Royal Assent	N/A	N/A
3 Sch 2	Emergency arrangements concerning medical practitioners: Wales	Came into force on Royal Assent	N	N/A
<i>Temporary registration of social workers</i>				

³ <https://gov.wales/coronavirus-legislation-and-guidance-law#Welshlegislationimposingcoronavirusrestrictions>

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
6 Sch 5	Emergency registration of social workers: England and Wales	Came into force on Royal Assent	N	N/A
Emergency volunteers				
8 Sch 7	Emergency volunteering leave	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 reg.2(1)(a) – made 17 July 2021. These provisions were never in force.	N/A	N/A
9	Compensation for emergency volunteers	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 reg.2(1)(b) – made 17 July 2021. These provisions were never in force.	N/A	N/A
Mental health and mental capacity				
10 Sch 8-11	Temporary modification of mental health and mental capacity legislation	Section 10(1) came into force on 27 March 2020 in relation to Wales only ⁴ Schedule 8 (paragraphs 1 - 2 relating to) came into force on 27 March 2020 in relation to Wales only ⁵ Schedule 8 (paragraph 11-13 only) relating to the Mental Health Tribunal for Wales came into force on 27 March 2020 ⁶ Schedule 8 (paragraphs 3 - 10 and 14 -16) not yet in force	Paragraphs 5,6,7,8 and 16 of schedule 8 were expired in relation to Wales and section 10 and all of Schedule 8 were expired in relation to England ⁷ .	N/A
Health service indemnification				

⁴ [Coronavirus Act 2020 \(Commencement No. 1\) \(Wales\) Regulations 2020/366](#)

⁵ [Coronavirus Act 2020 \(Commencement No. 1\) \(Wales\) Regulations 2020/366](#)

⁶ [Coronavirus Act 2020 \(Commencement No. 1\) \(Wales\) Regulations 2020/366](#)

⁷ [Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020/1467](#)

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
11	Indemnity for health service activity: England and Wales	Came into force on Royal Assent	N/A	N/A
<i>NHS and local authority care and support</i>				
15 Sch 12	Local authority care and support	Section 15 (in relation to Wales) and Part 2 of Schedule 12 (powers and duties of local authorities in Wales) came into force on 1 April 2020 ⁸	Notice of intention to suspend on 22 March 2021 issued on 19 February ⁹	N/A
<i>Registration of deaths and still-births etc.</i>				
18 Sch 13	Registration of deaths and still-births etc.	Came into force on 26 March 2020 ¹⁰	N	N/A
19	Confirmatory medical certificate not required for cremations: England and Wales	Came into force on 26 March 2020 ¹¹	N	N/A
<i>Investigatory powers</i>				
22	Appointment of temporary Judicial Commissioners	Came into force on Royal Assent	N	N/A
23	Time limits in relation to urgent warrants etc. under Investigatory Powers Act	Came into force on Royal Assent	N	N/A
<i>Fingerprints and DNA profiles</i>				
24	Extension of time limits for retention of fingerprints and DNA profiles	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021	N	N/A
<i>Food supply</i>				

⁸ [Coronavirus Act 2020 \(Commencement No. 1\) \(Wales\) Regulations 2020/366](#)

⁹ <https://gov.wales/written-statement-coronavirus-act-2020-suspension-local-authority-care-and-support-wales>

¹⁰ [Coronavirus Act 2020 \(Commencement No. 1\) Regulations 2020/361](#)

¹¹ [Coronavirus Act 2020 \(Commencement No. 1\) Regulations 2020/361](#)

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
25	Power to require information relating to food supply chains	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021. Never in force	N	N/A
26	Authorities which may require information	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021. Never in force.	N	N/A
27	Restrictions on use and disclosure of information	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021. Never in force.	N	N/A
28 Sch 15	Enforcement of requirement to provide information	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021. Never in force.	N	N/A
29	Meaning of 'food supply chain' and related expressions	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021. Never in force.	N	N/A
<i>Inquests</i>				
30	Suspension of requirement to hold inquest with jury: England and Wales	Came into force on Royal Assent	N	N/A
<i>Disclosure: Wales</i>				
33	Disapplication etc. by Welsh Ministers of DBS provisions	Came into force on Royal Assent	N	N/A
<i>Schools, childcare providers etc.</i>				
37 Sch 16	Temporary closure of educational institutions and childcare premises	Came into force on Royal Assent	N	N/A
38 Sch 17	Temporary continuity: education, training and childcare	Came into force on Royal Assent	N	N/A
<i>Statutory sick pay</i>				

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
39	Statutory sick pay: funding of employers' liabilities	Came into force on Royal Assent	N	N/A
40	Statutory sick pay: power to disapply waiting period limitation	Came into force on Royal Assent	N	N/A
41	Statutory sick pay: modification of regulation making powers	Came into force on Royal Assent	N	N/A
<i>Pensions</i>				
45	NHS pension schemes: suspension of restrictions on return to work: England and Wales	Came into force on Royal Assent	N/A	N/A
<i>Power to suspend port operations</i>				
50 Sch 20	Power to suspend port operations	Came into force on Royal Assent	N/A	N/A
<i>Powers relating to potentially infectious persons</i>				
51 Sch 21	Powers relating to potentially infectious persons	Came into force on Royal Assent	N/A	N/A
<i>Powers relating to events, gatherings and premises</i>				
52 Sch 22	Powers to issue directions relating to events, gatherings and premises	Came into force on Royal Assent	N/A	N/A
<i>Courts and Tribunals: use of video and audio technology</i>				
53 Sch 23	Expansion of availability of live links in criminal proceedings	Came into force on Royal Assent	N	N/A
54 Sch 24	Expansion of availability of live links in other criminal hearings	Came into force on Royal Assent	N	N/A
55 Sch 25	Public participation in proceedings conducted by video or audio	Came into force on Royal Assent	N	N/A

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
56 Sch 26	Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person	Came into force on Royal Assent	N	N/A
<i>Powers in relation to bodies</i>				
58 Sch 28	Powers in relation to transportation, storage and disposal of dead bodies etc.	Came into force on Royal Assent	N	N/A
<i>Postponement of elections: Wales</i>				
65	Elections due to be held in Wales in period after 15 March 2020	Came into force on Royal Assent	N/A	N/A
66	Postponement of National Assembly for Wales elections for constituency vacancies	Came into force on Royal Assent	N/A	N/A
67	Power to postpone local authority elections in Wales for casual vacancies	Came into force on Royal Assent	N/A	N/A
68	Power to make supplementary etc. provision	Came into force on Royal Assent	N/A	N/A
<i>Other administrative requirements</i>				
71	Signatures of Treasury Commissioners	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021	N	N/A
<i>National Insurance Contributions</i>				
72	Power under section 143 of the Social Security Administration Act 1992	Came into force on Royal Assent	N/A	N/A
73	Power under section 145 of the Social Security Administration Act 1992	Came into force on Royal Assent	N/A	N/A
74	Power under section 5 of the National Insurance Contributions Act 2014	Came into force on Royal Assent	N/A	N/A

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
<i>Financial assistance for industry</i>				
75	Disapplication of limit under section 8 of the Industrial Development Act 1982	Came into force on Royal Assent	N/A	N/A
<i>HMRC functions</i>				
76	HMRC functions	Came into force on Royal Assent	N	N/A
<i>Up-rating of working tax credit etc.</i>				
77	Up-rating of working tax credit etc.	Came into force on Royal Assent	N	N/A
<i>Local authority meetings</i>				
78	Local authority meetings	Came into force on Royal Assent	N	N/A
<i>Business improvement districts</i>				
79	Extension of BID arrangements: England	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021	N	N/A
80	Extensions of BID arrangements: Northern Ireland	Came into force on Royal Assent	N	N/A
<i>Residential tenancies: protection from eviction</i>				
81 Sch 29	Residential tenancies in England and Wales: protection from eviction	Came into force on Royal Assent	N	N/A
<i>Business tenancies: protection from forfeiture etc.</i>				
82	Business tenancies in England and Wales: protection from forfeiture etc.	Came into force on Royal Assent	N	N/A
83	Business tenancies in Northern Ireland: protection from forfeiture etc.	Came into force on Royal Assent	N	N/A
General Synod of the Church of England				

Section (All Part 1) and Schedule	Measure	In Force? (Y/N) If yes, give date	Suspended? (Y/N or N/A) If yes, give date	Revived? (Y/N or N/A) If yes, give date
84	Postponement of General Synod elections	Repealed by Coronavirus Act 2020 (Early Expiry) Regulations 2021/856 made on 17 July 2021	N	N/A
<i>Information correct as of 31 August 2021</i>				

Table 3

SUMMARY OF CORONAVIRUS RELATED LEGISLATION MADE BY THE WELSH MINISTERS

Date of report: 31 August 2021

Date made	Type	Title	Enabling Act(s)
13/07/20	Statutory Instrument 2020 No. 612 (W.164)	The Relaxation of school reporting requirements (Wales) (Coronavirus) Regulations 2020	The Education Act 1996; 1997 and 2002 The School Standards and Framework Act 1998
14/08/20	Statutory Instrument 2020 No. 867 (W. 189)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020	Public Health (Control of Disease) Act 1984
14/08/20	Statutory Instrument 2020 No. 868 (W. 190)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 5) Regulations 2020	Public Health (Control of Disease) Act 1984
14/08/20	Non-SI subordinate legislation (ref no: 2020 (WG20-41))	Addendum under section 53 of Qualifications Wales Act 2015 to Direction WG20-17 made under that section and issued 06/04/20	Qualifications Wales Act 2015
18/08/20	Non-SI subordinate legislation (ref no: 2020 (WG20-42))	Direction under section 53 of Qualifications Wales Act 2015	Qualifications Wales Act 2015
18/08/20	Non-SI subordinate legislation (ref no: WG20-43)	Disapplication of Changing School Session Times Requirements (Wales) (No. 2) Notice 2020	Coronavirus Act 2020
21/08/20	Statutory Instrument 2020 No. 884 (W. 195)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020	Public Health (Control of Disease) Act 1984
24/08/20	Statutory Instrument 2020 No. 891 (W. 197)	Curriculum Requirements (Amendment of paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020	Coronavirus Act 2020
27/08/20	Non SI subordinate legislation (ref no: WG20-46)	Modification of Curriculum Requirements in Wales Notice 2020	Coronavirus Act 2020

Date made	Type	Title	Enabling Act(s)
27/08/20	Statutory Instrument 2020 No. 912 (W. 204)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020	Public Health (Control of Disease) Act 1984
28/08/20	Statutory Instrument 2020 No. 917 (W. 205)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 7) Regulations 2020	Public Health (Control of Disease) Act 1984
28/08/20	Statutory Instrument 2020 No. 918 (W. 206)	Education (Student Support) (Postgraduate Master's Degrees) (Wales) (Amendment) (Coronavirus) Regulations 2020	Teaching and Higher Education Act 1998
03/09/20	Statutory Instrument 2020 No. 944 (W. 210)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2020	Public Health (Control of Disease) Act 1984
07/09/20	Statutory Instrument 2020 No. 960 (W. 214)	The Business Tenancies (Extension of Protection from Forfeiture etc.) (Wales) (Coronavirus) (No. 2) Regulations 2020	Coronavirus Act 2020
08/09/20	Statutory Instrument 2020 No. 961 (W. 215)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020	Public Health (Control of Disease) Act 1984
08/09/20	Statutory Instrument 2020 No. 962 (W. 216)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2020	Public Health (Control of Disease) Act 1984
11/09/20	Statutory Instrument 2020 No. 981 (W. 220)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2020	Public Health (Control of Disease) Act 1984
11/09/20	Statutory Instrument 2020 No. 984 (W. 221)	The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
11/09/20	Statutory Instrument 2020 No. 985 (W. 222)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
16/09/20	Statutory Instrument 2020 No. 1004 (W. 223)	The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020	Town and Country Planning Act 1990
17/09/20	Statutory Instrument 2020 No. 1007 (W. 224)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020	Public Health (Control of Disease) Act 1984
17/09/20	Statutory Instrument 2020 No. 1011 (W. 225)	The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
18/09/20	Statutory Instrument 2020 No. 1015 (W. 226)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 11) Regulations 2020	Public Health (Control of Disease) Act 1984
22/09/20	Statutory Instrument 2020 No. 1022 (W. 227)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 11) (Blaenau Gwent, Bridgend, Merthyr Tydfil and Newport etc.) Regulations 2020	Public Health (Control of Disease) Act 1984
24/09/20	Statutory Instrument 2020 No. 1035 (W. 229)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020	Public Health (Control of Disease) Act 1984
25/09/20	Statutory Instrument 2020 No. 1040 (W. 230)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 13) (Llanelli etc.) Regulations 2020	Public Health (Control of Disease) Act 1984
25/09/20	Statutory Instrument 2020 No. 1042 (W. 231)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 12) Regulations 2020	Public Health (Control of Disease) Act 1984
25/09/20	Statutory Instrument 2020 No. 1043 (W. 232)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 14) (Cardiff and Swansea) Regulations 2020	Public Health (Control of Disease) Act 1984
25/09/20	Statutory Instrument 2020 No. 1044 (W. 233)	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020	Coronavirus Act 2020

Date made	Type	Title	Enabling Act(s)
28/09/20	Statutory Instrument 2020 No. 1049 (W. 235)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 15) (Neath Port Talbot, Torfaen and Vale of Glamorgan) Regulations 2020	Public Health (Control of Disease) Act 1984
29/09/20	Non SI subordinate legislation (ref no: WG20-53)	Modification of Curriculum Requirements in Wales (No. 2) Notice 2020	Coronavirus Act 2020
29/09/20	Non SI subordinate legislation (ref no: WG20-54)	Disapplication of Changing School Session Times Requirements (Wales) (No.3) Notice 2020	Coronavirus Act 2020
30/09/20	Statutory Instrument 2020 No. 1064 (W. 239)	The Representation of the People (Electoral Register Publication Date) (Wales) (Coronavirus) Regulations 2020	Representation of the People Act 1983
30/09/20	Statutory Instrument 2020 No. 1066 (W. 240)	Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 16) (Conwy, Denbighshire, Flintshire and Wrexham) Regulations 2020	Public Health (Control of Disease) Act 1984
02/10/20	Statutory Instrument 2020 No. 1079 (W. 240)	Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 17) Regulations 2020	Public Health (Control of Disease) Act 1984
02/10/20	Statutory Instrument 2020 No. 1080 (W. 244)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 13) Regulations 2020	Public Health (Control of Disease) Act 1984
05/10/20	Statutory Instrument 2020 No. 1082 (W. 240)	The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020	Adoption and Children Act 2002; Social Services and Well-being (Wales) Act 2014
09/10/20	Statutory Instrument 2020 No. 1098 (W. 249)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 14) Regulations 2020	Public Health (Control of Disease) Act 1984
09/10/20	Statutory Instrument 2020 No. 1100 (W. 250)	The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) (Amendment) Regulations 2020	Public Health (Control of Disease) Act 1984
09/10/20	Statutory Instrument 2020 No. 1102 (W. 251)	Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 18) (Bangor) Regulations 2020	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
14/10/20	Statutory instrument 2020 No. 1118 (W. 253)	The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020	Public Health (Control of Disease) Act 1984
16/10/20	Statutory instrument 2020 No. 1130 (W. 257)	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 19) Regulations 2020	Public Health (Control of Disease) Act 1984
16/10/20	Statutory instrument 2020 No. 1133 (W. 258)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 15) Regulations 2020	Public Health (Control of Disease) Act 1984
21/10/20	Statutory instrument 2020 No. 1149 (W. 261)	The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
21/10/20	Statutory Instrument 2020 No. 1165 (W. 263)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 16) Regulations 2020	Public Health (Control of Disease) Act 1984
21/10/20	Non SI subordinate legislation (ref no: WG20-57)	Disapplication of Changing School Session Times Requirements (Wales) (No 4) Notice 2020	Coronavirus Act 2020
21/10/20	Non SI subordinate legislation (ref no: WG20-58)	Modification of Curriculum Requirements in Wales (No. 3) Notice 2020	Coronavirus Act 2020
30/10/20	Statutory Instrument 2020 No. 1191 (W. 269)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 17) Regulations 2020	Public Health (Control of Disease) Act 1984
02/11/20	Statutory Instrument 2020 No. 1194 (W. 271)	The Welsh in Education Strategic Plans (Wales) (Amendment) (Coronavirus) Regulations 2020	School Standards and Organisation (Wales) Act 2013
05/11/20	Statutory Instrument 2020 No. 1219 (W. 276)	The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
05/11/20	Statutory Instrument 2020 No. 1223 (W. 277)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
06/11/20	Statutory Instrument 2020 No. 1232 (W. 278)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020	Public Health (Control of Disease) Act 1984
07/11/20	Statutory Instrument 2020 No. 1237 (W. 279)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
13/11/20	Statutory Instrument 2020 No. 1288 (W. 286)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
19/11/20	Non SI subordinate legislation (ref no: WG20-59)	Directions to Local Health Boards as to the Statement of Financial Entitlements (Provision of Enhanced Services during the Relaxation Phase of the COVID-19 Pandemic) Directions 2020	National Health Services (Wales) Act 2006
20/11/20	Statutory Instrument 2020 No. 1329 (W. 295)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020	Public Health (Control of Disease) Act 1984
26/11/20	Non SI subordinate legislation (ref no: WG20-63)	The Primary Medical Services (Provision of Essential General Medical Services over the Christmas and New Year Period during the COVID-19 Pandemic) (Directed Enhanced Service) Directions 2020	National Health Services (Wales) Act 2006
24/11/20	Non SI subordinate legislation (ref no: WG20-68)	Disapplication of Changing School Session Times Requirements (Wales) (No. 5) Notice 2020	Coronavirus Act 2020
27/11/20	Non SI subordinate legislation (ref no: WG20-71)	Modification of Curriculum Requirements in Wales (No. 4) Notice 2020	Coronavirus Act 2020
27/11/20	Statutory Instrument 2020 No. 1362 (W. 301)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 21) Regulations 2020	Public Health (Control of Disease) Act 1984
01/12/20	Statutory Instrument 2020 No. 1399 (W. 310)	The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020	Coronavirus Act 2020

<i>Date made</i>	<i>Type</i>	<i>Title</i>	<i>Enabling Act(s)</i>
02/12/20	Statutory Instrument 2020 No. 1409 (W. 311)	The Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
07/12/20	Statutory Instrument 2020 No. 1456 (W. 314)	The Business Tenancies (Extension of Protection from Forfeiture etc.) (Wales) (Coronavirus) (No. 3) Regulations 2020	Coronavirus Act 2020
08/12/20	Statutory Instrument 2020 No. 1477 (W. 316)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
09/12/20	Statutory instrument 2020 No. 1489 (W. 318)	The Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
09/12/20	Statutory instrument 2020 No. 1490 (W. 319)	The Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020	Public Health (Control of Disease) Act 1984
10/12/20	Statutory instrument 2020 No. 1516 (W. 324)	The Planning Applications (Temporary Modifications and Disapplication) (No. 3) (Wales) (Coronavirus) Order 2020	Town and Country Planning Act 1990
11/12/20	Statutory instrument 2020 No. 1521 (W. 325)	The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No. 2) Regulations 2020	Public Health (Control of Disease) Act 1984
11/12/20	Statutory instrument 2020 No. 1522 (W. 326)	The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) (Amendment) Regulations 2020	Public Health (Control of Disease) Act 1984
11/12/20	Statutory instrument 2020 No. 1524 (W. 327)	The Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
11/12/20	Non SI subordinate legislation (ref no: WG20-69)	The Coronavirus Act 2020 Temporary Continuity (Local Authorities) Direction 2020	Coronavirus Act 2020
16/12/20	Non SI subordinate legislation (ref no: WG20-76)	Disapplication of Changing School Session Times Requirements (Wales) (No. 6) Notice 2020	Coronavirus Act 2020

Date made	Type	Title	Enabling Act(s)
18/12/20	Statutory instrument 2020 No. 1602 (W. 323)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 22) Regulations 2020	Public Health (Control of Disease) Act 1984
18/12/20	Statutory instrument 2020 No. 1606 (W. 333)	The Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) (Amendment) Regulations 2020	School Standards and Framework Act 1998
18/12/20	Statutory instrument 2020 No. 1609 (W. 335)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
18/12/20	Non SI subordinate legislation (ref no: WG20-77)	The Primary Care (Oxford/AstraZeneca Vaccine COVID-19 Immunisation Scheme) Directions 2020	National Health Services (Wales) Act 2006
18/12/20	Non SI subordinate legislation (ref no: WG20-78)	Modification of Curriculum Requirements in Wales (No.5) Notice 2020	Coronavirus Act 2020
19/12/20	Statutory instrument 2020 No. 1610 (W. 336)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2020	Public Health (Control of Disease) Act 1984
21/12/20	Statutory instrument 2020 No. 1623 (W. 340)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2020	Public Health (Control of Disease) Act 1984
23/12/20	Statutory instrument 2020 No. 1645 (W. 345)	The Health Protection (Coronavirus, South Africa) (Wales) Regulations 2020	Public Health (Control of Disease) Act 1984
05/01/21	Non SI subordinate legislation (ref no: WG21-02)	Modification of section 3 of the Education Act 1996 (Wales) Notice 2021	Coronavirus Act 2020
06/01/21	Statutory instrument 2021 No. 12 (W. 5)	The Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2021	Public Health (Control of Disease) Act 1984
07/01/21	Non SI subordinate legislation (ref no: WG21-03)	Modification of School Organisation Code (Wales) Notice 2021	Coronavirus Act 2020
11/01/21	Statutory instrument 2021 No. 20 (W. 7)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2021	Public Health (Control of Disease) Act 1984
11/01/21	Statutory instrument 2021 No. 24 (W. 8)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) Regulations 2021	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
15/01/21	Statutory instrument 2021 No. 46 (W. 10)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2021	Public Health (Control of Disease) Act 1984
15/01/21	Statutory instrument 2021 No. 48 (W. 11)	The Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021	Public Health (Control of Disease) Act 1984
16/01/21	Statutory instrument 2021 No. 50 (W. 12)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 2) Regulations 2021	Public Health (Control of Disease) Act 1984
19/01/21	Statutory instrument 2021 No. 57 (W. 13)	Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021	Public Health (Control of Disease) Act 1984
21/01/21	Statutory instrument 2021 No. 66 (W. 15)	Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2021	Public Health (Control of Disease) Act 1984
22/01/21	Statutory instrument 2021 No. 72 (W. 18)	The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2021	Public Health (Control of Disease) Act 1984
27/01/21	Non SI subordinate legislation WG21-07	Modification of section 3 of the Education Act 1996 (Wales) Notice (No. 2) 2021	Coronavirus Act 2020
27/01/21	Non SI subordinate legislation WG21-06	Modification of Curriculum Requirements in Wales Notice 2021	Coronavirus Act 2020
27/01/21	Non SI subordinate legislation WG21-08	Disapplication of Changing School Session Times Requirements (wales) Notice 2021	Coronavirus Act 2020
28/01/21	Statutory instrument 2021 No. 95 (W. 26)	The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 4) (Wales) Regulations 2021	Public Health (Control of Disease) Act 1984
29/01/21	Statutory instrument 2021 No. 103 (W. 28)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2021	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
08/02/21	Non SI subordinate legislation WG21-04	Directions to Local Health Boards as to the Statement of Financial Entitlements (COVID-19 Suspension of QAIF and Alteration of Enhanced Services) Directions 2021	National Health Services (Wales) Act 2006
10/02/21	Non SI subordinate legislation WG21-12	Modification of School Organisation Code (Wales) Notice (No. 2) 2021	Coronavirus Act 2020
13/02/21	Statutory instrument 2021 No. 154 (W. 38)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2021	Public Health (Control of Disease) Act 1984
19/02/21	Statutory instrument 2021 No. 171 (W. 39)	The Health Protection (Coronavirus, Operator Liability and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2021	Public Health (Control of Disease) Act 1984
19/02/21	Statutory instrument 2021 No. 172 (W. 40)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 3) Regulations 2021	Public Health (Control of Disease) Act 1984
19/02/21	Non SI subordinate legislation WG21-10	Direction under section 53 of Qualifications Wales Act 2015	Qualifications Wales Act 2015
24/02/21	Statutory instrument 2021 No. 193 (W. 44)	The Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021	Representation of the People Act 2000
24/02/21	Non SI subordinate legislation WG21-11	The National Health Service (Wales Eye Care Services) Directions 2021	National Health Services (Wales) Act 200
25/02/21	Non SI subordinate legislation WG21-17	Modification of Curriculum Requirements in Wales (No. 2) Notice 2021	Coronavirus Act 2020
25/02/21	Non SI subordinate legislation WG21-18	Disapplication of Changing School Session Times Requirements (Wales) Notice (No. 2) 2021	Coronavirus Act 2020
25/02/21	Non SI subordinate legislation WG21-19	Modification of section 3 of the Education Act 1996 (Wales) Notice (No. 3) 2021	Coronavirus Act 2020
25/02/21	Non SI subordinate legislation WG21-20	Modification of School Organisation Code (Wales) Notice (No. 3) 2021	Coronavirus Act 2020

Date made	Type	Title	Enabling Act(s)
26/02/21	Statutory instrument 2021 No. 210 (W. 52)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 4) Regulations 2021	Public Health (Control of Disease) Act 1984
03/03/21	Non SI subordinate legislation (ref no: WG21-21)	The Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) Directions 2021	National Health Service (Wales) Act 2006
03/03/21	Non SI subordinate legislation (ref no: WG21-22)	The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2021	National Health Service (Wales) Act 2006
04/02/21	Statutory instrument 2021 No. 254 (W. 67)	The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2021	Town and Country Planning Act 1990
05/03/21	Statutory instrument 2021 No. 251 (W. 65)	Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) (Amendment) Regulations 2021	Adoption and Children Act 2020
05/03/21	Statutory instrument 2021 No. 253 (W. 66)	The Business Tenancies (Extension of Protection from Forfeiture etc.) (Wales) (Coronavirus) Regulations 2021	Coronavirus Act 2020
09/03/21	Non SI subordinate legislation (ref no: WG21-22)	The National Health Service (General Medical Services – Premises Costs) (Wales) (Amendment) Directions 2021	National Health Service (Wales) 2006
12/03/21	Statutory instrument 2021 No. 305 (W. 78)	The Health Protection (Coronavirus, International Travel and Operator Liability) (Miscellaneous Amendments) (Wales) Regulations 2021	Public Health (Control of Disease) Act 1984
12/03/21	Statutory instrument 2021 No. 307 (W. 79)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021	Public Health (Control of Disease) Act 1984
15/03/21	Statutory instrument 2021 No. 316 (W. 79)	The Coronavirus Act 2020 (Suspension: Local Authority Care and Support) (Wales) Regulations 2021	Coronavirus Act 2020
16/03/21	Statutory instrument 2021 No. 325 (W. 84)	The Public Health (Protection from Eviction) (No 2) (Wales) (Coronavirus) Regulations 2021	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
17/03/21	Statutory Instrument 2021 No.340 (W.94)	The Assessment of Accommodation Needs of Gypsies and Travellers (Extension of Review Period) (Wales) (Coronavirus) Order 2021	Housing (Wales) Act 2014
18/03/21	Statutory instrument 2021 No. 357 (W. 108)	The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021	Local Government Act 2000
19/03/21	Statutory instrument 2021 No. 361 (W. 110)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2021	Public Health (Control of Disease) Act 1984
22/03/21	Statutory instrument 2021 No. 377 (W. 118)	The Coronavirus Act 2020 (Residential Tenancies: Extension of Period of Protection from Eviction) (Wales) Regulations 2021	Coronavirus Act 2020
23/03/21	Non SI subordinate legislation (ref no: WG21-31)	The Primary Care (Oxford/AstraZeneca Vaccine COVID-19 Immunisation Scheme) (Amendment) Directions 2021	National Health Service (Wales) Act 2006
23/03/21	Non SI subordinate legislation (ref no: WG21-32)	The Primary Care (Moderna Vaccine COVID-19 Immunisation Scheme) Directions 2021	National Health Service (Wales) Act 2006
24/03/21	Statutory instrument 2021 No. 395 (W. 126)	The Regulated Services (Annual Returns) (Wales) (Amendment) (Coronavirus) Regulations 2021	Regulation and Inspection of Social Care (Wales) Act 2016
24/03/21	Statutory instrument 2021 No. 399 (W. 128)	The Countryside Access (Local Access Forums) (Wales) (Coronavirus) Regulations 2021	Countryside and Rights of Way Act 2000
26/03/21	Non SI subordinate legislation (ref no: WG21-35)	Modification of School Organisation Code (Wales) Notice (No. 4) 2021	Coronavirus Act 2020
26/03/21	Non SI subordinate legislation (ref no: WG21-36)	Disapplication of Changing School Session Times Requirements (Wales) Notice (No. 3) 2021	Coronavirus Act 2020
26/03/21	Non SI subordinate legislation (ref no: WG21-37)	Modification of section 3 of the Education Act 1996 (Wales) Notice (No. 4) 2021	Coronavirus Act 2020
26/03/21	Non SI subordinate legislation (ref no: WG21-38)	Modification and Disapplication of Curriculum Requirements in Wales Notice 2021	Coronavirus Act 2020

Date made	Type	Title	Enabling Act(s)
26/03/21	Statutory instrument 2021 No. 413 (W. 133)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 6) Regulations 2021	Public Health (Control of Disease) Act 1984
08/04/21	Statutory instrument 2021 No. 454 (W. 144)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 5) Regulations 2021	Public Health (Control of Disease) Act 1984
09/04/21	Statutory instrument 2021 No. 457 (W. 145)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 7) Regulations 2021	Public Health (Control of Disease) Act 1984
22/04/21	Statutory instrument 2021 No. 500 (W. 149)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 6) Regulations 2021	Public Health (Control of Disease) Act 1984
22/04/21	Non SI subordinate legislation (ref no: WG21-45)	Modification of School Organisation Code (Wales) Notice (No. 5) 2021	Coronavirus Act 2020
22/04/21	Non SI subordinate legislation (ref no: WG21-47)	Disapplication of Changing School Session Times Requirements (Wales) Notice (No. 4) 2021	Coronavirus Act 2020
22/04/21	Non SI subordinate legislation (ref no: WG21-46)	Modification and Disapplication of Curriculum Requirements in Wales (No. 2) Notice 2021	Coronavirus Act 2020
22/04/21	Non SI subordinate legislation (ref no: WG21-44)	Modification of section 3 of the Education Act 1996 (Wales) Notice (No. 5) 2021	Coronavirus Act 2020
23/04/21	Statutory instrument 2021 No. 502 (W. 150)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021	Public Health (Control of Disease) Act 1984
29/04/21	Statutory Instrument 2021 No. 542 (W. 154)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021	Public Health (Control of Disease) Act 1984
11/05/21	Statutory Instrument 2021 No. 568 (W. 156)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 7) Regulations 2021	Public Health (Control of Disease) Act 1984
14/05/21	Statutory Instrument 2021 No. 583 (W. 160)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 10) Regulations 2021	Public Health (Control of Disease) Act 1984

Date made	Type	Title	Enabling Act(s)
14/05/21	Statutory Instrument 2021 No. 584 (W. 161)	The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 20210)	Public Health (Control of Disease) Act 1984
23/05/21	Statutory Instrument 2021 No. 612 (W. 163)	The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2021	The Education Act 1996; 1997 and 2002
04/06/21	Statutory Instrument 2021 No. 668 (W. 169)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021	Public Health (Control of Disease) Act 1984
06/06/21	Statutory Instrument 2021 No. 669 (W. 170)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021	Public Health (Control of Disease) Act 1984
08/06/21	Statutory Instrument 2021 No. 668 (W. 169)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021	Public Health (Control of Disease) Act 1984
18/06/21	Statutory Instrument 2021 No. 722 (W. 183)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021	Public Health (Control of Disease) Act 1984
25/06/21	Statutory Instrument 2021 No. 765 (W. 187)	The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2021	Public Health (Control of Disease) Act 1984
25/06/21	Non SI Subordinate legislation 2021 No. (WG21 - 55)	Disapplication of Changing School Session Times Requirements (Wales) Notice (No. 6) 2021	Coronavirus Act 2020
25/06/21	Non SI Subordinate legislation 2021 No. (WG21 - 56)	Modification and Disapplication of Curriculum Requirements in Wales Notice (No. 4) 2021	Coronavirus Act 2020
25/06/21	Non SI Subordinate legislation 2021 No. (WG21 - 58)	Modification of section 3 of the Education Act 1996 (Wales) Notice (No. 7) 2021	Coronavirus Act 2020
25/06/21	Non SI Subordinate legislation 2021 No. (WG21 - 57)	Modification of School Organisation Code (Wales) Notice (No. 7) 2021	Coronavirus Act 2020

<i>Date made</i>	<i>Type</i>	<i>Title</i>	<i>Enabling Act(s)</i>
12/07/21	Statutory Instrument 2021 No. 826 (W. 193)	The Health Protection (Coronavirus, International Travel and Operator Liability) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021	Public Health (Control of Disease) Act 1984
15/07/21	Statutory Instrument 2021 No. 850 (W. 198)	The Coronavirus Act 2020 (Early Expiry: Local Authority Care and Support) (Wales) Regulations 2021	Coronavirus Act 2020
16/07/21	Statutory Instrument 2021 No. 862 (W. 201)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 14) Regulations 2021	Public Health (Control of Disease) Act 1984
16/07/21	Statutory Instrument 2021 No. 863 (W. 202)	The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021	Public Health (Control of Disease) Act 1984
19/07/21	Statutory Instrument 2021 No. 867	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2021	Public Health (Control of Disease) Act 1984
29/07/21	Non SI Subordinate legislation 2021 No. (WG21 - 65)	Primary Care Covid-19 Immunisation Scheme – Pfizer BioNtech	National Health Service (Wales) Act 2006
30/07/21	Statutory Instrument 2021 No. 915 (W. 208)	The Health Protection (Coronavirus, International Travel and Operator Liability) (Wales) (Miscellaneous Amendments) (No. 3) Regulations 2021	Public Health (Control of Disease) Act 1984
06/08/21	Statutory Instrument 2021 No. 925 (W. 209)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021	Public Health (Control of Disease) Act 1984
06/08/21	Statutory Instrument 2021 No. 926 (W. 211)	The Health Protection (Coronavirus, International Travel and Operator Liability) (Wales) (Miscellaneous Amendments) (No. 4) Regulations 2021	Public Health (Control of Disease) Act 1984
23/08/21	Statutory Instrument 2021 No. 952 (W. 217)	The Business Tenancies (Extension of Protection from Forfeiture etc.) (Wales) (Coronavirus) (No. 3) Regulations 2021	Coronavirus Act 2020
27/08/21	Statutory Instrument 2021 No. 967 (W. 227)	The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2021	Public Health (Control of Disease) Act 1984

<i>Date made</i>	<i>Type</i>	<i>Title</i>	<i>Enabling Act(s)</i>
27/08/21	Statutory Instrument 2021 No.970 (W. 228)	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 16) Regulations 2021	Public Health (Control of Disease) Act 1984

Eich cyf/Your ref
Ein cyf/Our ref

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

SeneddLJC@senedd.wales

04 October 2021

Dear Chair

Inter-Institutional Relations Agreement: Intergovernmental Relations Report 2020-21

I am writing in accordance with the inter-institutional relations agreement to share a copy of our annual report of intergovernmental relations with you and the Committee. The report has been laid before the Senedd and published on the Welsh Government website and it is available at: <https://gov.wales/providing-inter-governmental-information-national-assembly-annual-report-2020-2021>

Yours sincerely



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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.



Llywodraeth Cymru
Welsh Government

PUBLICATION

Inter-institutional relations agreement between the National Assembly for Wales and the Welsh Government: annual report 2020 to 2021

Annual report on the Inter-institutional relations agreement between the National Assembly for Wales and the Welsh Government.

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Priorities and prospects

Introduction

1. In early 2019 the Senedd and the Welsh Government endorsed an **inter-institutional relations agreement**. The agreement comprises the following main commitments:
 - keeping the Senedd updated about the formal intergovernmental relations including ministerial forums; and (formal, ministerial level inter-governmental meetings, concordats, agreements and memorandums of understanding), and
 - the provision of an annual report summarising intergovernmental relations work undertaken during the year.
2. This annual report covers the period April 2020 to March 2021. The Welsh Government regularly updates the Senedd in plenary and in committee and via statements and correspondence. Our correspondence, which updates Members on inter-governmental meetings and agreements, is **available on the Senedd website**.

Summary

3. European Transition and COVID-19 have highlighted the Welsh

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Government's shared role in UK governance and the need to strengthen devolution and secure the Union's future. We enjoy strong relationships with the other devolved governments and with British-Irish Council member administrations outside the UK, but our intergovernmental relations with the UK government have deteriorated dramatically. Collaboration and joint work is possible, and engagement on the pandemic response and on operational aspects of EU Exit demonstrate this. But this would be better with respectful, regular and reliable engagement through reformed and robust intergovernmental machinery.

4. There are some helpful examples: since the turn of the year, we have had a regular and reliable pattern of meetings between devolved governments and the Chancellor of the Duchy of Lancaster which helpfully covers some other intergovernmental matters that arise in the normal course of business; we are also actively engaged in the work of the Joint Biosecurity Centre (JBC) alongside the other 3 nations, which aims to provide evidence-based, objective analysis, assessment and advice to inform local and national decision-making in response to COVID-19 outbreaks; the vaccination programme is another example of how things can be done well between us, with agreement on central procurement, shared on population basis across UK, and delivery managed by each nation; and joint working on Common Frameworks, with provisional agreement between us, hopefully followed by final agreement later this year.
5. The Welsh Government wants to see a strong Wales in a successful UK. We need to reset intergovernmental relations based on a vision of a reformed and strengthened UK where all the governments work together for mutual benefit.

Inter-governmental relations

Constitution and devolution

6. Both European Transition and COVID-19 have improved knowledge and understanding of the Senedd and Welsh Government's roles and responsibilities within UK governance and highlighted the need for

strengthening devolution to secure the future of the Union. COVID-19 certainly brought devolution to the fore in Wales and elsewhere. People across the UK now have a wider appreciation of what having 4 governments and legislatures really means, and how the powers of all those institutions interact.

7. During 2020, we in the Welsh Government used our powers with strength and confidence to mitigate the worst effects of the pandemic on our citizens, our public services and our economy. The pandemic highlighted our ability to pursue our own approach, as well as the need to co-operate with others: self-rule and shared rule. Devolution is now well established, endorsed by the people, and its permanence enshrined in law. COVID-19 in turn has intensified the need for reform, to deal with the impacts and implications of both EU exit and our recovery from the pandemic.
8. Our handling of the pandemic has provided further, stronger, evidence to reinforce our propositions set out in Reforming our Union. During the pandemic, whilst there have been some examples of good practice including the vaccination programme and engagement with the JBC, the governance arrangements have been ad-hoc, fractured and fragmented, with fits and starts, and an absence of systematic strategic governance arrangements with a regular, reliable, rhythm. For us the UK leaving the EU, and now COVID-19, will have profound consequences on the UK's internal governance arrangements.

COVID-19

9. 2020-21 has seen Welsh Government respond to the most significant public health emergency of our time. The Welsh Government has led a careful and evidence-based response to the pandemic in Wales, working in partnership with the other UK nations and working closely with our partners, leading on our substantial devolved responsibilities.
10. Engagement with UK government on COVID-19 has been mixed, and while there are positives to draw on, there have also been long periods of only minimal contact with UK ministers and too often developments have emerged through the press and stakeholders before UK government has engaged on an intergovernmental level with Welsh Government.

11. In the early stages of the pandemic, the First Minister and Minister for Health and Social Services attended COBR meetings. COBR brings together senior ministers and officials from UK government departments and the devolved governments to provide high-level co-ordination and decision making in response to the pandemic. COBR met over 20 times since January 2020 with meetings called on an ad hoc basis by UK government.
12. Ministerial Implementation Groups replaced COBR meetings as the main mechanism for engaging on a 4 nations basis from April to June 2020. These covered health, public services, the economy and international engagement. There was a mixed experience in terms of meaningful engagement across these groups; but the frequency and regular scheduling of these meetings supported UK-wide understanding during the height of the first wave.
13. Following a long spell of very limited engagement with Ministers over the summer of 2020, weekly calls were instigated, at which the First Minister, First and Deputy Ministers from the other devolved authorities and the Chancellor of the Duchy of Lancaster discussed progress with managing the response to the pandemic and any emerging issues. These routine meetings have been one of the more positive examples of engagement through the course of the pandemic. Similarly, over the course of the pandemic the Minister for Health and Social Services also met regularly with Health ministers from the other UK nations.
14. Welsh Government officials from across all departments engaged regularly with their counterparts in UK government and the other devolved governments and predominantly these relationships have been constructive. Of particular note is the engagement (across all 4 nations) with the JBC, the body established by UK government to provide scientific evidence to inform the response to the pandemic.

Elections

15. The Senedd election took place on 6 May 2021 and coincided with Police and Crime Commissioner elections in Wales and England, and elections for the Scottish Parliament in Scotland as well as Regional Mayors and Local Government in England.

16. Welsh Government officials used regular discussions with officials from other governments across the UK, and with Returning Officers throughout Wales, to share experiences and best practice. This exchanging of information proved to be useful in addressing the complexities associated with running multiple elections on the same day and reducing the risks associated with the pandemic.
17. In particular, the Welsh Government and UK government had regular discussions at official and ministerial level to explore how best to achieve coherence between the arrangements for the Senedd election and the Police and Crime Commissioner elections. This resulted in arrangements that allowed voters to participate safely using the voting method of their choice.
18. The First Minister established the Elections Planning Group in June 2020, comprising key stakeholders and Welsh Government officials, to consider the impact of the Coronavirus pandemic on the administration of the 2021 Senedd election. The Group met on five occasions and included representatives from a range of stakeholders, including officials from the UK government.
19. Following the conclusion of the Elections Planning Group, the Welsh Government introduced an emergency Bill, which would later be passed as the Welsh Elections (Coronavirus) Act 2021. The Act made provisions to put into effect the recommendations of the Group, which were published in November 2020, including extending power for the Llywydd to postpone the 2021 Senedd election and introducing greater flexibility in relation to proxy voting.
20. The Welsh Government has maintained these relationships and are continuing to engage productively with the other governments in the UK on matters that relate to elections, including the current UK Elections Bill.

European transition

21. The UK left the European Union on 31 January 2020, and entered a transition period, during which its relationship with the EU remained largely unaltered. The transition period ended on 31 December 2020.
22. With a further addition to our series of policy documents – the Future UK/EU Relationship: negotiating priorities for Wales – we continued to advocate

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Wales' interests. We sought to secure a role in UK-EU negotiations, while engaging on Common Frameworks and the Internal Market, and preparedness (including developing the necessary legislation to ensure a functioning statute book) by the end of the transition period. We have provided funding for advice and information to support EU citizens living in Wales, and encouraged applications to the EU Settled Status scheme.

23. Throughout the period covered by this report, the Welsh Government sought to engage constructively with the UK government in respect of its preparations for the end of transition, given the complex overlap of devolved and reserved responsibilities. At first, the UK government largely refused to engage with the Welsh Government in any meaningful way, but from the end of the summer, engagement improved. Officials were invited to attend the UK government's Transition Portfolio Board (which managed the portfolio of end of transition projects), and from October Welsh Ministers were invited to those meetings of XO (the UK Cabinet Committee which oversaw the preparations for the end of the transition period) where matters of direct relevance to the devolved governments were discussed. In the early months following the end of transition, Welsh Ministers were invited to participate in daily meetings of XO, which focused on the operational impact of the end of transition.
24. Following the UK's exit from the EU and the end of the transition period, the Welsh Government is working jointly with the Scottish Government, the Northern Ireland Executive and the UK government on policy areas where powers have returned from the EU and intersect with devolved competence, by developing UK Common Frameworks. This is a significant development in the way the governments of the UK work together in the long term. Provisional Frameworks were agreed at the end of the transition period, in December 2020. Since then they have been functioning as agreements at official level pending scrutiny by legislatures, which is expected to begin when approaches are agreed to key cross-cutting issues that affect the Common Frameworks.
25. Frameworks are being developed in line with the principles agreed at the Joint Ministerial Committee (EU Negotiations) meeting in October 2017 between the UK government and Scottish and Welsh Governments. The Northern Ireland Executive, endorsed the JMC(EN) Common Frameworks principles on 15 June 2020.

26. A statement to the Senedd from the Counsel General is planned to be made providing an overview of the programme to date a year on from most common frameworks becoming active as provisional agreements at the end of last year.
27. We welcomed the strong defence of the devolution settlements from across the House of Lords during the passage of the UK Internal Market Bill. Although the content was amended (with clear reference to the Welsh government's published model amendments), the Act received Royal Assent without the consent of the Senedd or Scottish Parliament. We are left with an Act which is problematic for devolution and which has the potential to undermine the progress made through the Common Frameworks programme. The Welsh Government has since initiated legal action challenging parts of the Act which is ongoing.
28. From early 2019 the UK government co-ordinated weekly meetings with devolved governments to discuss EU transition related communications. From late summer 2020 the UK government began to integrate discussions with regards to their plans and proposals for communications related to the EU Settlement Scheme (EUSS) and used this avenue to share resources and related assets. The engagement with the Welsh Government with regards to the EUSS communications has been both forthcoming and of a collaborative nature with a collective objective to deliver the best outcomes for EU citizens. In addition to this, the UK government has also provided both an EUSS policy and a communications representative to attend the Welsh Government's EUSS Co-ordination Group meetings. This attendance has been conducive to sharing information with external partners and responding to queries around the scheme and its implications.
29. The UK government, however, has still made a number of decisions that have had a major impact on EU citizens in Wales with no prior consultation. Examples of this include the decision to provide digital only proof of status and the decision not to extend the EUSS application deadline despite many calls from devolved governments.
30. A number of changes have been made to the UK's Immigration Visa System over the year about which no consultation has been undertaken with devolved governments prior to these changes being implemented. On 1 January this year the UK government introduced a points-based system to replace the cessation of free movement for EU nationals.

31. In December 2020 Ben Macpherson MSP, Minister for Public Finance and Migration in the Scottish Government and the Counsel General and Minister for European Transition wrote jointly to Kevin Foster MP to reiterate an urgent request for a meeting between all 4 nations of the UK, to discuss migration policy and the changes to the immigration system that came into effect on 1 January 2021. Over the period related to this report no formal quadrilateral meetings on migration were undertaken or initiated by the UK government.
32. Migration may not be a devolved matter, but the Welsh Government continued to urge the UK government to engage on all migration issues – many of which have had cross-cutting implications for many aspects of the public policies and services that the Welsh Government is responsible for delivering.
33. In March 2020, the UK government commissioned the Migration Advisory Committee (MAC) to compile a UK shortage occupation list (SOL) and the Welsh Government provided a detailed response to the MAC’s call for evidence, along with an analysis report, on 24 March 2020. Despite the Migration Advisory Committee (MAC) adopting some of the Welsh Government’s recommendations within their report that was published on 29 September 2020, the UK government continued to make the decision not to implement any of the MAC’s recommendations.
34. The EU Exit Statutory Instruments (SIs) deemed to be required by the end of transition, to make further corrections to retained EU law to ensure an operable statute book and to implement the Withdrawal Agreement and related agreements, were delivered on schedule. The Welsh Ministers consented to over 50 UK SIs and made 20 Welsh SIs during the transition period.
35. We ended the year almost as we began the year. Presented with the UK-EU Trade and Co-operation Agreement (TCA), and the Future Relationship Bill to give effect to the TCA, and with the clock ticking and a binary choice between a poor deal and no deal, the Senedd deliberated on the TCA and Bill on 30 December. The Welsh Government did not put forward a legislative consent motion because it felt it was impossible to understand the implications of the Bill and the 1245 page TCA on the basis of a handful of working days. Again, the UK government showed blatant disregard for devolution and for the Sewel Convention, which was confirmed as not fit for

purpose. The Senedd (and the UK Parliament for that matter) deserved greater respect than this and must be able to consider properly any legislation for which consent is required, especially one of the most important pieces of legislation in recent history for the UK.

International relations

36. From March to June 2020, regular (weekly) quadrilateral Ministerial meetings were held between the devolved governments and the Foreign, Commonwealth & Development Office (FCDO) to discuss our collective response to the pandemic and the work being undertaken to deliver the global repatriation effort. Many parts of the Welsh Government's overseas office network worked with FCDO consular services network bolstering the FCDO's ability to respond to the repatriation effort and bring British nationals, stranded overseas by the shutdown of commercial flights, back to the UK. These meetings were supported by daily reports based on data and analytical information gathered by the FCDO's research team in relation to the global response to COVID-19. The FCDO stopped these weekly meetings in June as the repatriation effort was nearing its conclusion. However, the sharing of intelligence gathered by its research team in relation to international comparators has continued on a weekly basis.
37. Since the cessation of these meetings, Welsh Government ministers have pressed for regular quadrilateral meetings at a ministerial level on a range of issues; however, the FCDO has not agreed to these requests. We have had regular bilateral meetings at official level with the FCDO on international relations.
38. The Welsh Government's International Relations team has received regular briefings from the UK government departments, including the Cabinet Office, FCDO and Home Office, on the UK Presidency of the G7 and from the Cabinet Office on the Integrated Review of Security, Defence, Development and Foreign Policy.
39. Ministerial engagement with the UK government on International Relations has, apart from the sustained weekly engagement in Q1 2020-21 on our joint response to COVID-19, been predominantly undertaken on ad-hoc basis and we have been pressing for more structured engagement on international

issues as part of the Intergovernmental Relations Review.

Free trade agreements

40. The Welsh Government has been liaising with lead policy departments in the UK government on the establishment of the UK-EU Trade & Cooperation Agreement (TCA) Specialised Committees. Each committee has been established along slightly different lines depending on the lead UK government policy department with Welsh Government involvement ranging from an initial discussion of agendas, through attending the committees as observers, to attending the committees with a full participatory role. Generally the engagement with the lead policy departments of UK government has been positive.
41. The relationship with the Department for International Trade (DIT) on Rest of the World negotiations has remained constructive this year although there are still some ongoing discussions on the extent of information sharing, particularly around areas considered reserved by UK government. There have been 2 meetings (in March and July) of the Ministerial Forum for Trade during 2021 and regular ministerial bilateral meetings. We have had the opportunity to comment on matters relating to the mandates for Australia and New Zealand in areas of devolved competence and are sighted on some of the legal text being tabled in the negotiations. The new Approval in Principle (AIP) process used for the UK Australia free trade agreement, and likely to be used for New Zealand, had elements that were unsatisfactory; particularly around Australia publishing details of the tariff-rate quotas (TRQs) in advance of the UK. Given that this is a new process the handling may well evolve for future trade deals and we expect improvements to this process over time.
42. The accession to the Comprehensive and Progression Agreement for Trans-Pacific Partnership (CPTPP) is likely to follow a slightly different route given that we are acceding to an existing agreement. Early indications are that engagement on this will be positive although levels of influence for WG are likely to be lower than in the bilateral FTA negotiations.

Finance

43. The COVID-19 pandemic intensified inter-governmental engagement on finance matters. Meetings of the Finance Ministers' Quadrilateral were held more frequently, with six meetings held during the first part of the year. Meetings focused on a range of issues, ranging from certainty on the funding and flexibilities available to the devolved governments to respond to, and mitigate the impact of, the crisis, to specific UK-wide interventions such as the Coronavirus Job Retention Scheme. In the later part of the year one Quadrilateral meeting was held in October with a focus on the UK Spending Review and in-year COVID-19 costs. There are areas where we would have welcomed increased engagement, for example a request for a Quadrilateral to discuss the financial implications of EU exit was declined by the UK government.
44. Throughout the period we have continued to press the UK government for clarity on its funding announcements, plans for the Budget and the Spending Review. This clarity is essential to enable us to plan effectively for the future based on the needs of the people of Wales. A Barnett Guarantee was successfully secured in 2020-21 which was a useful tool to assist with budgetary management. The Barnett Guarantee provided clarity on the minimum additional amount of funding Welsh Government can expect to receive in year.
45. Post EU Exit, we have continued to press UK government to fulfil its commitment to replace EU funding in full and to ensure the UK government meets the additional operational costs of new functions directly resulting from EU Exit such as the operations needed at the Welsh border.
46. It is wholly unacceptable that the UK government is using the financial assistance powers in the Internal Market Act to create new UK-wide programmes in devolved areas of responsibility, bypassing the Barnett formula, and reducing the money available to the devolved governments and their respective Parliaments. Far from strengthening the Union this approach only serves to increase divisions and inequalities. It risks duplicating efforts, impeding value for money and blurring accountability resulting in an incoherent delivery landscape for programmes and services. The UK government should only use these powers with the explicit consent of the

devolved governments.

47. We continue to press the UK government to fulfil its obligations to provide the necessary funding to address the historic under investment in rail and research and development as well as tackle industrial legacy issues which predate devolution.
48. While we welcomed the initial recognition of the impacts of the February 2020 flooding and associated initial work on coal tip reclamation, the UK government continually reiterate that the costs for coal tip reclamation are provided in our devolution settlement. Coal tips pre-date devolution, and Wales is disproportionately affected with nearly 40% of all disused coal tips in Wales. The reclamation costs are on a scale far in excess of anything anticipated when devolution began in 1999 and are not reflected in our current funding arrangements.
49. We have consistently called for the UK government to provide Wales with the fairness, flexibility and clarity needed to support and protect its communities and businesses, and reiterated that current funding does not reflect the scale of the issues Wales faces.
50. Discussions continued with the UK government on a long term funding package and joint programme of work for industrial legacy issues such as coal tips and mine safety.
51. Considerable effort has been focused on strengthening and formalising intergovernmental relations by developing a terms of reference for the Finance Interministerial Standing Committee as part of the wider Intergovernmental Relations Review.
52. As part of the Spending Review 2020, some improvements were made to the Statement of Funding Policy 2020, to remove ambiguity, and improve transparency around funding decisions. There are still a number of areas that need further improvement and we will be proposing further amendments for the next version at the Spending Review in October 2021.

Economy, energy and climate change

53. Significant effort has been focused on improving our intergovernmental relations and joint working with BEIS and these relationships have been strengthened although some challenges remain. A shared priority of

responding to the economic impacts of Covid necessitated an acceleration in the efforts which were already underway and provided a clarity of purpose to our engagement. In response the Inter-Ministerial Group for Business and Industry moved to weekly meetings and established a new Director's forum with the devolved governments, BEIS and HMT. The establishment of a joint secretariat marked a shift in the approach and the meetings were conducted in the spirit of mutual respect. These fora, coupled with regular bilateral meetings with the UK government, ensured that Wales had a direct voice during the development of some important UK-wide policy approaches. However, whilst engagement was significantly increased we continue to face challenges around working collaboratively, often being treated as a stakeholder to update us about decisions already taken with minimal opportunity to inform the development to ensure that Wales' needs are properly reflected.

54. These groups continue to develop and are significantly improving information sharing between the governments. This has, for the most part, helped the Welsh Government in the development of our economic response and business resilience as well as ensuring that Welsh businesses continue to benefit from UK-wide support. There have been some notable policy areas where there has been a significant lack of engagement prior to key UK government announcements. We continue to argue the case for better and more effective intergovernmental relations.
55. Additionally there has been continued engagement on EU Transition issues, with regular cross-Whitehall and other devolved governments sharing intelligence in relation to issues businesses are facing as a result of the post EU transition period.
56. On balance, intergovernmental relations have strengthened in this area, despite significant ongoing challenges. We will continue to build on the formal structures now in place pursuing a positive approach to intergovernmental relations across the four nations in relation to economic development.
57. The overall sentiment is much the same with regard to Ministerial engagement with BEIS on energy. We require a more regular and reliable rhythm of meetings on areas of joint interest. At official level good work does continue in parts of BEIS. The ETS work continues, is difficult at times due to policy differences but engagement is happening. Other areas we can point to

in terms of positive official engagement include post EU exit work (specialise committees) and also on energy resilience.

Skills and employability

58. The Welsh Government works closely with the Department for Work and Pensions (DWP) on skills and employability policy as well as at an operational level, with Job Centre Plus to align delivery activity with Welsh Government policies and priorities. Collaborative working is in place between Job Centre Plus and Working Wales, with the aim of building a customer focussed service which are able to signpost and refer citizens to the most appropriate employability support for their needs. The Community Employability Programmes are also delivered jointly by DWP and Welsh Government.
59. The Welsh Government currently funds the education and learning provision and prison libraries in Welsh prisons through a joint Memorandum of Understanding with Her Majesty's Prison and Probation Service (HMPPS). These arrangements enable a close and productive working relationship with HMPPS and allows Welsh Government to align the provision of education with several Welsh Government policies.

Education

60. Several ministerial meetings were held to discuss issues affecting the Minister for Education's portfolio. The main focus of discussions during this period was the impact of the COVID-19 pandemic including operational arrangements in schools and colleges and education recovery. Linked to the impact of COVID-19, there were also discussions about qualifications.

Environment, agriculture, food

61. Relations with Defra continued to be positive during this period, particularly where they were the lead department on a particular matter. Where there

was involvement from other UK government departments, relations were sometimes more difficult, especially in relation to information sharing or timescales for providing feedback.

62. The Inter-Ministerial Group EFRA continued to meet regularly during this period, with the focus slowly moving away from EU transition issues except in relation to borders and the Northern Ireland Protocol. Going forward the focus will be on policy areas where the administrations feel collaboration will be beneficial or necessary.

Health

63. Discussions during 2020-21 at Ministerial level focused largely on COVID-19 related matters; there was also engagement on other issues including those relating to EU exit, and towards the end of the period the Health and Social Care Bill.
64. Discussions on EU Exit took place in the context of uncertainty around the eventual outcome of negotiations between the UK government and the EU until a very late stage, and in view of the end of the transition period coinciding with continued COVID-19 and other winter pressures. EU exit discussions touched on a range of issues including medicines readiness arrangements, medical devices and clinical consumables, settled status and workforce impacts, UK Common Frameworks, legislative readiness and reciprocal healthcare.
65. Behind this, the intergovernmental work for EU exit was mostly operational, with generally constructive engagement at official level through mechanisms such as a 4-nation end of transition co-ordination group, and a specific supply co-ordination forum. Such fora continued beyond the transition period and by March 2021 had begun to consider how they could be built upon over the coming year to embed engagement across a range of longer term challenges and opportunities. Intergovernmental work on EU exit was also supported by the detailed work undertaken through NHS relations, particularly between Public Health Wales and Public Health England on public health protection, and between NHS Wales Shared Services Partnership and NHS Supply Chain on buffer stocks and supplier readiness.

Priorities and prospects

66. During my appearance at the Welsh Affairs Committee 4 March I spoke of my hope for an improved UK architecture to underpin our constitution, devolution, and intergovernmental relations:

“What I am referring to is an entrenched form of devolution, a devolution that cannot be unilaterally rolled back by any one party, a devolution settlement—and I think there is still scope for development in devolution—where the responsibilities that currently exist at the Welsh level are set down in a way that guarantees they can continue.

“I set that alongside the need for the sort of UK architecture—and we set it out in a series of documents right up to the point of the pandemic hitting us—in which Welsh participation in those matters that affect Wales but are not devolved to Wales would be properly organised. There would be guarantees about it. There would be a reliability around that architecture.

“So, home rule in the sense that the powers that we have and the devolution settlement that we will develop would be guaranteed and could not be interfered with in the way that we have seen so vividly in recent months. Then, a set of institutional arrangements between the 4 nations that allow each party to contribute, and to contribute positively, to the success of the United Kingdom.

...

In Wales, certainly, we would positively and constructively want to pool some of that sovereignty back for shared purposes; a structure for the United Kingdom that allows us to operate in a way that, where there is the maximum capacity for decisions that in our case affect only people in Wales, those decisions should be made only by people in Wales. But when we have purposes that go beyond Wales, that are shared with other parts of the United Kingdom, we are able to co-operate and pool our risks and share the rewards. That is the sort of entrenched home-rule arrangements that I have in mind and that we have set out regularly as a Welsh Government...

...

I think the continued existence of the United Kingdom is more at risk today than at any point in my political lifetime, and simply defending the status quo hastens the day when the United Kingdom will no longer be able to stay together. Those of us who are serious about making the case for the United Kingdom have to be prepared to lead change because, if we don't lead change, others will grasp the banner of change and will lead part of the United Kingdom away from the arrangements we have today.

...

...What devolution could be, and should be, is a way of governing the United Kingdom that allows people to take charge of their own affairs in the different parts of the United Kingdom, but which is predicated on a set of intergovernmental arrangements that allow the component parts of the United Kingdom to come together voluntarily for common purposes.” ”

Welsh Affairs Committee, Oral evidence: One-off session with the First Minister of Wales, HC 1255

67. It is disappointing that the IGR Review commissioned in 2018 has taken so long. However, significant progress was made, despite the challenges to all governments of the pandemic, this year. On 24 March, the then Counsel General and Minister for European Transition drew attention in a Written Statement to the draft package of reforms published that day by the UK government. We observed at that time that in the 3 years since the Review was commissioned, intergovernmental relations have worsened, owing largely to a series of aggressive intrusions by the UK government into areas of devolved competence (**Written Statement: Review of Intergovernmental Relations**).
68. Since the election we have been establishing and re-establishing ministerial relationships in the context of our Programme for Government and recalibrating relations in light of political developments across the UK. It is unfortunate that the new session of the UK Parliament coincided with the election, as this has led to a large number of UK Bills with consequences for

Wales and devolution being introduced without proper engagement and respect for the Sewel Convention.

69. We have started our constitutional programme for this 6th Senedd with pace and purpose. We have already published a 2nd edition of 'Reforming our Union: Shared Governance in the UK' and are well advanced with plans to establish a commission to consider the constitutional future of Wales.
70. We expect to enter into discussions with the Ministry of Justice and potentially other parts of the UK government on taking forward the recommendations of the Commission on Justice in Wales (the Thomas Commission), in line with the Programme for Government commitment to pursue the case for the devolution of justice and policing.
71. We very much look forward to hosting the 36th meeting of the British-Irish Council (BIC) in autumn 2021 and we hope that intergovernmental relations within the UK can draw on the BIC as a model for well-organised and equal participation by all jurisdictions.

Mark Drakeford MS
First Minister of Wales
28 September 2021

About this document

This document is a copy of the web page [Inter-institutional relations agreement between the National Assembly for Wales and the Welsh Government: annual report 2020 to 2021](#) downloaded.

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Ein cyf/Our ref: MA-LG-2983-21

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

huw.Irranca-Davies@senedd.wales

27 September 2021

Dear Huw

The Official Controls (Extension of Transitional Periods) (England and Wales) Regulations 2021

The Secretary of State proposes to make the above named Statutory Instrument (SI) ("the Instrument") under powers conferred by:

- Article 144(6) of, and paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Operability legislation made in late 2020 under the European Union (Withdrawal) Act 2018 set out a 'transitional staging period', to allow controls on EU SPS imports to be introduced over several months. The staging is intended to help trade sectors and related controls' infrastructure to be ready for the additional volume of biosecurity checks, which are one consequence of the decision to leave the European Union.

The Instrument amends, in relation to Wales, the appointed end date of the transitional staging period insofar as it relates to documentary checks on products of animal origin and certain animal by-products and delays the requirement for prior notification of products of animal origin. The Instrument will also remove the requirement for health certificates during the transitional staging period, in relation to England only. The following legislation will be amended:

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0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@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.

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- Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- The Trade in Animals and Related Products Regulations 2011 (applies to England only);
- The Official Controls (Extension of Transitional Periods) Regulations 2021

Without these amendments, from 01 October 2021, import and exports businesses in GB and EU respectively will be obliged to comply with the SPS control requirements as currently set out in legislation.

The extension will allow businesses in Wales affected by the pandemic to familiarise themselves with the new SPS compliance requirements and IT systems and ensure that necessary infrastructure and processes are in place at Border Control Points, further minimising the risk of any disruption.

I am writing to let you know I give my consent to the Secretary of State to make the Instrument in relation to Wales. I understand the SI will be laid before the Houses of Parliament on 28 September and will be subject to the negative procedure. However, in order to ensure the requirements do not take effect from 01 October 2021, the Instrument will breach the 21 day convention.

In these exceptional circumstances when we are required to consider and correct legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that, if appropriate, we permit the UK Government to legislate on our behalf. Should consent be withheld, these corrections would need to be made through legislation made by the Welsh Government. In this instance, there is insufficient time and resources to be able to draft and lay such regulations to come into force in time. If consent is not given, the requirements for documentary controls on certain specified imports will come into force.

I am copying this letter to the Counsel General and Minister for the Constitution, Minister for Climate Change, Deputy Minister for Mental Health and Wellbeing and the Chair of the Economy, Trade, and Rural Affairs Committee.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping initial 'L'.

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



Ein cyf/Our ref: MA-LG-2983-21

Paul Davies MS
Chair
Economy, Trade, and Rural Affairs Committee.

Paul.Davies@senedd.wales

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Yours sincerely

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

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair – Local Government & Housing Committee
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1 October 2021

Dear John,

Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill

Thank you for your letter of 24 September seeking further information about the Leasehold Reform (Ground Rent) Bill and how it fits with the Welsh Government's plans on wider leasehold reform, including the implementation of the Law Commission's recommendations.

The Leasehold Reform (Ground Rent) Bill represents the first, but significant, step towards the implementation of broad-ranging reforms to leasehold as a tenure. By restricting ground rent to a peppercorn on new leases, the Bill will protect leaseholders from unreasonable ground rents and, at the same time, disincentivise homes being sold on a leasehold basis in order to generate an ongoing income stream for the freeholder. Whilst the Bill is not itself responding to the Law Commission's recommendations for reform, it is paving the way for a wider Leasehold Reform Bill to implement those reforms. The UK Government has already committed to introduce this Bill at a later point in the current Parliamentary term. Whilst this wider Bill has yet to be drafted, it is anticipated it will include provisions to help tackle ground rent issues faced by existing leaseholders. When we receive that Bill, we will review it and consider whether a LCM is required.

Regarding the Law Commission recommendations more generally, these stem from three projects on leasehold reform that were carried out on an England and Wales basis. Following consultation, the Commission concluded that there was no evidence of a need for different provision in the law in England and Wales. Given the complexity of the existing leasehold legislation, I consider it to be more expedient to continue to work with the UK Government on this subsequent legislation and for it to also be developed on an England and Wales basis. My department is therefore working with the Law Commission and UK Government to achieve this.

The Law Commission's reports on Leasehold Enfranchisement, the Right to Manage, and Reinvigorating Commonhold set out far-reaching proposals for reforming leasehold law. In particular, in terms of the right to enfranchisement and the right to manage for existing leaseholders, the recommendations will help make these rights available to more

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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.

leaseholders than is currently the case, as well as making exercising those rights simpler, fairer and cheaper.

The Commission's proposals for encouraging commonhold as a workable alternative to leasehold for the ownership of flats, are focused on addressing shortcomings with the current legislation that have contributed to its slow uptake to date. In addition, they will make it easier for leaseholders to convert to commonhold should they so wish, by making conversion available to more leaseholders than is currently the case, as well as making the process simpler, fairer and cheaper.

A summary of the Law Commission's proposals can be found [here](#). These proposals have broadly been accepted by the Welsh Government and are reflected in our new [Programme for Government](#). Importantly, the Law Commission recognises that changes to leasehold law, such as the reduction of ground rents to a peppercorn as being implemented through the current Bill, are required to encourage commonhold as a form of ownership. Without such changes, the potential financial returns to developers from the leasehold model would continue to constrain the growth of commonhold.

In May 2021, the UK Government established a [Commonhold Council](#) - an expert group in which the Welsh Government is also involved - to help ensure the widespread use of commonhold as a positive alternative to leasehold. The principal aim of the Council is to advise on the implementation of a reformed commonhold regime and to bring forward solutions to prepare homeowners and the market for the broad adoption of commonhold for new-build flats. In addition, consideration is being given to the Law Commission's proposals for reforming how existing leasehold buildings could convert to commonhold. The overarching aim is to extend the benefits of freehold ownership to flat owners where possible. It is unlikely that the proposals will lead to leasehold being abolished entirely, as there may be some limited exceptions where a leasehold option is still the most suitable or only workable model available. However, I would anticipate that once these reforms are implemented we will see very few "new" leasehold houses or flats.

In a similar way to the Leasehold Reform (Ground Rent) Bill, there are other potential reforms to leasehold that do not respond directly to the Law Commissions proposals, and it is possible that some of these may also be included in the further Bill planned for introduction later in the current parliamentary term. As with the current Bill, my department will work closely with the UK Government to ensure that, where they would benefit leaseholders in Wales, the legislation is applied to Wales.

An example of such a reform would be banning the unnecessary use of leasehold for houses. Our [research into the sale and use of leasehold in Wales](#) did not identify any advantages to owning a leasehold house, and found that leaseholders of houses who participated in the research were generally more dissatisfied than leaseholders of flats. Indeed, the research indicated there was a 'strong consensus to end the sale of leasehold houses'. The independent [Task and Finish Group](#) also concluded that houses were being offered as leasehold 'without any justifiable reason' and recommended the Welsh Government should 'legislate to introduce a ban on the unjustified use of leasehold in new build houses'. Consequently, I consider there is a compelling case for introducing a statutory ban on the unnecessary use of leasehold as a tenure for houses in Wales. The UK Government has already made a [commitment to ban leasehold houses in England](#), a position that is also supported by the Law Commission. Therefore, I would expect this commitment to be provided for in the further Bill.

There are also likely to be some other important areas of leasehold reform that will be taken forward on a Wales-only basis. For example, in relation to building safety proposals, I intend to introduce a new registration and licensing regime which will be brought forward in the

planned Building Safety Bill during this Senedd term. This work will include consideration as to how those managing building in the future work with residents and leaseholders in relation to remedial works and associated service costs

Finally, whilst the Government amendments to the Leasehold Reform (Ground Rent) Bill, which were tabled on 20th July, delegated some powers to Welsh Ministers and made other appropriate changes, in order for the Bill to work effectively further amendments are necessary in my view. The UK Government has acknowledged the need for further discussion on this and our officials are working closely on appropriate amendments. However, I do not anticipate those amendments being tabled before late November or early December. Whilst a supplementary LCM would normally be laid within a fortnight of any amendments being tabled, on this occasion we are aware further important amendments are due to be tabled and so, to be more helpful to members, will look to issue a supplementary LCM at that point.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James MS
Minister for Climate Change
Welsh Government

24 September 2021

Dear Julie

Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill

At the meeting of the Local Government and Housing Committee on 22 September we considered the LCM on the Leasehold Reform (Ground Rent) Bill. In order to enable the Committee to make an informed decision on legislative consent, we would be grateful for more information about the Welsh Government's progress on wider leasehold reform.

Leasehold reform is an area of interest to the Committee and the Welsh Government's plans for reform was something that we raised with you during the ministerial scrutiny session on 22 September 2021. While we welcome the decision to set ground rent on new leases to a token one peppercorn per year, effectively restricting ground rents to zero financial value, we note that the Bill does not apply to existing leases. We also note that the Bill does not address other weaknesses in the leasehold system, such as service charges and other issues faced by leaseholders. It would therefore be helpful to understand where the changes introduced in the House of Lords sit within the wider programme of leasehold reform and the Programme for Government commitment to enact the recommendations of the Law Commission.

At the meeting on 22 September, you said that other reforms to the leasehold reform system will be brought before the Senedd. In order to aid our consideration of the LCM, we would be grateful if you could provide more detail on these reforms, including timescales and whether they will be made through Welsh legislation or further LCMs.

We understand that amendments to the Bill that confer powers to make delegated powers to Welsh Ministers were tabled on 20 July. Standing Order 29.2(iii) provides that when any relevant amendments to a Bill are tabled, a supplementary LCM should be laid normally no later than two weeks later. In order for us to plan our approach to scrutiny, please can you confirm when the supplementary LCM will be laid.

We would appreciate a response by 1 October so that it can be considered at our meeting on 6 October.

Yours sincerely

A handwritten signature in black ink that reads "John". The letters are cursive and fluid.

John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 8

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

Document is Restricted

Agenda Item 9

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

Document is Restricted

Agenda Item 10

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

Document is Restricted



Ein cyf/Our ref JMEWL/2376/21

Jayne Bryant MS
Chair Children, Young People and Education Committee
Welsh Parliament

1 October 2021

Dear Chair,

Thank you for your letter of 24 September concerning the Legislative Consent Memorandum (LCM) for the UK Government's Skills and Post-16 Education Bill (the "Bill"). You raised a number of queries relating to specific provisions of the Bill to which I have provided a response below.

Clauses 1 (Local Skills improvement plans) and 4 (interpretation)

The Welsh Government does not recommend that the legislative consent of the Senedd should be given in respect of clauses 1 and 4 of the Bill as introduced. In July I wrote to the Secretary of State for Education setting out my concerns about the practical effect of these clauses. My Department's assessment is that these clauses would apply to Welsh further education providers or higher education institutions if their provision of post-16 technical education is deemed material to a specified area in England. This could have the effect of imposing duties on Welsh institutions providing education only in Wales which is accessed by students from England if the provision was material to a specified English area.

My expectation is that duties would not be imposed on Welsh providers in respect of provision delivered in Wales as such duties could require Welsh institutions to have regard to the skills needs of employers in England at the same time as responding to the skills needs of Welsh employers and the priorities of the Welsh Government. In particular, I do not want any Welsh institutions who are not in receipt of funding from the Secretary of State to be subject to duties to have regard to Local Skills Improvement Plans in England. I therefore would expect amendments to be made in respect of clauses 1 and 4 that address these concerns and to restrict their application to institutions in Wales who are in receipt of funding from the Secretary of State.

Following my letter there have been productive discussions at officials' level which have informed the Department for Education's intention to bring forward amendments in respect of clauses 1 and 4. My officials are currently awaiting sight of the proposed amendments concerning the application of local skills improvement plans to Welsh institutions. I anticipate that the Secretary of State will be writing to me on this matter ahead of laying amendments for Report Stage in the House of Lords. Subject to a legislative competence assessment of the effect of those amendments the Legislative Consent Memorandum will be updated in due course.

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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.

Clause 14 (Support for lifelong learning)

The UK Government's policy intentions regarding the introduction of a Lifelong Loan Entitlement (LLE) are set out in their white paper Skills for jobs: lifelong learning for opportunity and growth. Further detail on the proposals is provided in the Impact Assessment accompanying the Bill which states: "*The current student finance system is underpinned by primary and secondary legislation. The government seeks to modify existing regulation-making powers in primary legislation to make specific provision for student finance in respect of modules of courses.*" The Impact Assessment also states that "*In order to introduce the LLE from 2025, secondary legislation will need to be laid in Parliament by summer 2024. We will consult on the detail and scope of the LLE this year.*"

The Welsh Ministers' powers are not changed by the proposed modifications to section 22 of the Teaching and Higher Education Act 1998 as provided for by Clause 14 of the Bill. The reasons for this are as follows. Clause 14 amends the 1998 Act to provide a gloss to section 22 of that Act (which is an enabling power for making the student support regulations in both Wales and England) so that modules of higher education courses (and not just such courses as a whole) are able to attract student support. The gloss has effect only in so far as functions are exercisable by the Secretary of State. Some of the Secretary of State's functions are exercisable in relation to Wales concurrently with the Welsh Ministers, though none of those functions are the subject of textual amendments to be made by the Bill. However, only the Secretary of State's functions are to be amended leaving the Welsh Ministers' functions in respect of student support intact.

The Secretary of State's function in respect of making regulations under section 22(1) authorising the making of grants or loans in connection with the undertaking modules of HE or FE courses is exercisable in relation to England only. The need for legislative consent is a consequence of the incomplete separation of powers as between the Secretary of State and the Welsh Ministers when the student support functions under the 1998 Act were devolved to Wales.

Subject to passage of the Bill the Welsh Ministers' powers under section 22 of the 1998 Act would not be the same as those of the Secretary of State. The Welsh Minister's powers would remain as at present and would refer to whole courses but not to modules of such courses. My letter of the 9 July to the Secretary of State for Education stated that if similar provision is to be sought for Wales, it should be achieved by way of a Senedd Bill. Additionally, I informed the Secretary of State in July that it would be helpful to receive more detail on the UK Government's proposals to introduce a Lifelong Loan Entitlement and that I should welcome further information about how the proposed entitlement will impact budget consequential, and how loans for the Lifelong Loan Entitlement might be made available to the Welsh Government.

As things stand the UK Government has not published its detailed proposals for the operation and delivery of the proposed Lifelong Loan Entitlement and I have not received any further information about these proposals from the Secretary of State. We touched on this matter during my evidence to the Committee on 23 September where I indicated that advice will be provided on the LCM once the discussions with the Westminster Government have been concluded.

Clause 18 (List of relevant providers)

According to the [Explanatory Notes](#) to the Bill clauses 18 to 21 “enable the Secretary of State to make regulations to provide for a list of post-16 education or training providers, in particular Independent Training Providers (“ITPs”), to indicate which providers have met conditions that are considered to prevent or mitigate risks associated with the disorderly exit of a provider from the provision of education and training. Education or training is funded by various funding authorities.”

Clause 18 provides that the Secretary of State may by regulations make provision: (a) for the Secretary of State to keep a list of relevant providers in respect of relevant education or training who meet conditions specified in the regulations for being on the list in respect of that education or training; (b) in connection with the list.

The purpose of the list is to prevent funding authorities from entering into funding arrangements with providers which are not listed (and to ‘regulate’ funding arrangements) - see clause 19. The effect of the definition of “relevant training provider” in Clause 18 means that certain independent Welsh providers of education and training could fall within scope of the regulation making power. They could, for example include private training providers operating in Wales who offer post-16 education or training provision in England. However, only in so far as they are funded by persons in England (see clause 19(7)) and in relation to the provision of education and training wholly or mainly in England. It is my view that clauses 18 to 21 therefore do not constitute “relevant provision” within the meaning of Standing Order 29.1 and consequently the consent of the Senedd is not required. Clause 20 contains provisions for the interpretation of clauses 18 and 19. Clause 21 makes ‘ancillary’ and procedural provisions in respect of regulations under clauses 18 and 19.

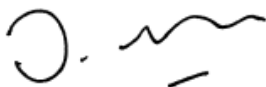
Clause 25 (Institutions within the further education sector: procedure for designation)

Clause 25 makes amendments to the Further and Higher Education act 1992 and it applies in relation to Wales. However, it makes no changes to the law - it is simply clarifying and restating the law in respect of Wales and it is my view that the consent of the Senedd is not required.

Delay in laying the LCM

It is important that any legislation affecting further and higher education in Wales takes into consideration the specific Welsh context. The laying of the legislative consent memorandum for this Bill was delayed due to the need to consider the legal and policy implications for Wales arising from the complex provisions in the Bill and discussing with Whitehall the effect that draft provisions are capable of having in relation to Wales.

Yours sincerely,



Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Agenda Item 11

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

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Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

23 March 2021

Dear Lesley

The UK Government's Animal Welfare (Sentencing) Bill

I am writing to draw your attention to our report on The Welsh Government's Legislative Consent Memorandum on the Animal Welfare (Sentencing) Bill, which we laid today.

As you will be aware, during the Fifth Senedd we have expressed concerns about the extent to which the Welsh Government has been proposing that the UK Parliament and UK Government legislates in devolved areas. Paragraphs 21 to 23 of our report again raise these concerns. It is particularly disappointing that consent is being sought at the end of the Senedd for a two clause Bill in an area of policy that the Welsh Government sees as a priority. As we indicate in the report, because no consent motion is to be tabled in respect of the Bill before recess and dissolution, this is a matter that may now come before the Sixth Senedd should the next Welsh Government continue with this approach.

We have been reflecting on all our scrutiny work for the purpose of our Legacy Report. In doing so, we have noted that we have often found it necessary to express these concerns on matters within your portfolio.

The arguments you have put forward to support the UK Parliament and UK Government legislating in devolved areas have often centred around issues of clarity and accessibility of the law or ensuring compatibility with policy in England. These are arguments in favour of not holding powers in this area at all and, in our view, they have no merit.



We are concerned about the substantial and damaging cumulative impact of a succession of decisions that have been made which have resulted in the UK Parliament and UK Government legislating heavily on devolved matters within your portfolio.



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Our Legacy Report will highlight these issues and we will encourage our successor Committee to monitor the use of this legislative approach in the next Senedd.

Yours sincerely,

A handwritten signature in black ink, reading "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw MS

Chair of the Legislation, Justice and Constitution Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



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Agenda Item 13

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

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Ein cyf/Our ref:

Huw Irranca-Davies
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
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SeneddLJC@senedd.wales

04 October 2021

Dear Chair

I am writing in response to your letter of 20 September about Protection of Classified Information: agreements UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy.

Our legal assessment of the treaties is they relate to data sharing and national security and are therefore reserved matters.

The substantive provisions are high level and would likely require implementing arrangements in relation to specific exchanges. The agreements are subject to national laws and regulations and we should be mindful whether they conflict with the same. We are of the view that they do not conflict with UK data protection legislation.

As Welsh Ministers are required to take into account international obligations when making decisions, they could face Judicial Review or action from the Secretary of State for failing to do so.

In respect of consultation, if the agreements would have an impact on devolved matters, the Welsh Government would have a legitimate interest in those parts of the negotiations and

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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.

therefore an expectation to be consulted. In our view these agreements are high level and relate to reserved matters therefore there is no expectation to be consulted.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD

Rt Hon Mark Drakeford MS
First Minister of Wales

20 September 2021

Dear Mark

Protection of Classified Information: agreements UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

At our meeting on **13 September 2021** we considered four international agreements between the UK and individual EU Member States (UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy) on the protection of classified information.

These agreements will provide a legal basis for the protection for any classified information exchanged between the UK and Estonia, Latvia, Belgium and Italy, which could include subjects such as defence, law enforcement, counter-terrorism and security.

During our consideration we agreed to seek the Welsh Government's assessment of the agreements' implications, if any, for Wales and its contractors, including whether the Welsh Government agrees with the UK Government's conclusion that the agreements have 'no implications for the devolved administrations'. We would be grateful to receive your response by 30 September.

Yours sincerely,



Huw Irranca-Davies

Chair, Legislation, Justice and Constitution Committee



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