

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	P Gareth Williams
Meeting date: 17 January 2022	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest

13.30

2 Scrutiny session with the Counsel General and Minister for the Constitution

13.30 – 14.45

(Pages 1 – 55)

Mick Antoniw MS, Counsel General and Minister for the Constitution

James Gerard, Deputy Director, Justice Policy

Attached Documents:

LJC(6)-02-22 – Paper 1 – Briefing

LJC(6)-02-22 – Paper 2 – Letter from the First Minister, 10 January 2022

LJC(6)-02-22 – Paper 3 – Letter from the Counsel General, 13 January 2022

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

14.45 – 14.50

(Page 56)

Attached Documents:

LJC(6)-01-22 – Paper 4 – Statutory instruments with clear reports

Made Negative Resolution Instruments



3.1 SL(6)116 – The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021

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

14.50 – 15.00

Made Negative Resolution Instruments

4.1 SL(6)121 – The Education (School Day and School Year) (Wales) (Amendment) (Coronavirus) Regulations 2021

(Pages 57 – 62)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-02-22 – Paper 5 – Draft report

LJC(6)-02-22 – Paper 6 – Letter from the Minister for Education and Welsh Language to the Llywydd, 21 December 2021

4.2 SL(6)126 – The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2022

(Pages 63 – 68)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-02-22 – Paper 7 – Draft report

LJC(6)-02-22 – Paper 8 – Letter from the Minister for Health and Social Services to the Llywydd, 6 January 2022

Made Affirmative Resolution Instruments

4.3 SL(6)123 – The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

(Pages 69 – 73)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-02-22 – Paper 9 – Draft report

LJC(6)-02-22 – Paper 10 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd to the Llywydd, 22 December 2021

Composite Negative Resolution Instruments

4.4 SL(6)115 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021

(Pages 74 – 75)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-02-22 – Paper 11 – Draft report

Composite Affirmative Resolution Instruments

4.5 SL(6)114 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022

(Pages 76 – 77)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-02-22 – Paper 12 – Draft report

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

15.00 – 15.05

5.1 SL(6)102 – The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021

(Pages 78 – 80)

Attached Documents:

LJC(2)-02-22 – Paper 13 – Report

LJC(2)-02-22 – Paper 14 – Welsh Government response

5.2 SL(6)118 – The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

(Pages 81 – 85)

Attached Documents:

LJC(6)-02-22 – Paper 15 – Report

LJC(6)-02-22 – Paper 16 – Welsh Government response

6 Papers to note

15.05 – 15.10

6.1 Correspondence from the Health and Social Care Committee and the Children, Young People and Education Committee: Legislative Consent Memoranda on the Nationality and Borders Bill

(Pages 86 – 87)

Attached Documents:

LJC(6)-02-22 – Paper 17 – Letter from the Health and Social Care Committee and the Children, Young People and Education Committee to the Llywydd, 6 January 2021

6.2 Correspondence from the Counsel General and Minister for the Constitution: The Waste and Agriculture (Legislative Functions) Regulations 2022

(Pages 88 – 90)

Attached Documents:

LJC(6)-02-22 – Paper 18 – Letter from the Counsel General and Minister for the Constitution, 7 January 2022

- 7 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**
15.10
- 8 Scrutiny session with the Counsel General and Minister for the Constitution – consideration of evidence**
15.10 – 15.20
- 9 Supplementary Legislative Consent Memoranda (Memorandum No. 3 and Memorandum No. 4) on the Police, Crime, Sentencing and Courts Bill**
15.20 – 15.30 (Pages 91 – 116)
[Supplementary Legislative Consent Memorandum \(Memorandum No. 3\) – Police, Crime, Sentencing and Courts Bill](#)
[Supplementary Legislative Consent Memorandum \(Memorandum No. 4\) – Police, Crime, Sentencing and Courts Bill](#)

Attached Documents:

LJC(6)–02–22 – Paper 19 – Draft report

LJC(6)–02–22 – Paper 20 – Letter from the Minister for Social Justice regarding Memoranda No. 3 and No. 4, 7 January 2022

LJC(6)–02–22 – Paper 21 – Letter from the Minister for Social Justice regarding the report on Memorandum No. 2, 7 January 2022

- 10 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Professional Qualifications Bill**
15.30 – 15.40 (Pages 117 – 143)
[Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) – Professional Qualifications Bill](#)

[Report on the Welsh Government's Legislative Consent Memorandum on the Professional Qualifications Bill](#)

Attached Documents:

LJC(6)-02-22 – Paper 22 – Legal advice note

LJC(6)-02-22 – Paper 23 – Letter from the Minister for Education and Welsh Language , 6 December 2021

11 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Health and Care Bill

15.40 – 15.50

(Pages 144 – 151)

[Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) – The Health and Care Bill](#)

[Report on the Welsh Government's Legislative Consent Memorandum on the Health and Care Bill](#)

Attached Documents:

LJC(6)-02-22 – Paper 24 – Legal advice note

12 Legislative Consent Memorandum on the Commercial Rent (Coronavirus) Bill

15.50 – 16.00

(Pages 152 – 155)

[Legislative Consent Memorandum – Commercial Rent \(Coronavirus\) Bill](#)

Attached Documents:

LJC(6)-02-22 – Paper 25 – Legal advice note

13 Scrutiny of Welsh Government notifications: Consent to Statutory Instruments made by the UK Government

16.00 – 16.10

(Pages 156 – 175)

Attached Documents:

LJC(6)-02-22 – Paper 26 – Briefing

LJC(6)-02-22 – Paper 27 – Written Statement by the Minister for Finance and Trefnydd, 25 May 2021

LJC(6)-02-22 – Paper 28 – Written Statement by the Minister for Rural Affairs

and North Wales and Trefnydd, 22 June 2021

LJC(6)-02-22 – Paper 29 – Written Statement by the Minister for Finance and Local Government, 22 July 2021

LJC(6)-02-22 – Paper 30 – Written Statement by the Minister for Rural Affairs, North Wales and Trefnydd, 9 August 2021

LJC(6)-02-22 – Paper 31 – Written Statement by the Minister for Finance and Local Government, 2 November 2021

LJC(6)-02-22 – Paper 32 – Written Statement by the Minister for Rural Affairs and North Wales and Trefnydd, 21 December 2021

14 Review of Intergovernmental Relations

16.10 – 16.20

(Pages 176 – 195)

Attached Documents:

LJC(6)-02-22 – Paper 33 – Letter from the First Minister, 13 January 2022

LJC(6)-02-22 – Paper 34 – Written Statement by the First Minister, 13 January 2022

LJC(6)-02-22 – Paper 35 – Policy paper: The review of intergovernmental relations

15 Review of the committee timetable and committee remits

16.20 – 16.30

(Pages 196 – 204)

Attached Documents:

LJC(6)-02-22 – Paper 36 – Letter from the Llywydd, 7 January 2022

Document is Restricted



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

seneddLJC@senedd.wales

10 January 2022

Dear Chair,

I am writing in response to your letter of 10 December requesting information on the Welsh Government's draft budget proposals for 2022-23 and the allocation of resources to justice related activity.

The Annex to this letter indicates resources in the draft budget from which justice work will be delivered. The Counsel General and Minister for the Constitution is writing to you separately on matters that include legislative capacity and the accessibility of Welsh law.

To reiterate my comments to your predecessor Committee as set out in my letter of 26 November 2020, spending on justice related activity is not separately disaggregated in either our budget or annual accounts. This reflects the reality that the devolution settlement now in place does not fund the Welsh Government to have a justice function. It also reflects the cross-cutting nature of current justice related activity across Ministerial portfolios.

You have highlighted that the Counsel General and Minister for the Constitution does not hold the budget for a justice portfolio. However, as Chair of the Cabinet Sub-Committee on Justice the Counsel General plays a pivotal role in leading the Sub-Committee to deliver on its remit. Not only does the Sub-Committee provide strategic direction to, and accountability for, the alignment across Government of justice functions currently devolved to Wales, it also leads on our engagements with the UK Government to take forward discussions on the devolution of justice.

It was, of course, a recommendation of the Commission on Justice in Wales for the Welsh Government to strengthen leadership and accountability on justice matters. We established the Cabinet Sub-Committee on Justice to pick up that mantle. The Commission also concluded that justice should be determined and delivered in Wales. This Government has made clear its position to take forward the Commission's vision through our Programme for Government commitment to pursue the case for the devolution of policing and justice.

Bae Caerdydd • Cardiff Bay
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CF99 1SN

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

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

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

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

I hope that this response is of assistance to the Committee and to its scrutiny of the Government's draft budget proposals for 2022-23. Again, to reiterate comments I have made previously, as part of the on-going justice transformation programme we will explore if there are any ways in which we can improve the level of information we provide about justice expenditure.

Yours sincerely,

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

MARK DRAKEFORD

Welsh Government's draft budget proposals for 2022-23 – allocation of resources to justice related activity

MEG ¹	SPA	BEL	Allocation £000s	Justice related activity resourced by BEL
Central Services & Administration	External Bodies & Services	Justice Commission in Wales	490	Co-ordinating the Justice Transformation programme across Government and the response to the recommendations of the Commission on Justice in Wales, supporting engagement with the UK Government on the devolution of justice, developing the legal sector including the establishment of the Law Council of Wales, taking forward work relating to the Welsh Tribunals including reform pursuant to the Law Commission review of devolved tribunals in Wales.
Central Services & Administration	External Bodies & Services	Tribunals	4,148	Administration and support of the Welsh Tribunals through the Welsh Tribunals Unit.
Economy	Business Wales / Entrepreneurship and Regional Economy	Business Wales	17,116	Bespoke business support to the legal sector in Wales during 2022/23 through the Business Wales service with interventions focusing on their challenges with recruitment, retention and resilience. ²
Economy	Employability Including Young Persons Guarantee	Employability Including Young Persons Guarantee	90,936	Delivery of recommendations from David Hanson's review of offender learning. ³
Health & Social Services	Supporting Children	Supporting Children	3,865	Funding for family justice policy and activity that enables reductions in the number of children coming into care, improved outcomes and experiences of children. ⁴ Recurrent funding of £850K is provided to local authorities to support Reflect Services through the Revenue Support Grant.
Health & Social Services	CAFCASS Cymru	CAFCASS Cymru	14,725	Funding for CAFCASS Cymru.

¹ "MEG": Main Expenditure Group, "SPA": Spending Programme Area, "BEL": Budget Expenditure Line.

² Justice related activity has been allocated funding within the draft budget for that BEL.

³ See footnote 2.

⁴ See footnote 2.

MEG	SPA	BEL	Allocation £000s	Justice related activity resourced by BEL
Health & Social Services	Support for Families and Children	Supporting Children	7,975	Framework to support positive change for those at risk of offending in Wales, 2018-2023 and removal of the defence of "reasonable chastisement". ⁵
Health & Social Services	Sustainable Social Services	Sustainable Social Services	99,715	Analysis and evaluation of the implementation of the Social Services and Wellbeing (Wales) Act 2015. ⁶
Social Justice	Advocacy Services	Advice Services	10,175	Under the Information and Advice Action Plan for Wales ensuring: strategically planned and integrated grant funding for social welfare advice services, through the Single Advice Fund; implementation of the Advice Quality Framework; and promotion of networking as a means of helping people attain a better understanding of accessing their individual rights.
Social Justice	Violence against Women, Domestic Abuse and Sexual Violence	Violence against Women, Domestic Abuse and Sexual Violence	7,875	Leading the strategic direction and implementation of the Violence Against Women, Domestic Abuse & Sexual Violence (Wales) Act 2015, which includes an objective to "hold perpetrators to account and provide them with opportunities to change their behaviour based around victim safety".
Social Justice	Female Offending and Youth Justice Blueprints	Female Offending and Youth Justice Blueprints	1,075	Pursuing the Blueprints on: Female Offending, including a residential centre and Approved Premises provision; and Youth Justice.
Social Justice	Community Support and Safety	Community Support and Safety	22,625	Funding for Police Community Support Officers. ⁷

⁵ See footnote 2.

⁶ See footnote 2.

⁷ See footnote 2.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair – Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

13 January 2022

Dear Huw,

I advised in earlier correspondence that we would provide the Committee with PDF versions of the Crime and Justice Dashboards as soon as possible to provide an example of the development and the range of data available within them. I am now following up on this commitment.

It is important to note that the Crime and Justice Dashboards are at a developmental stage and changes may be made following feedback from users. We will be working to publish these dashboards formally but currently they are work in progress, with the eventual content to be confirmed.

In light of that, we would welcome any feedback from the Committee on the content. The data in the Dashboards include a wide range of data drawn from a variety of sources, including the Ministry of Justice, the Home Office, HM Prison and Probation Service, the Higher Education Statistics Agency, the Youth Justice Board for England and Wales and the Youth Custody Service; but they remain limited to what is available elsewhere, and we continue to pursue the case for the availability of fuller and more useful disaggregated data on justice in Wales from the Ministry of Justice.

Within the Welsh Government, the Dashboards are interactive to allow for their fuller use but at this stage, due to commitments made to some data providers, we are not able to make the full interactive dashboard available externally.

Yours sincerely,

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Correspondence.Mick.Antoniw@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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Crime and Justice Dashboard: Legal Aid

Legal aid - Crime

Legal aid - Civil

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	...which was published
Legal Aid - Crime	Annual	Jun	2020-21	Jun-21
Legal Aid - Civil	Annual	Jun	2020-21	Jun-21

Please note the publication schedule noted above relates to forthcoming publications and does not reflect when those publications already published.

Check out other Crime and Justice data dashboards:

[Courts and Tribunals](#)

[Crime Occurrences](#)

[Prisons and Probations](#)

[Workforce](#)

[Youth Justice](#)

Legal aid - Crime

Reset

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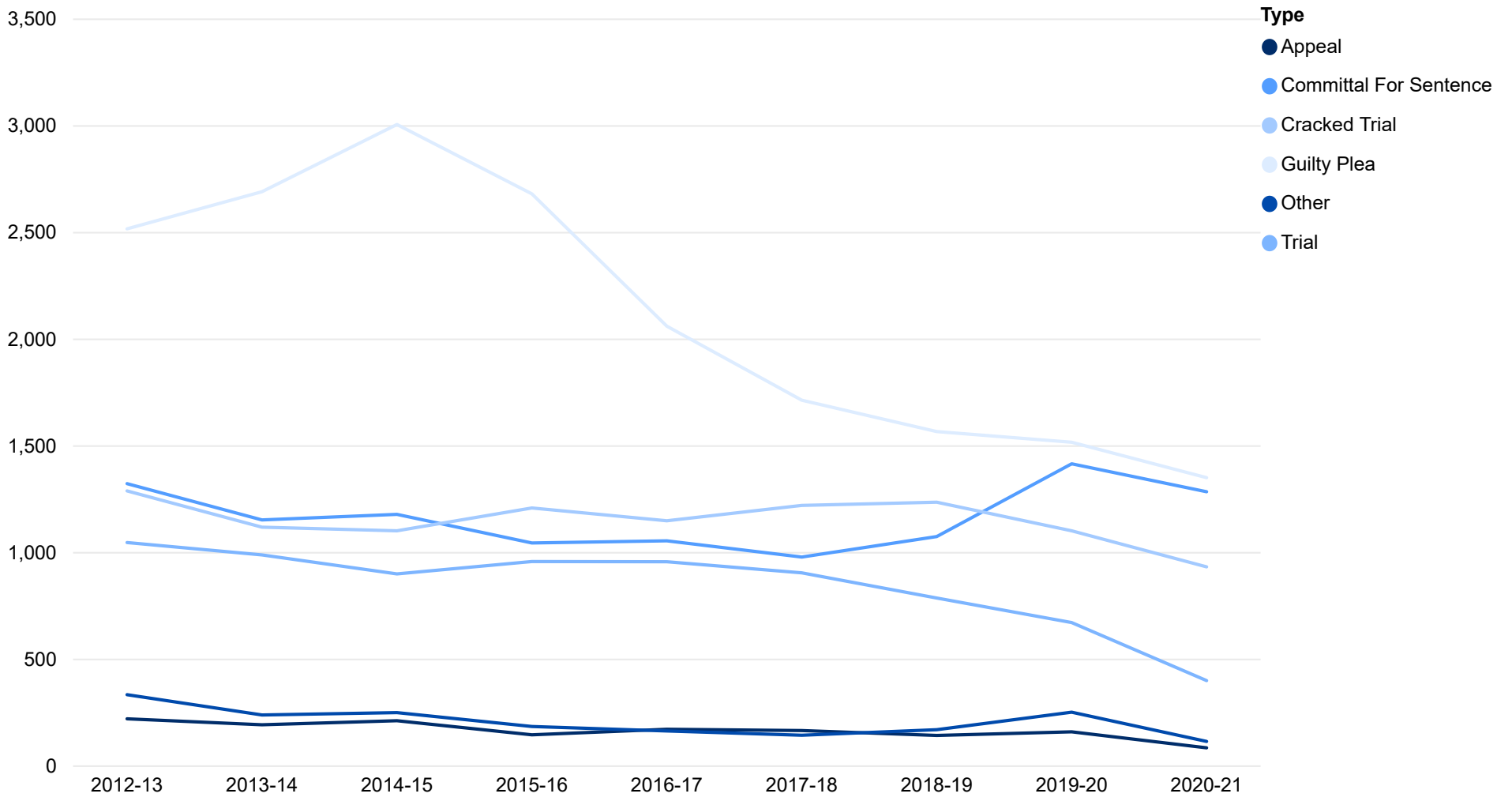
Multiple selections may be made from slicers with square check boxes. To make multiple selections hold down the CTRL key on your keyboard whilst choosing from the list. Where a slicer has circular check boxes only one option may be chosen.

Source and user guides are available: [Legal aid statistics](#)

Please note these slicers affect both charts on this page

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Scheme</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> CCLF <input type="checkbox"/> CCR <input type="checkbox"/> Crime Lower <input type="checkbox"/> VHCC Crime | <p>Region</p> <ul style="list-style-type: none"> <input type="checkbox"/> East Midlands <input type="checkbox"/> Eastern <input type="checkbox"/> London <input type="checkbox"/> Merseyside <input type="checkbox"/> North East <input type="checkbox"/> North West <input type="checkbox"/> South <input type="checkbox"/> South East <input type="checkbox"/> South West <input checked="" type="checkbox"/> Wales <input type="checkbox"/> West Midlands <input type="checkbox"/> Yorkshire and Humberside | <p>Local Authority</p> <ul style="list-style-type: none"> <input type="checkbox"/> Blaenau Gwent <input type="checkbox"/> Bridgend <input type="checkbox"/> Caerphilly <input type="checkbox"/> Cardiff <input type="checkbox"/> Carmarthenshire |
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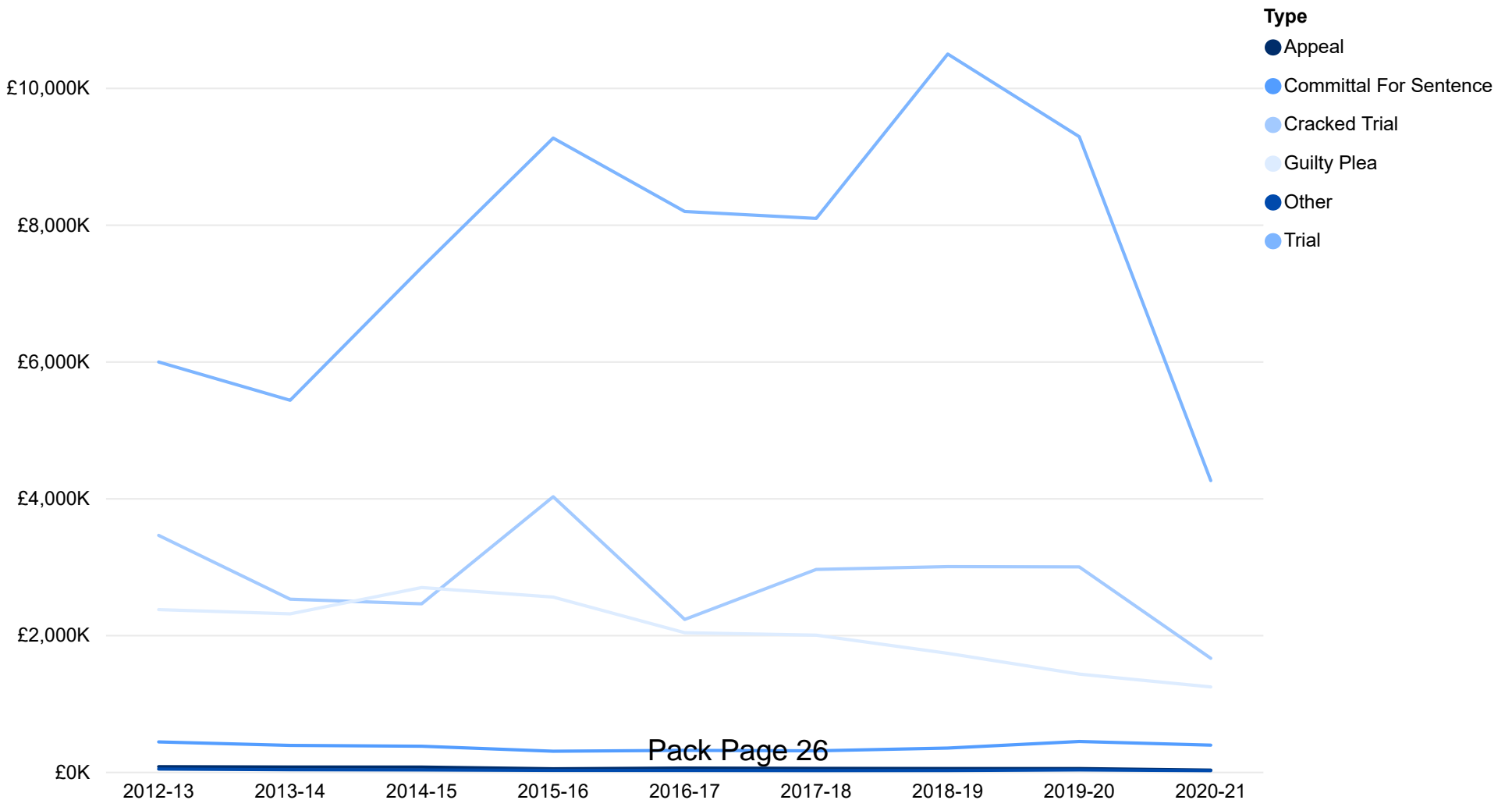
Crime workload - Number of legal aid cases by type



Local Authority

All

Crime workload - Value of legal aid cases by type



Legal aid - Civil

Reset

Contents

Multiple selections may be made from slicers with square check boxes. To make multiple selections hold down the CTRL key on your keyboard whilst choosing from the list. Where a slicer has circular check boxes only one option may be chosen.

Source and user guides are available: [Legal aid statistics](#)

Please note these slicers affect both charts on this page

Scheme

- Civ Rep
- Civ Rep Opponent
- CLA
- HPCDS
- Legal Help
- Mediation

Type

All

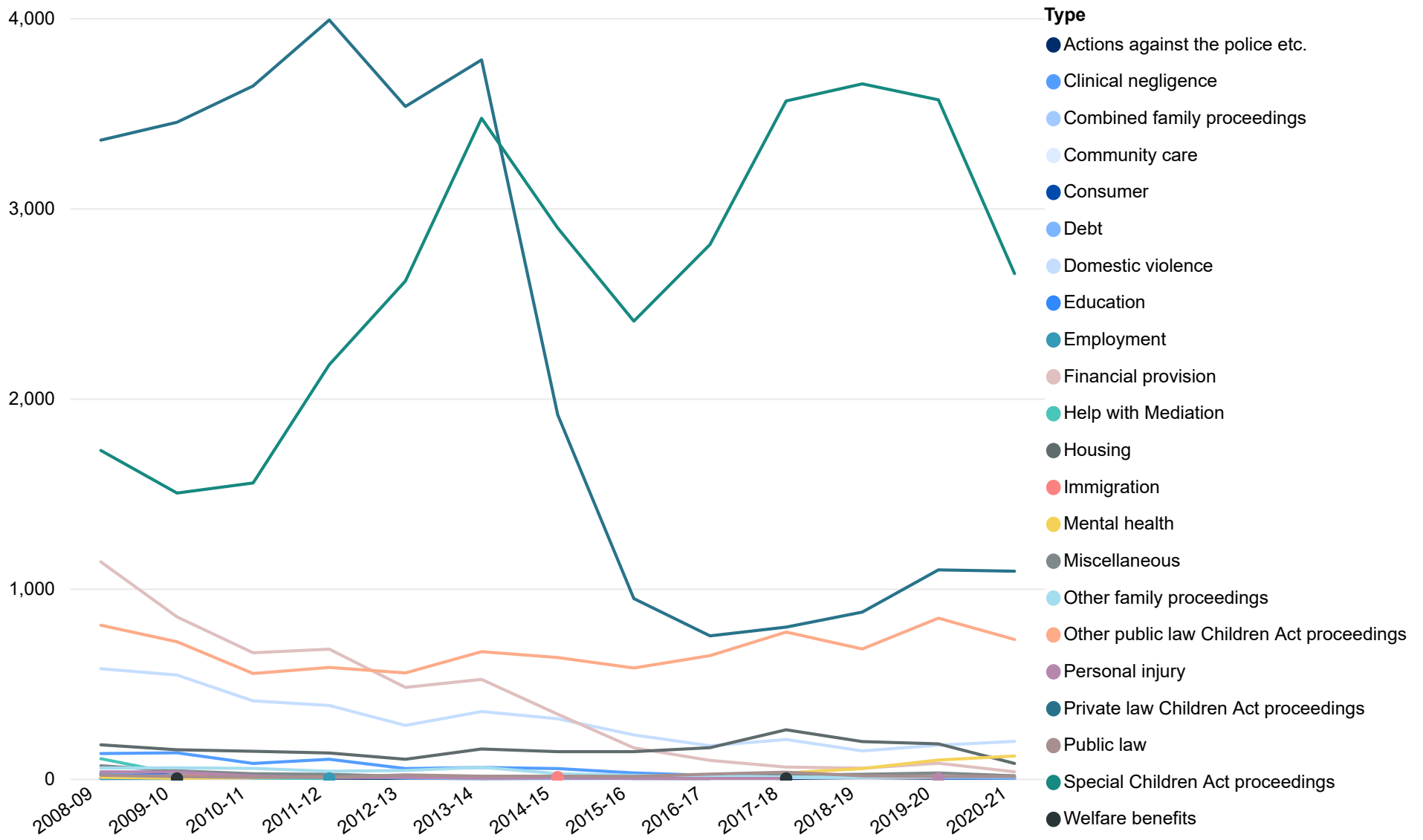
Region

- East Midlands
- Eastern
- London
- Merseyside
- North East
- North West
- South
- South East
- South West
- Wales
- West Midlands
- Yorkshire and Humberside

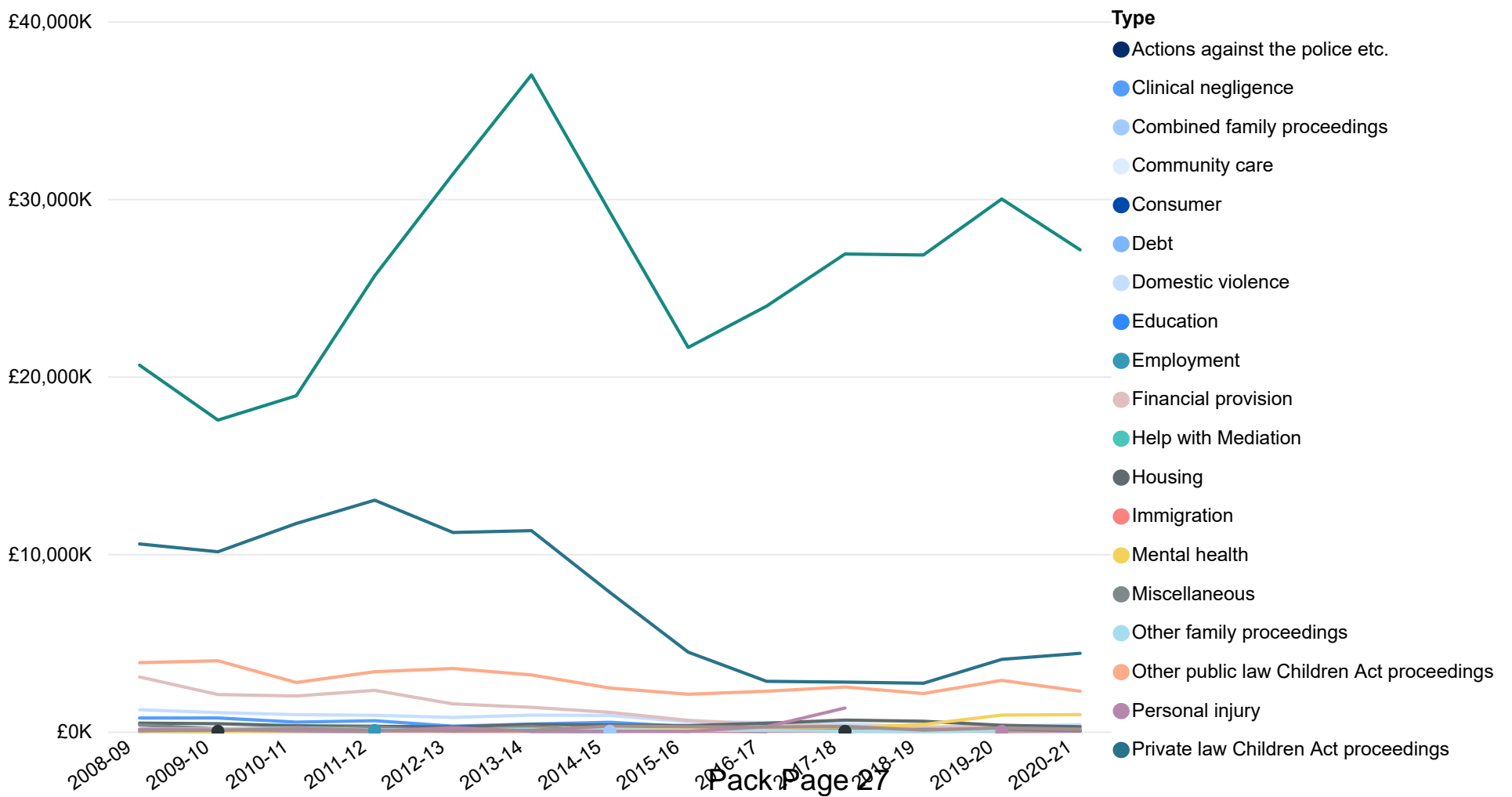
Local Authority

All

Number of civil legal aid claims made by selected scheme, Wales



Value of civil legal aid claims made by selected scheme, Wales





Crime and Justice Dashboard: Crime Occurrences

Back Page 28

Crime rates

Reoffending

Reoffending rates

Reoffending - payment by results

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	... which was published
Crime Rates	Quarterly	Jan/Apr/July/Oct	Jun-21	Nov-21
Reoffending	Annual	Jan	Mar-19	May-21
Reoffending rates	Annual	Jan	Mar-19	May-21
Reoffending payment by results	Quarterly	Jan/Apr/July/Oct	Dec-19	Nov-21

Check out other Crime and Justice data dashboards:

[Legal Aid](#)

[Courts and Tribunals](#)

[Prisons and Probations](#)

[Workforce](#)

[Youth Justice](#)

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Crime rates

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. Please note if Victim -based crime or other crimes against society are selected from Offence group level 1, a selection must be made from offence group level 2.

Source: [Crime in England and Wales: Police Force Area data tables](#)

Area type

- Country
- English Region
- National
- Police Force Area

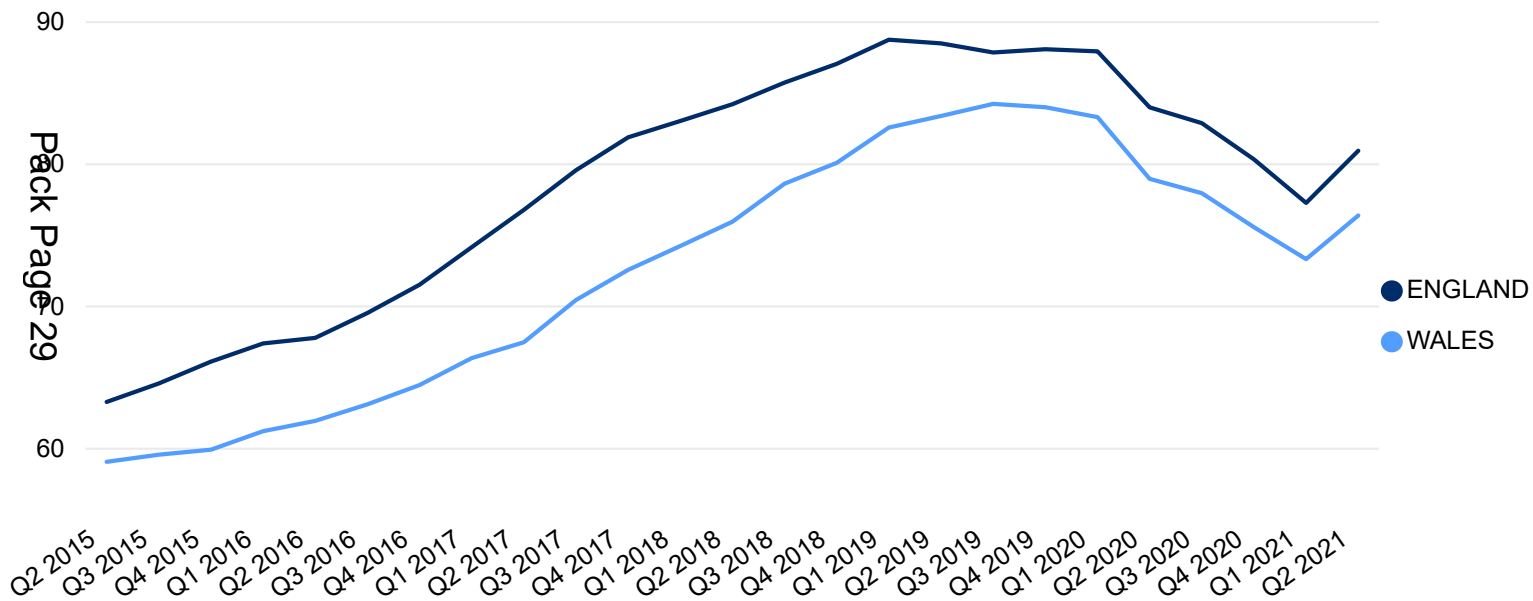
Area:

Offence group - level 1

- Total recorded crime (excludin...
- Victim-based crime
- Other crimes against society

Offence group - level 2:

Crime rates(1) for selected areas/regions, Total recorded crime (excluding fraud)



(1) Per 1,000 population for all offence categories except domestic burglary.

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Reoffending

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. Please select an option from the category list first - a combination of a geography type and a metric such as age or ethnicity. The list in the geography slicer will amend accordingly and the metric will be shown in the legend for each chart. The default view shows data for Wales. To view other geographical area types (YOTs etc), deselect 'Wales', the other geography options will appear in the category slicer.

The data presented here refer to adult and juvenile offenders who were released from custody, received a non-custodial conviction at court, or received a caution.

Source and user guides are available: [Proven reoffending statistics](#)

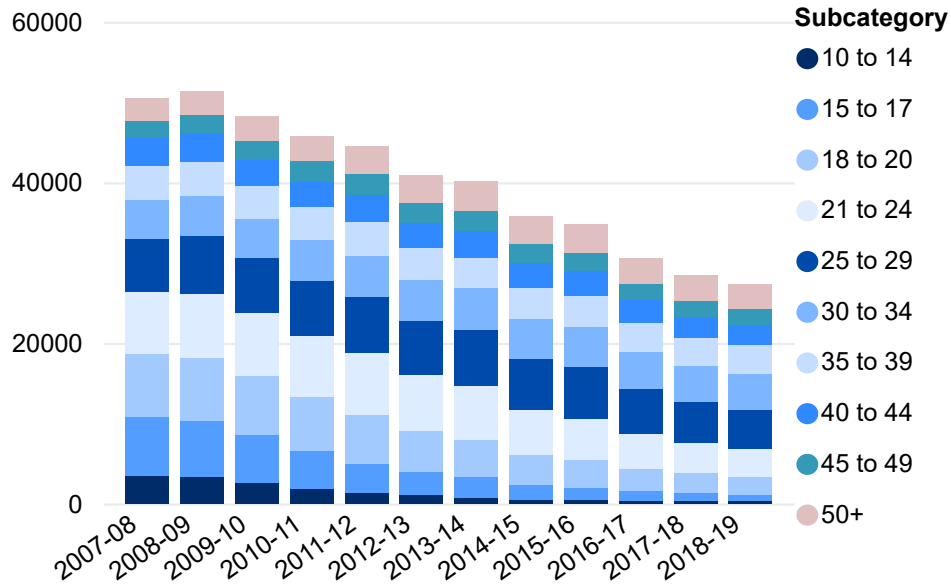
Category ▼

Region by Age ▼

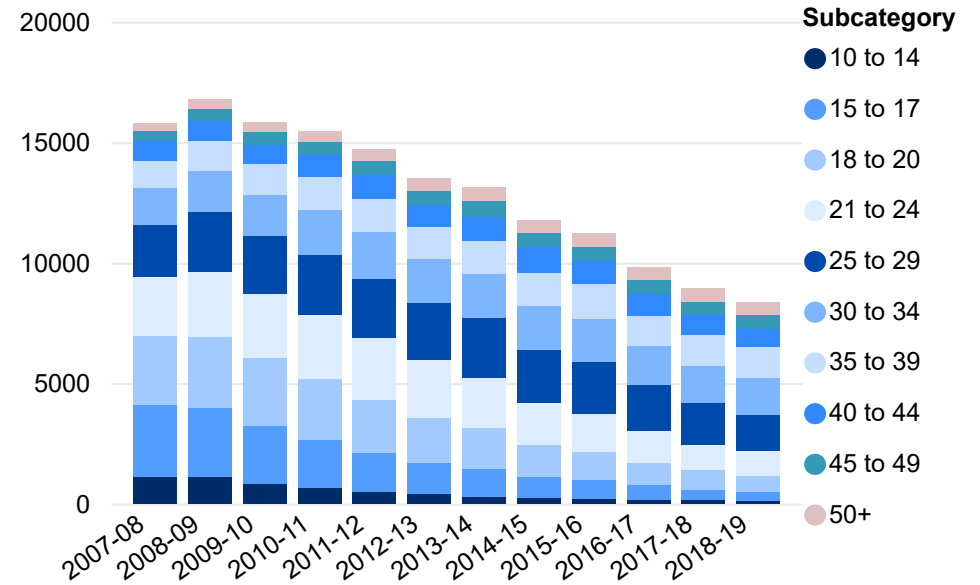
Geography ▼

Wales ▼

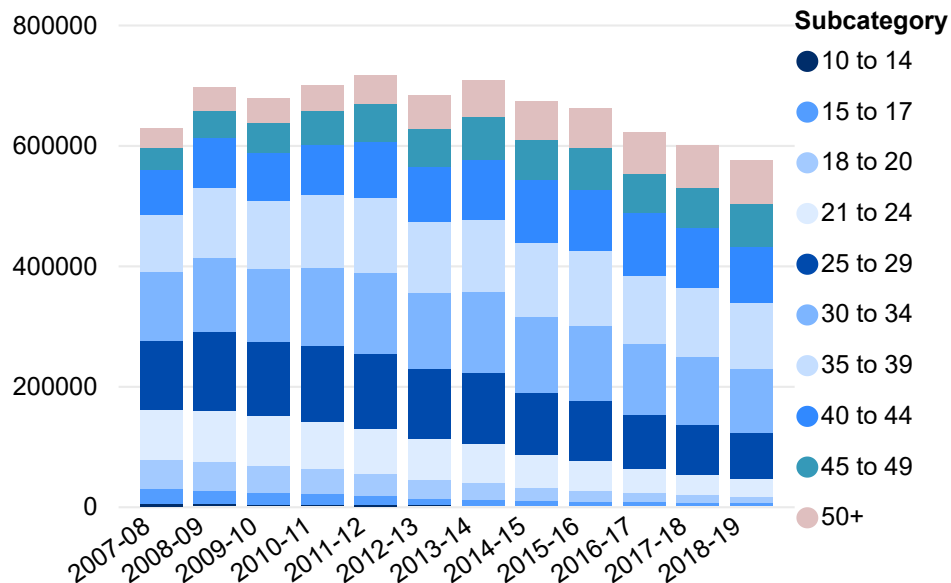
Offenders in Wales, by age



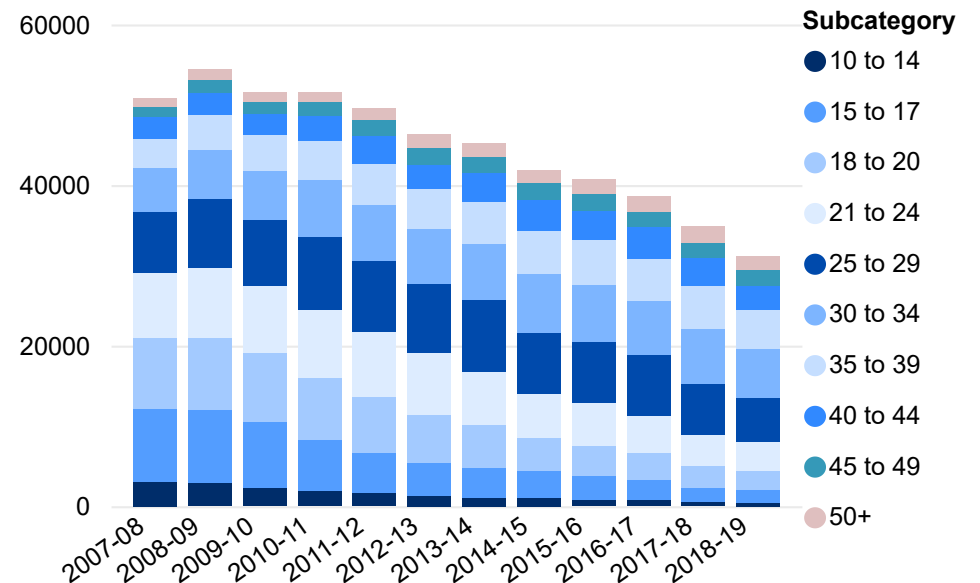
Reoffenders in Wales, by age



Number of previous offences in Wales, by age



Reoffences in Wales, by age



Reoffending rates

Reset

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Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. First select a metric, and then choose the categories of this metric you wish to show in the charts below. Next, choose a value. To revert to the full list of metrics deselect the values from the category slicer, or press the reset button. The data presented here refer to adult and juvenile offenders who were released from custody, received a non-custodial conviction at court, or received a caution.

Source and user guides are available: [Proven reoffending statistics](#)

Adult/Juvenile ▼

- Adult
- Juvenile

Metric ▼

- All
- Age
- Ethnicity
- Index Offence
- Sex

Category ▼

All ▼

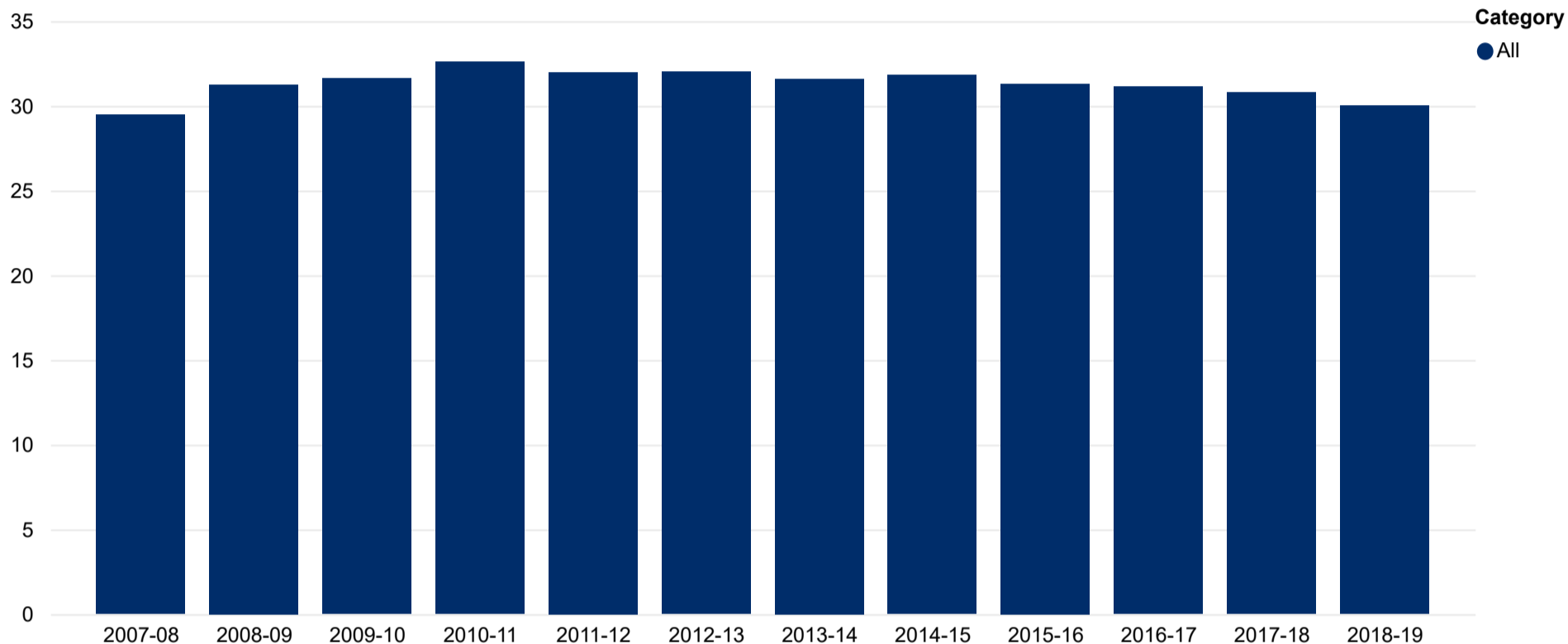
Values ▼

- Average number of previous offences per offender
- Average number of reoffences per reoffender
- Number of previous offences
- Offenders

Geography ▼

Wales ▼

Proportion of offenders who reoffend (%), all offenders, Wales



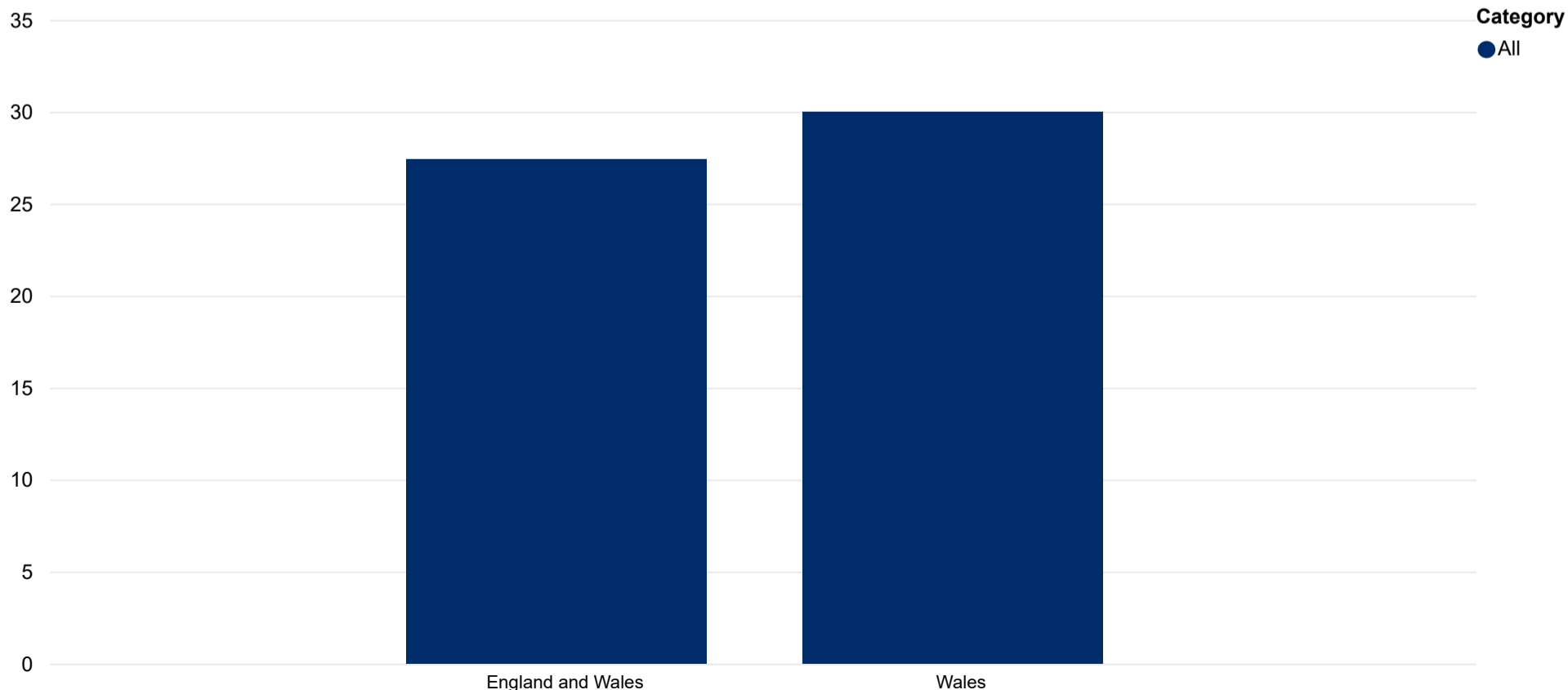
Cohort

2018-19 ▼

Geography ▼

Multiple selections ▼

Proportion of offenders who reoffend (%), all offenders and selected geographies, 2018-19



Reset

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Reoffending - payment by results statistics

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. The data presented here are proven reoffending statistics for adult offenders being managed in the community in England and Wales by Community Rehabilitation Companies (CRCs) under Payment by Results (PbR) arrangements, and by the National Probation Service (NPS).

Source and user guides are available: [Payment by results Statistics](#)

Age
All Age

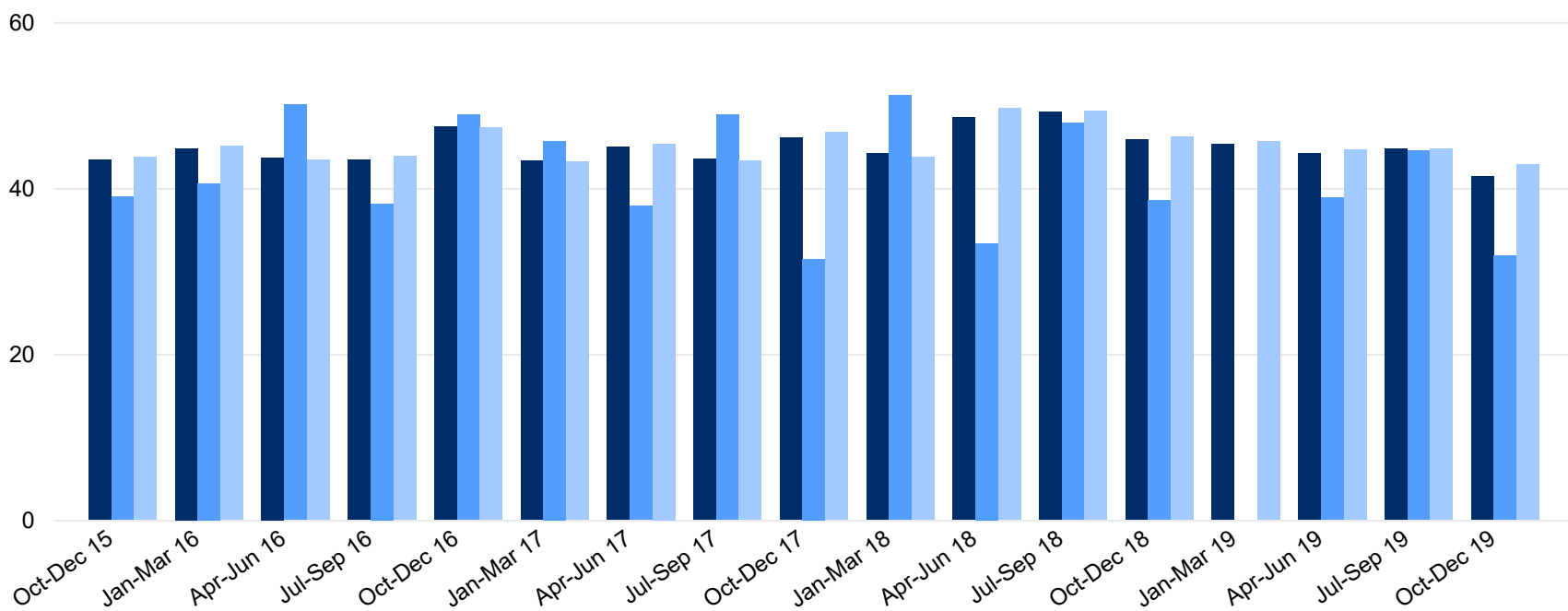
Measure

- Average number of reoffences per reoffender
- Average OGRS4/G score
- Number of offenders in the measurable cohort
- Number of reoffences
- Number of reoffenders
- Proportion of offenders who reoffend (%)

Probation Provider
NPS Wales

Proportion of offenders who reoffend (%), by gender, All Age, NPS Wales

Gender All Sex Female Male

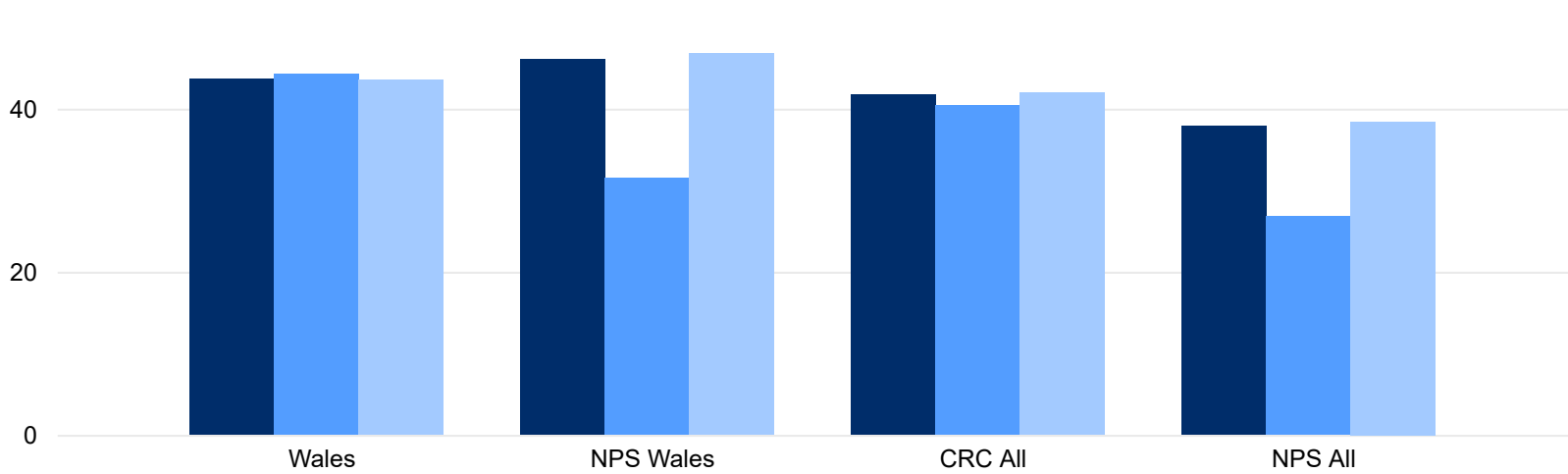


Cohort
October to December 2017

Probation Provider
Multiple selections

Proportion of offenders who reoffend (%), by gender and selected NPS/CRCs, All Age, October to December 2017

Gender All Sex Female Male





Crime and Justice Dashboard: Workforce

Police Workforce headcount

Police Workforce Diversity

Law students

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	... which was published
Police workforce	Annual	Jul	2020-21	Jul-21
Police Diversity	Annual	Jul	2020-21	Jul-21
Law Students	Annual	Jan	2018-19	Jan-20

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Check out other Crime and Justice data dashboards:

[Legal Aid](#)

[Courts and Tribunals](#)

[Crime Occurrences](#)

[Prisons and Probations](#)

[Youth Justice](#)

Police workforce

Reset

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Multiple selections may be made from slicers with square selection boxes; if no selection all options are used in the visualisation (e.g. if neither male or female are selected below then the chart shows male and females). Where a slicer has circular selection boxes only one option may be chosen.

The default view shows the 4 Welsh police forces.

Source and user guides are available: [Police workforce open data tables](#)

Notes:

Special constable and police support volunteer figures are provided on a headcount basis only.

Some forces are unable to provide designated officer data separately. In these cases designated officers have been counted under police staff.

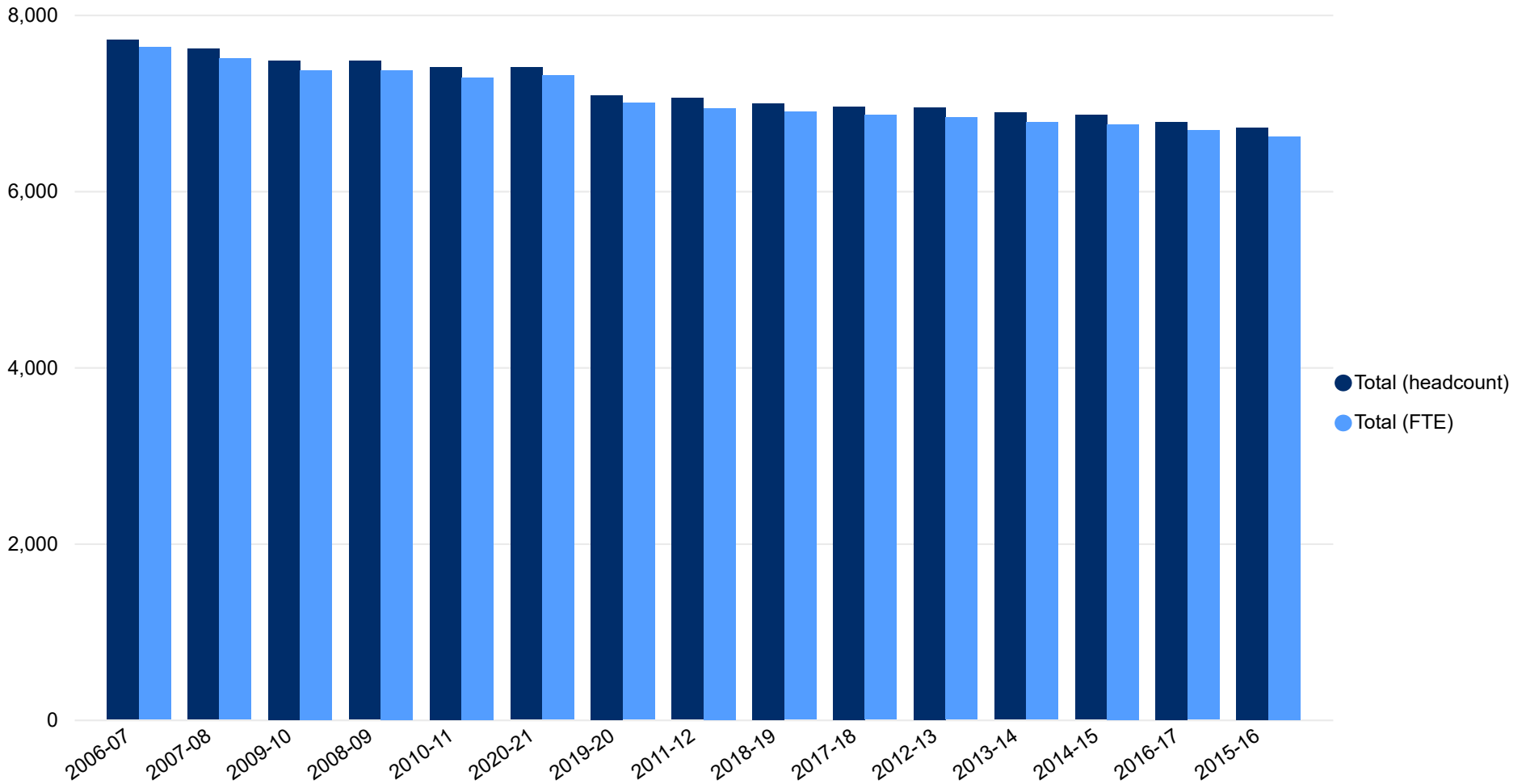
Worker type Designated Officer Police Community Support Officer Police Officer Police Staff Police Support Volunteer Special Constable Police officer

Gender Female Male Not stated Prefer not to say Prefer to self-describe

Rank description

Police force

Headcount and FTE of police workforce by financial year



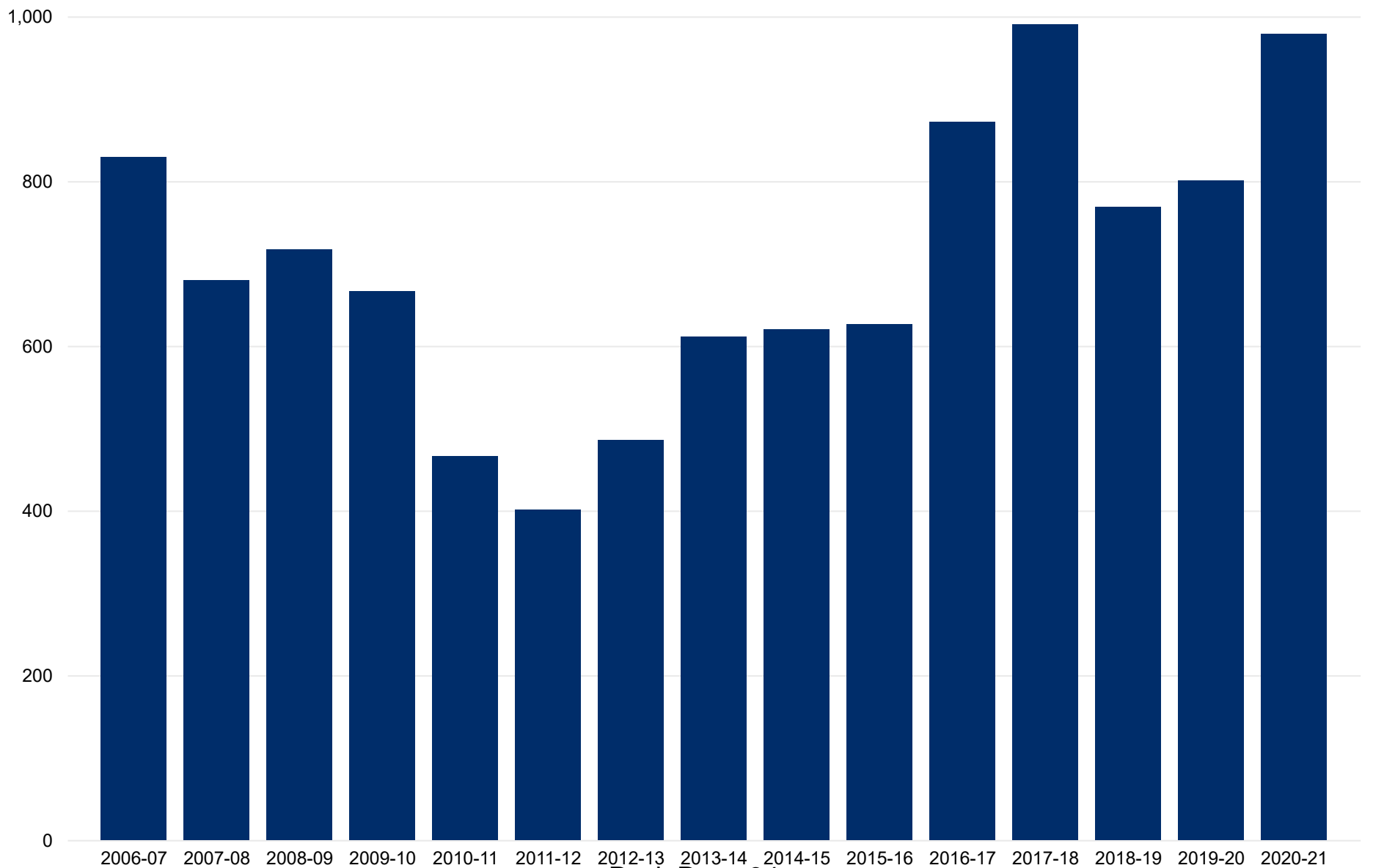
Worker type Designated Officer Police Community Support Officer Police Officer Police Staff Special Constable

Gender Female Male Not stated Prefer not to say Prefer to self-describe

Rank description

Police force

Headcount of leavers and joiners by financial year



Reset

Contents

Police workforce diversity

Multiple selections may be made from slicers with square selection boxes. Where a slicer has circular selection boxes only one option may be chosen.

The default shows the 4 Welsh police forces.

Source and user guides are available: [Police workforce open data tables](#).

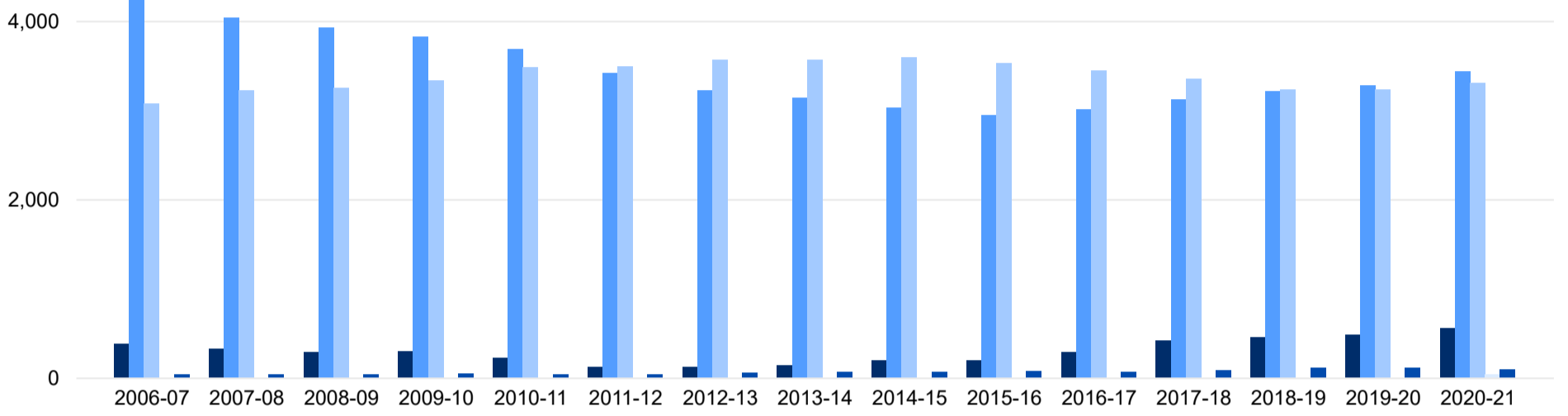
Worker type Designated Officer Police Community Support Officer Police Officer Police Staff Special Constable

Rank description

Police force

Total (headcount) by age group

Age range 25 and under 26 to 40 41 to 55 Not Stated Over 55

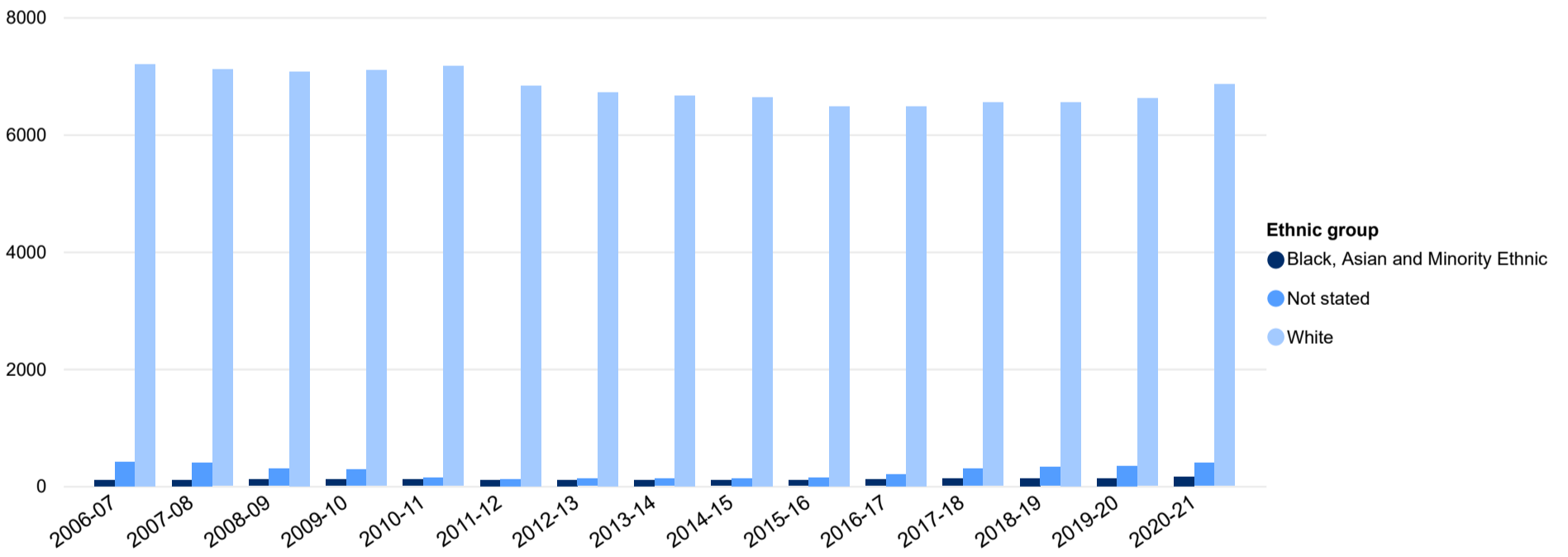


Worker type Designated Officer Police Community Support... Police Officer Police Staff Police support volunteer Special Constable

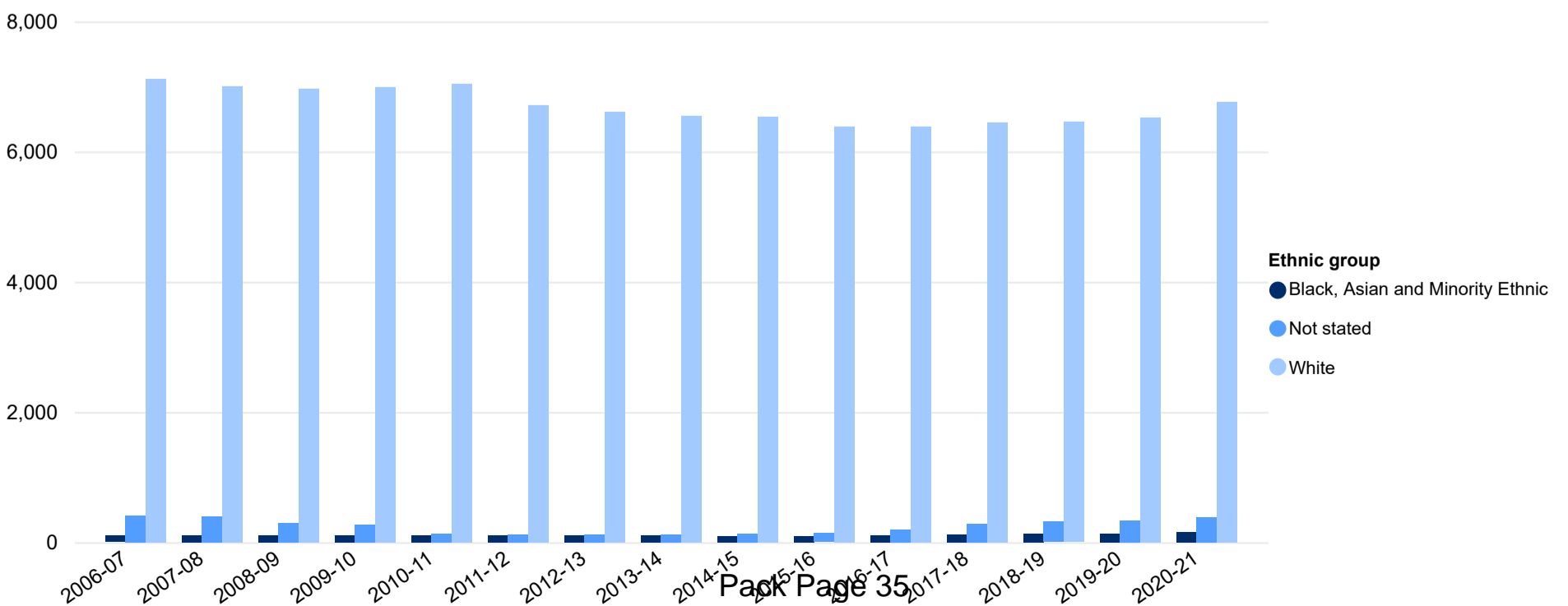
Rank description

Police force

Headcount of police workforce by ethnic group and financial year



FTE police workforce by ethnic group and financial year



Reset

Contents

Law Students

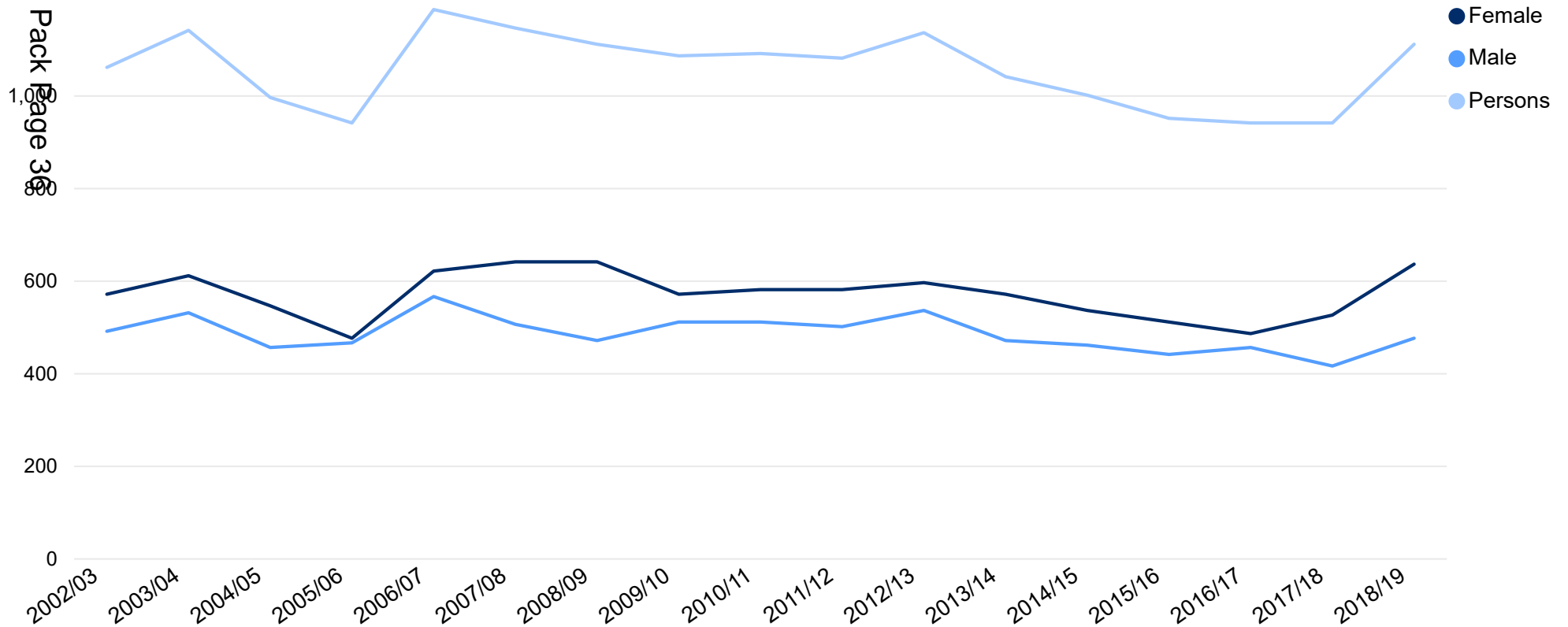
Multiple selections may be made from slicers with square selection boxes. Where a slicer has circular selection boxes only one option may be chosen.

Source: [Student enrolments in Wales by subject, level and mode of study](#).

Level

- Postgraduate
- Undergraduate

Law students studying in Wales by gender



The data presented in the above chart are rounded to the nearest 5.

Crime and Justice Dashboard: Courts and Tribunals

Civil court timeliness

Criminal court timeliness

Crown Court times

Outstanding Cases at Crown Court

Crown Court pleas

Crown Court Receipts, Disposals and Outstanding cases

Magistrates Court Receipts, Disposals and Outstanding Cases

Court Outcomes

Court Outcomes part 2

Tribunals

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	...which was published
Civil Court Timeliness	Quarterly	Mar/Jun/Sep/Dec	Sep-21	Dec-21
Criminal Court Timeliness*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Crown Court time*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Outstanding Cases at Crown Court*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Crown Court pleas*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Crown Court - Receipts, Disposals and Outstanding Cases*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Magistrates court - Receipts, Disposals and Outstanding Cases*	Quarterly	Mar/Jun/Sep/Dec	Jun-21	Sep-21
Court Outcomes	Annual	Jun	Dec-20	May-21
Tribunals	Annual	Apr	2020-21	Apr-21

* Please note the publication of Criminal Court Statistics has been delayed and therefore these pages will be updated in January 2022.

Check out other Crime and Justice data dashboards:

[Legal Aid](#)

[Crime Occurrences](#)

[Prisons and Probations](#)

[Workforce](#)

[Youth Justice](#)

Civil Court Timeliness

Reset

Contents

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen.

Source and user guides are available: [Civil justice statistics quarterly](#)

Category

- Fast and Multi track trials
- Small Claim

Subcategory

- Avg time allocation to hearing (weeks)
- Avg time issue to allocation (weeks)
- Avg time issue to hearing (weeks)

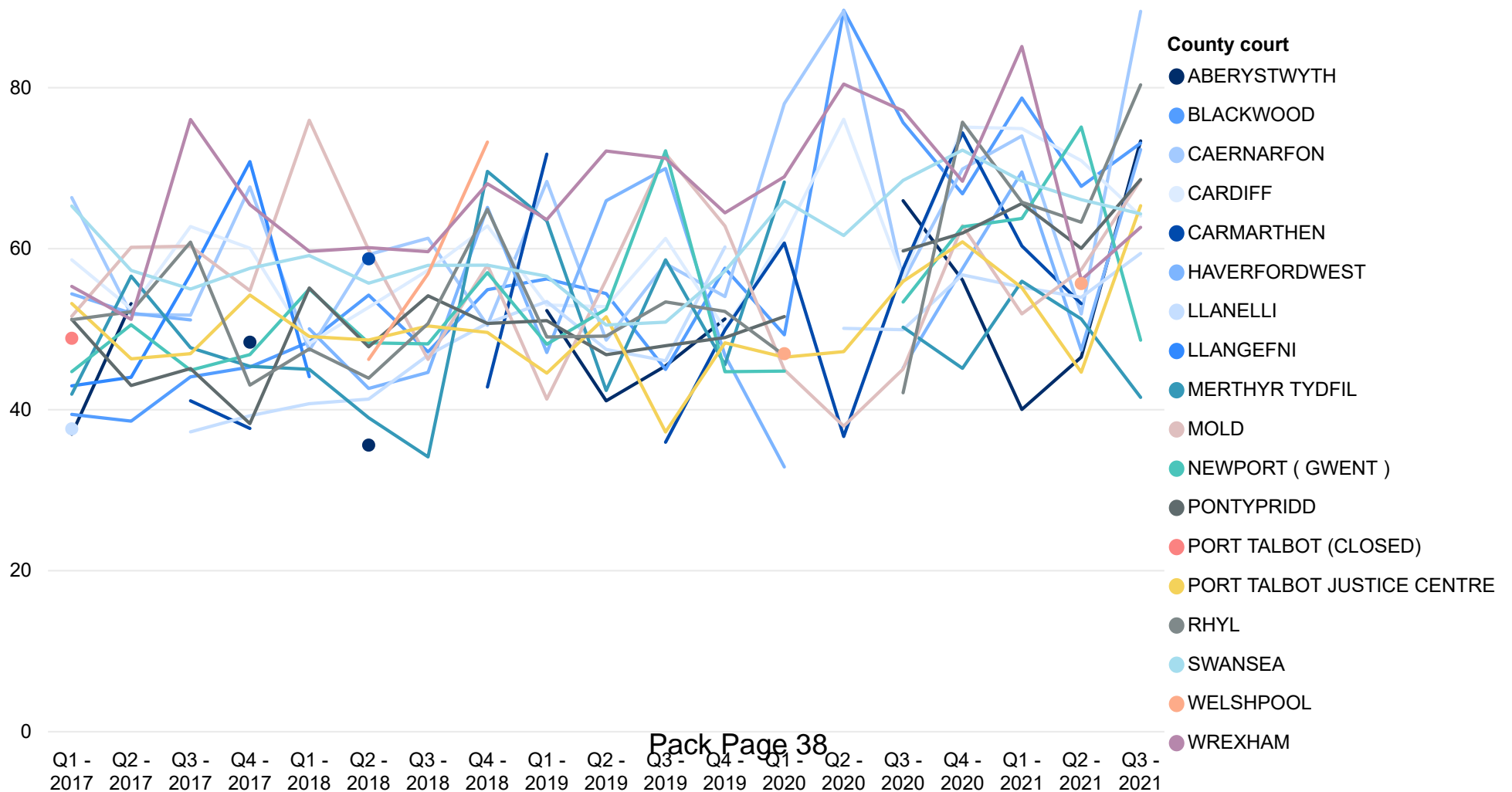
Region

- CCMCC
- England
- National
- Wales

County Court

- ABERYSTWYTH
- BLACKWOOD
- CAERNARFON

Avg time issue to hearing (weeks) for Fast and Multi track trials, selected county courts in Wales



Criminal court - timeliness

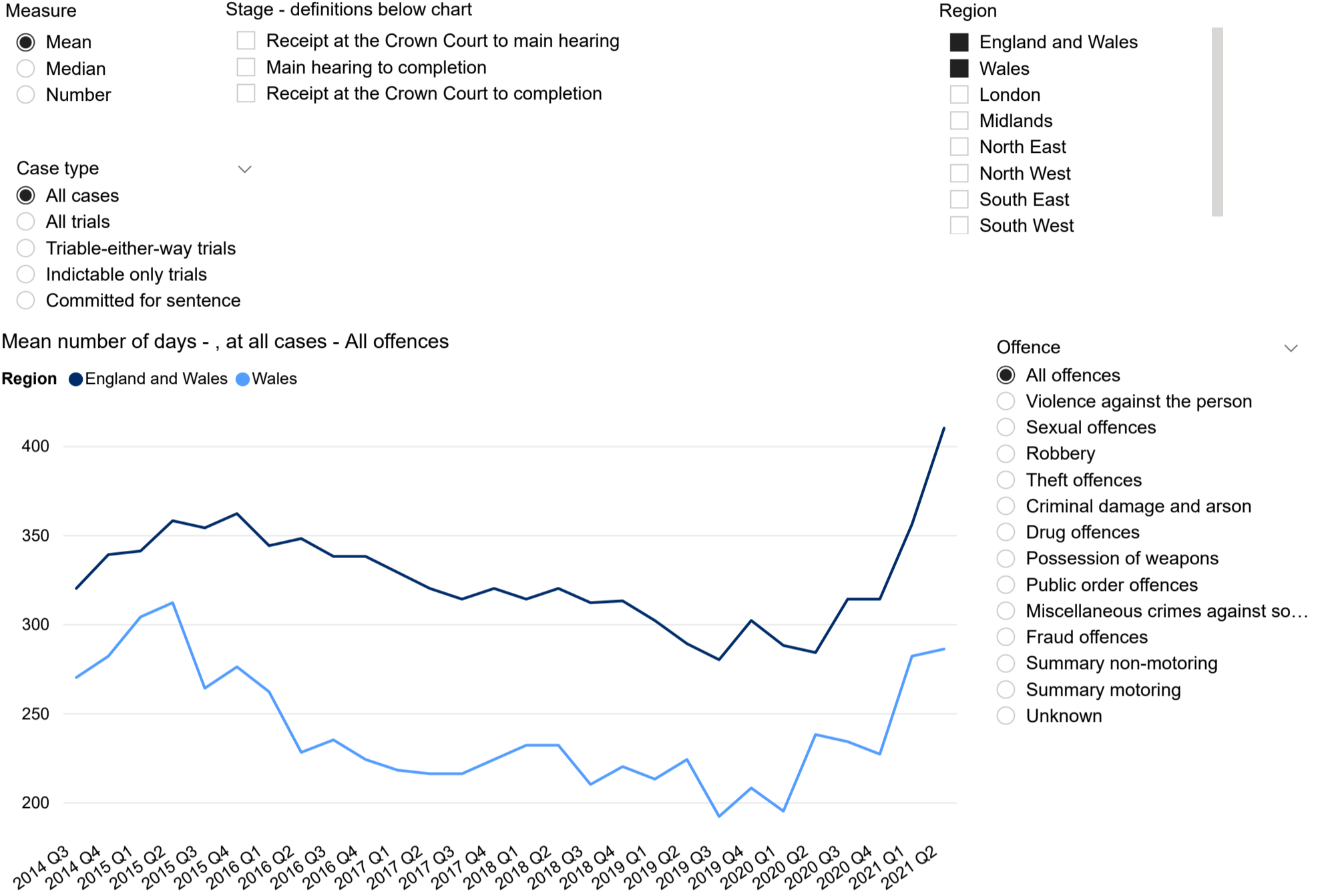
Reset

Contents

The default view shows no stage selected so the charts do not make sense, one option must be selected from the measure, stage and court type. Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. Please note the charts on this page contain scroll bars along the x-axis due to the large time series available. Also note, although the 'stage' slicer has square boxes and allows multiple selections, the charts will not make sense if more than one option is selected. The multi selection has been left on this slicer to enable easier switching between selections.

Source and user guides are available: [Criminal Court Statistics](#)

These three slicers affect all the charts on this page.



Stage definitions

Receipt at the Crown Court to main hearing (median and mean) - Average estimates of time in days from a case being received at the Crown Court and reaching it's first main hearing in that court.

Main hearing to completion (median and mean) - Average estimates of time in days from a case's first main hearing to completion of the case.

Receipt at the Crown Court to completion (median and mean) - Average estimates of time in days from a case being received at the Crown Court to completion of the case.

Reset

Contents

Crown Court average waiting and hearing time

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. The default view is set without a selection being made from the waiting/hearing or measure slicers. Selections must be made from these options for the graph to be meaningful.

Source and user guides are available: [Criminal court statistics](#)

Waiting/hearing

- 1. Waiting times
- 2. Hearing times

Case type

02. Trials: total

Region

- England and Wales
- London
- Midlands
- North East
- North West
- South East
- South West
- Wales

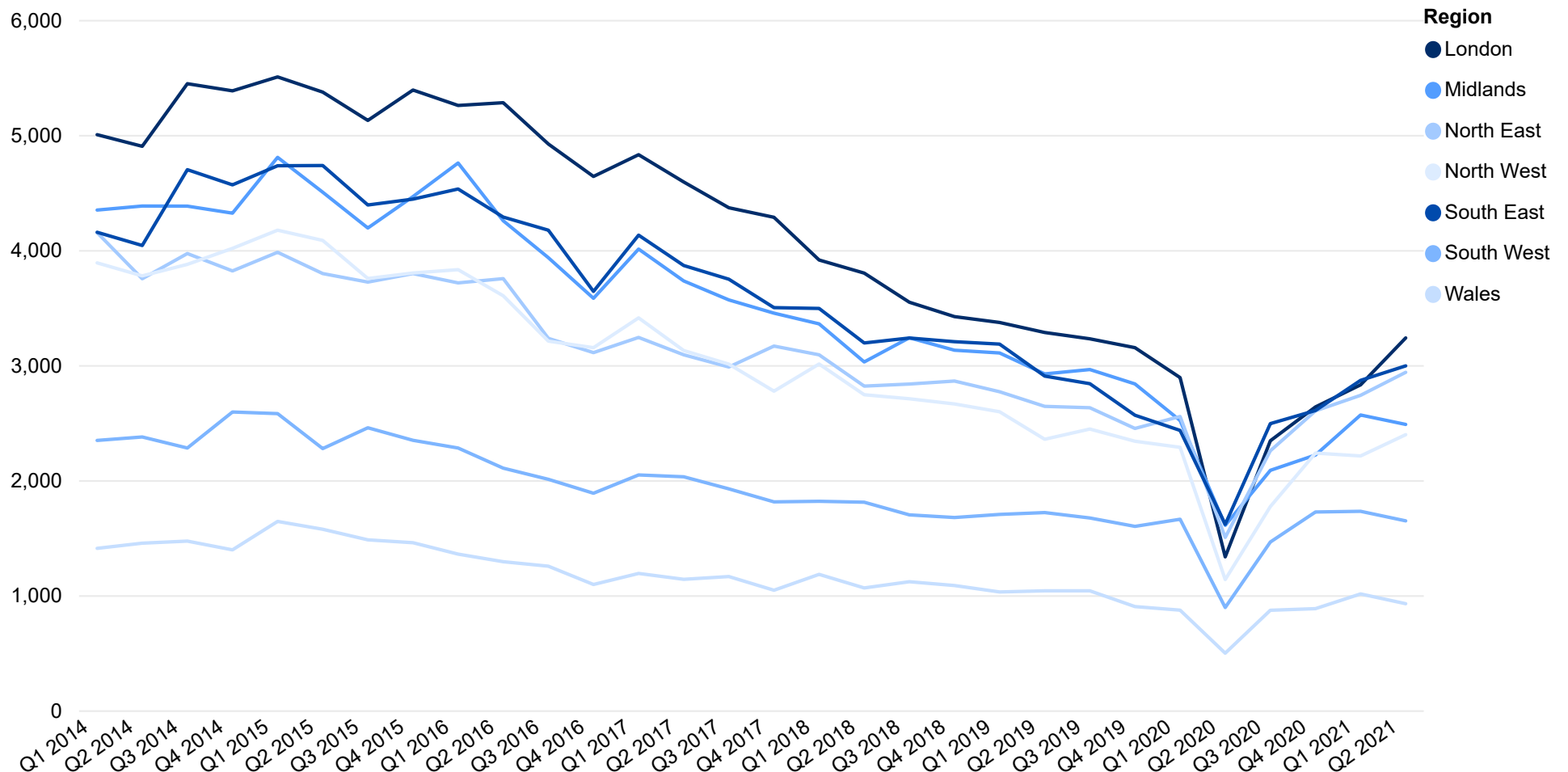
Measure

- 0. Number of total defendants/cases
- 1. Number of valid defendants/cases
- 2. Mean (weeks)
- 3. Median (weeks)

Offence group

00: All offences

Crown court number of total defendants/cases waiting time, all offences, trials: total



Reset

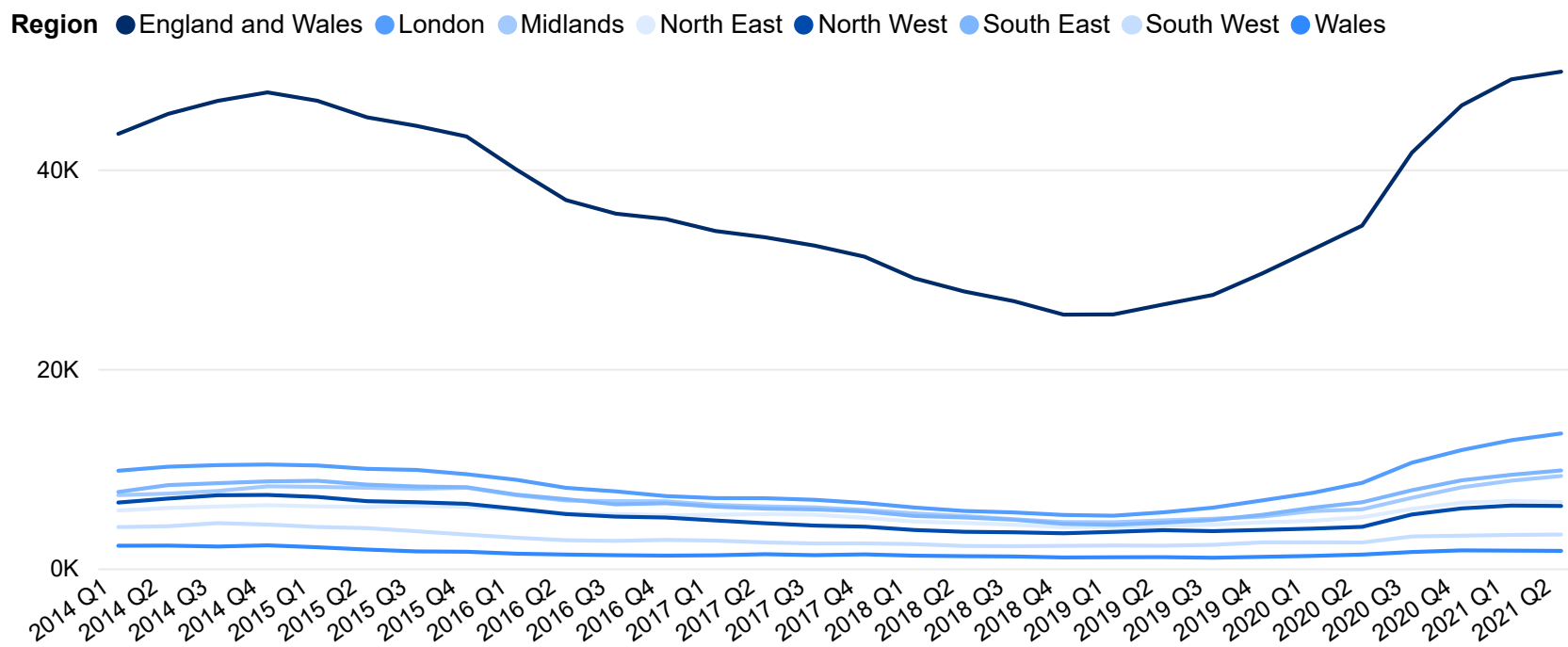
Contents

Outstanding Cases at Crown Court

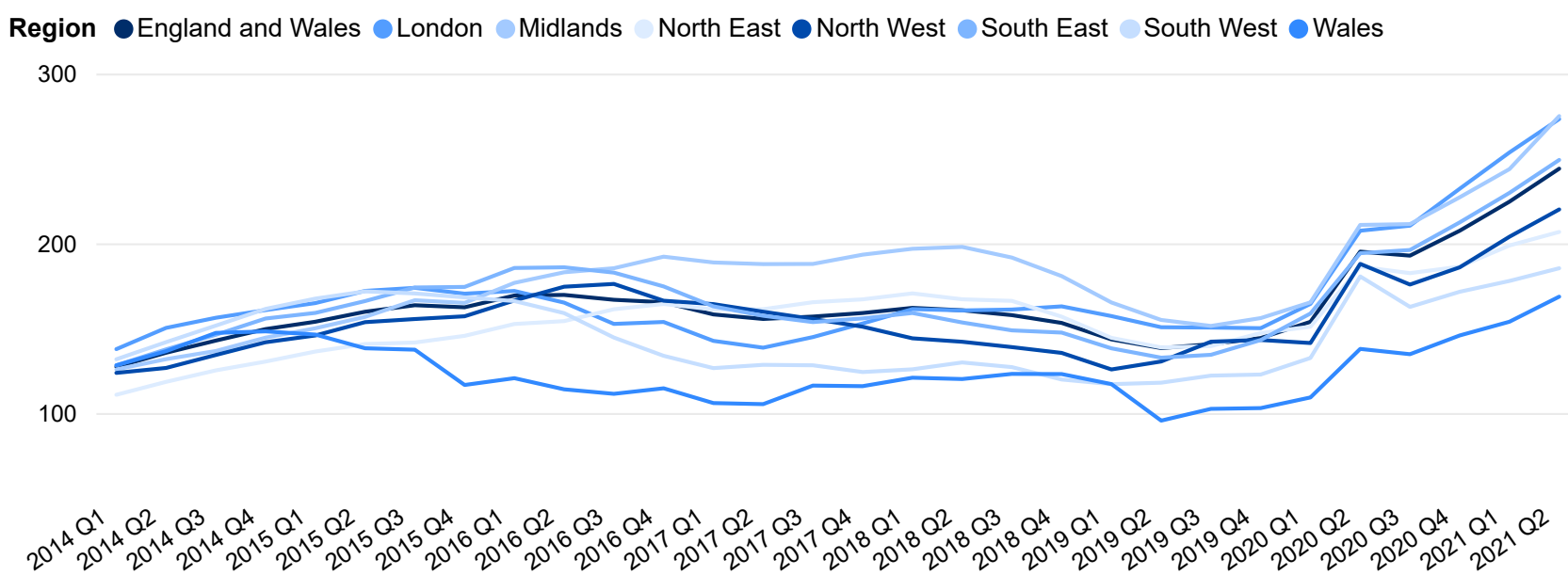
Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. Number of cases includes those with missing timeliness data; these cases are excluded from the mean and median timeliness estimates.

Case type <input type="checkbox"/> All cases <input checked="" type="checkbox"/> All trials <input type="checkbox"/> Triable-either-way trials <input type="checkbox"/> Indictable only trials <input type="checkbox"/> Committed for sentence <input type="checkbox"/> Appeals	Offence Group <input checked="" type="checkbox"/> All offences <input type="checkbox"/> Violence against the person <input type="checkbox"/> Sexual offences <input type="checkbox"/> Robbery <input type="checkbox"/> Theft offences <input type="checkbox"/> Criminal damage and arson <input type="checkbox"/> Drug offences <input type="checkbox"/> Possession of weapons <input type="checkbox"/> Public order offences <input type="checkbox"/> Miscellaneous crimes against society <input type="checkbox"/> Fraud offences <input type="checkbox"/> Summary non-motoring <input type="checkbox"/> Summary motoring <input type="checkbox"/> Not known	Remand Status <input checked="" type="checkbox"/> All remand <input type="checkbox"/> Remanded in custody <input type="checkbox"/> Remanded on bail <input type="checkbox"/> Remand status unknown
Region <input type="checkbox"/> England and Wales <input type="checkbox"/> London <input type="checkbox"/> Midlands <input type="checkbox"/> North East <input type="checkbox"/> North West <input type="checkbox"/> South East <input type="checkbox"/> South West <input type="checkbox"/> Wales		

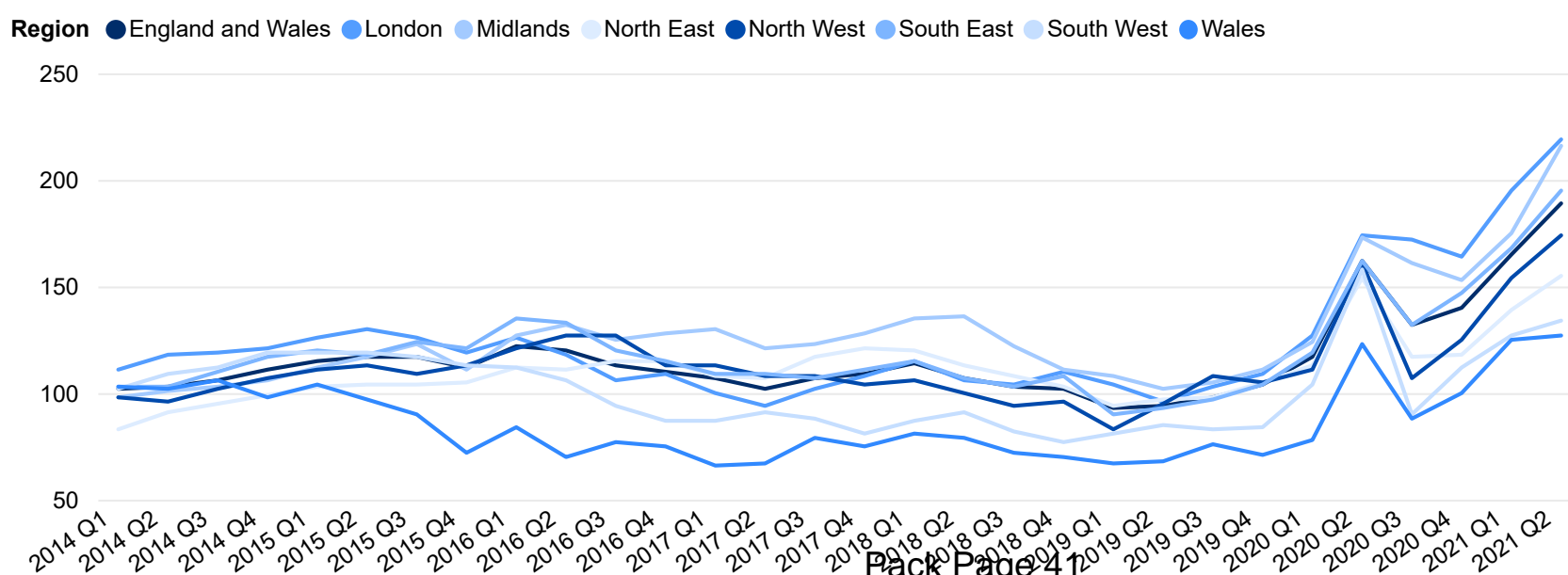
Number of outstanding cases at Crown Court at the end of the reporting period, by region



Mean estimates of outstanding case timeliness (days) from receipt to end of the reporting period in the Crown Court by region



Median estimates of outstanding case timeliness (days) from receipt to end of the reporting period in the Crown Court by region



Reset

Contents

Crown court - pleas

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. In the default view no selection has been made in the measure slicer. A selection must be made from this slicer for the graph to be meaningful.

Source and user guides are available: [Criminal court statistics](#)

Count or Rate

Plea count

Case type

- All for trial
- Indictable only trials
- Triable-either-way trials

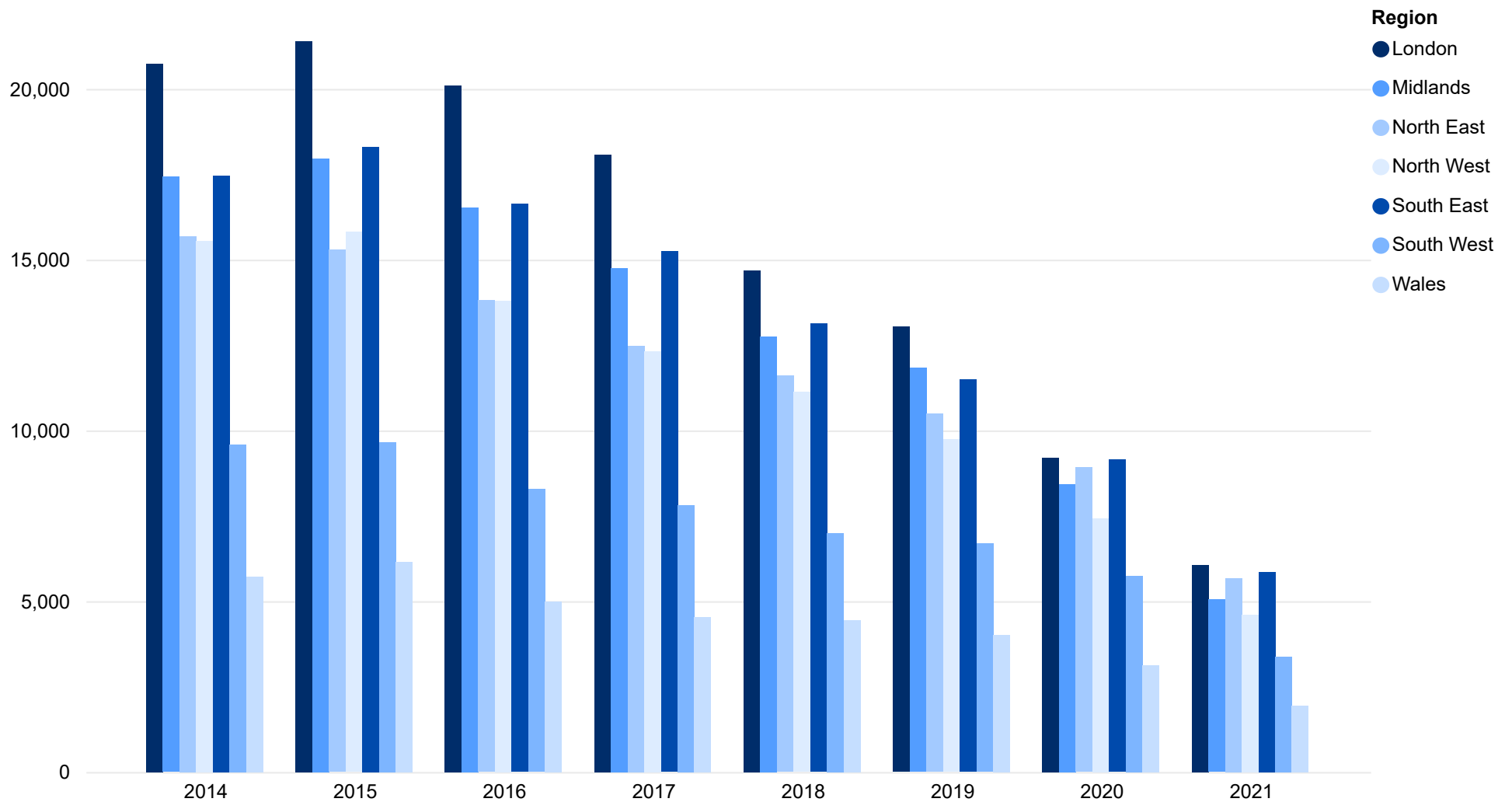
Measure

- Total number of defendants dealt ...
- Guilty plea: total
- Guilty plea: Prior to trial
- Guilty plea: Cracked trial
- Guilty plea: Unknown
- Not guilty

Offence group

All offences

Plea count, Total number of defendants dealt with in trial, All offences, All for trial



Reset

Contents

Crown court - receipts, disposals and outstanding cases

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen.

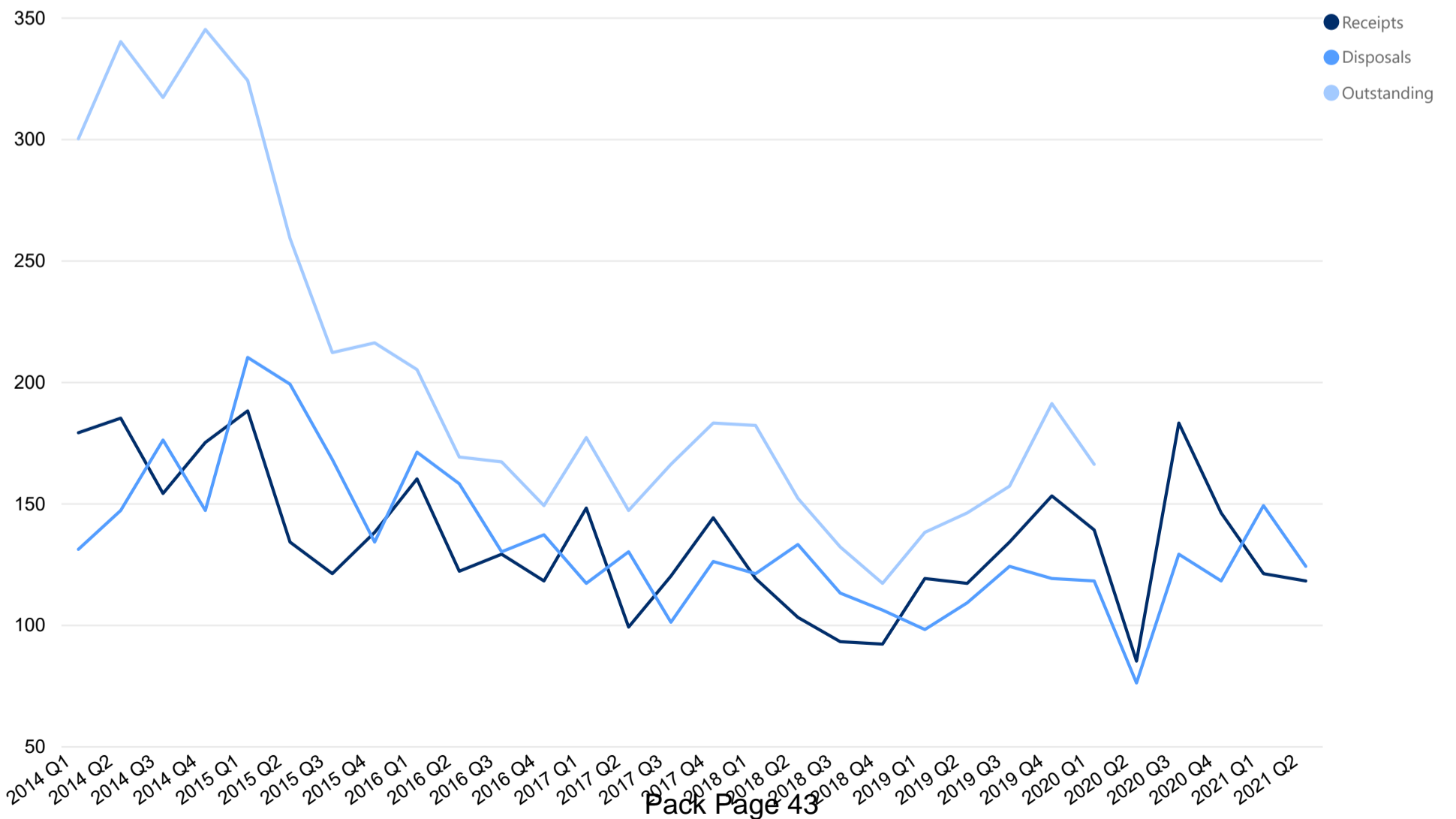
Source and user guides are available: [Criminal court statistics](#)

Region: Local Criminal Justice Board: Crown court centre:

- Offence group
- (Blank)
 - Violence against the person
 - Sexual offences
 - Robbery
 - Theft Offences
 - Criminal damage and arson
 - Drug offences
 - Possession of weapons
 - Public order offences
 - Miscellaneous crimes against society
 - Fraud Offences
 - Summary Non-Motoring
 - Summary motoring
 - Unknown

- Case type
- Triable-either-way trials
 - Committed for sentence
 - Indictable only trials

Crown court - receipts, disposals and outstanding cases, by selected region or area, Triable-either-way trials, Violence against the person



Reset

Contents

Magistrates Courts - receipts, disposals and outstanding cases

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen.

Source and user guides are available: [Criminal court statistics](#)

Case type Region Local Criminal Justice Board Local Justice area

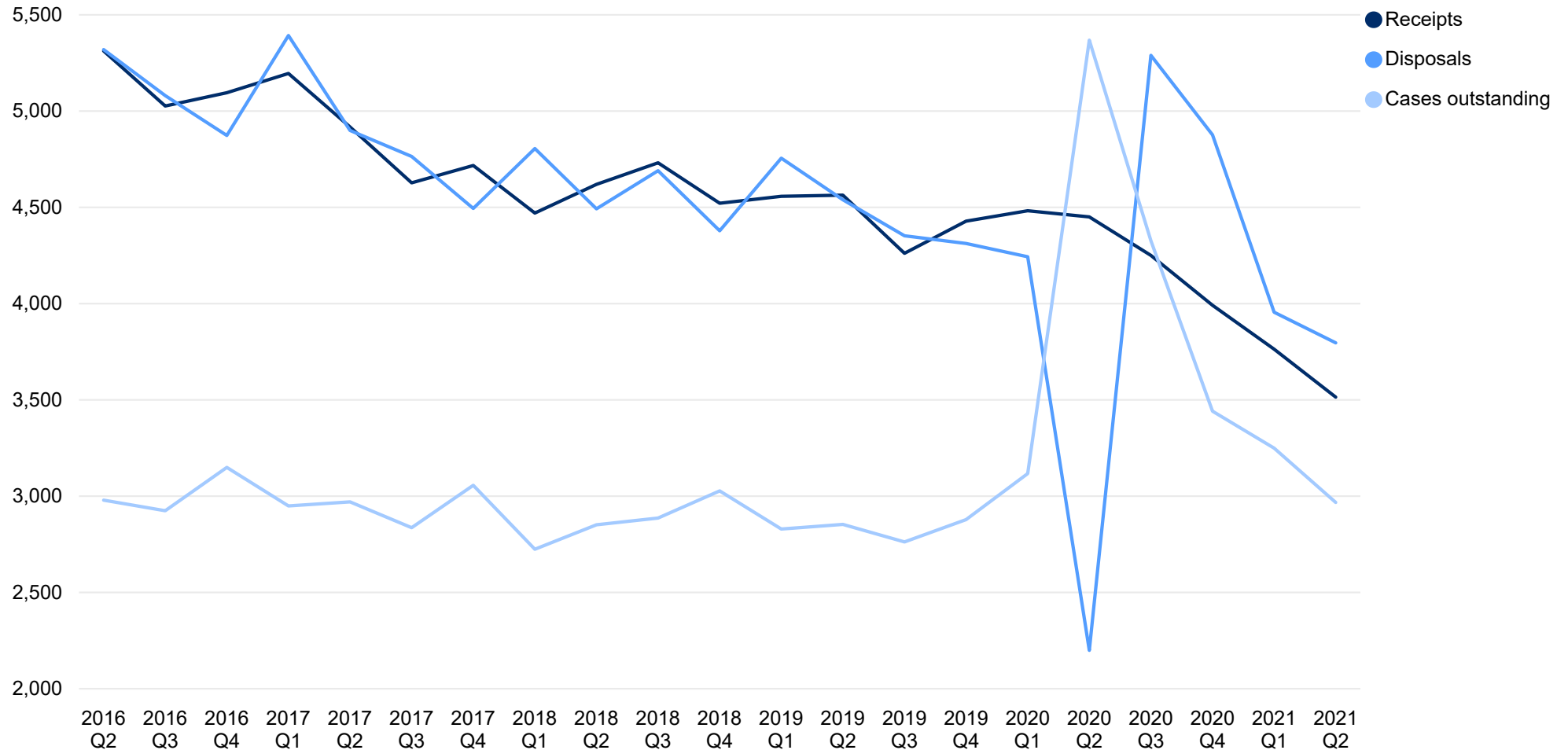
- Triable-either-way trials
- Indictable only trials
- Summary motoring
- Summary non-motoring
- Breaches

Wales

All

All

Magistrates court - receipts, disposals and outstanding cases, by selected region or area, Triable-either-way trials



Reset

Contents

Court Outcomes

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. In the default view, all four Welsh police forces have been selected.

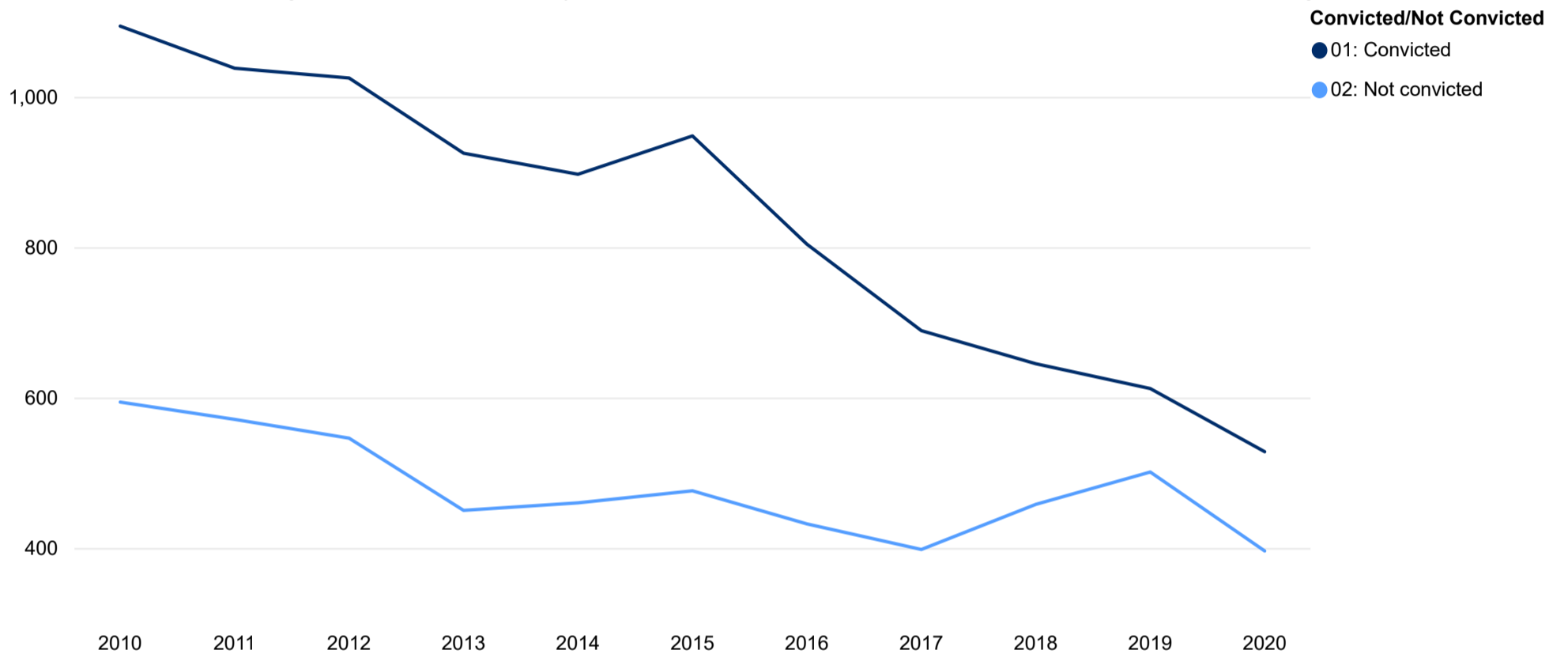
Source and user guides are available: [Court Outcomes by Police Force Area data tool](#)

Police force and offence group slicers affect both charts on this page

Police Force Area

Offence Group

Individuals proceeded against at Crown court, by whether convicted, for selected Police force areas, Violence against the person

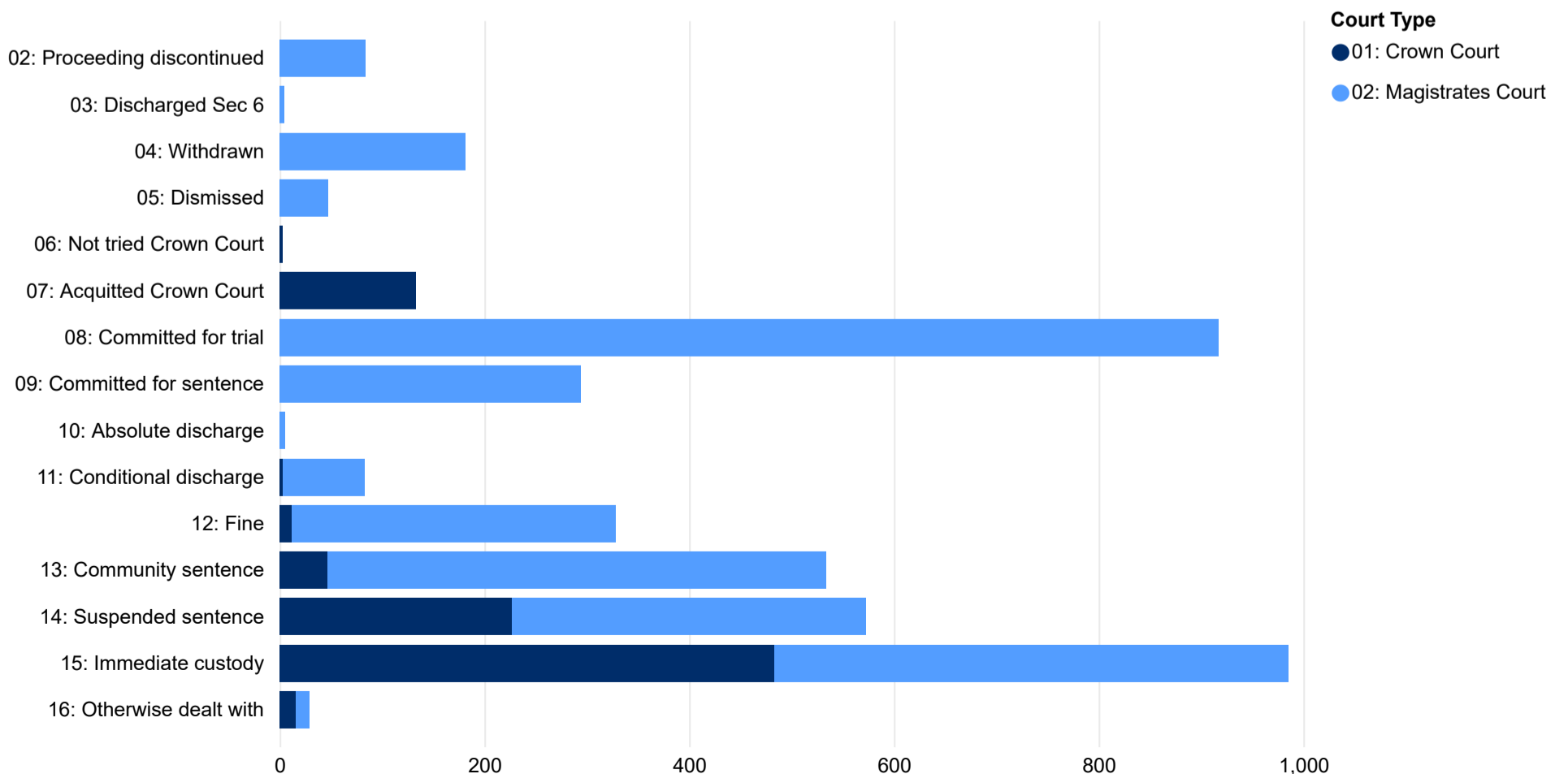


Year of appearance, bar chart only

Court type - bar chart only

- 01: Crown Court
- 02: Magistrates Court

Outcomes of proceedings against individuals, by court type, for selected Police force areas, offence group - Violence against the person, 2020



Reset

Contents

Court Outcomes page 2

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. In the default view all four Welsh police forces have been selected.

Source and user guides are available: [Court Outcomes by Police Force Area data tool](#)

These four slicers affect all the charts on this page

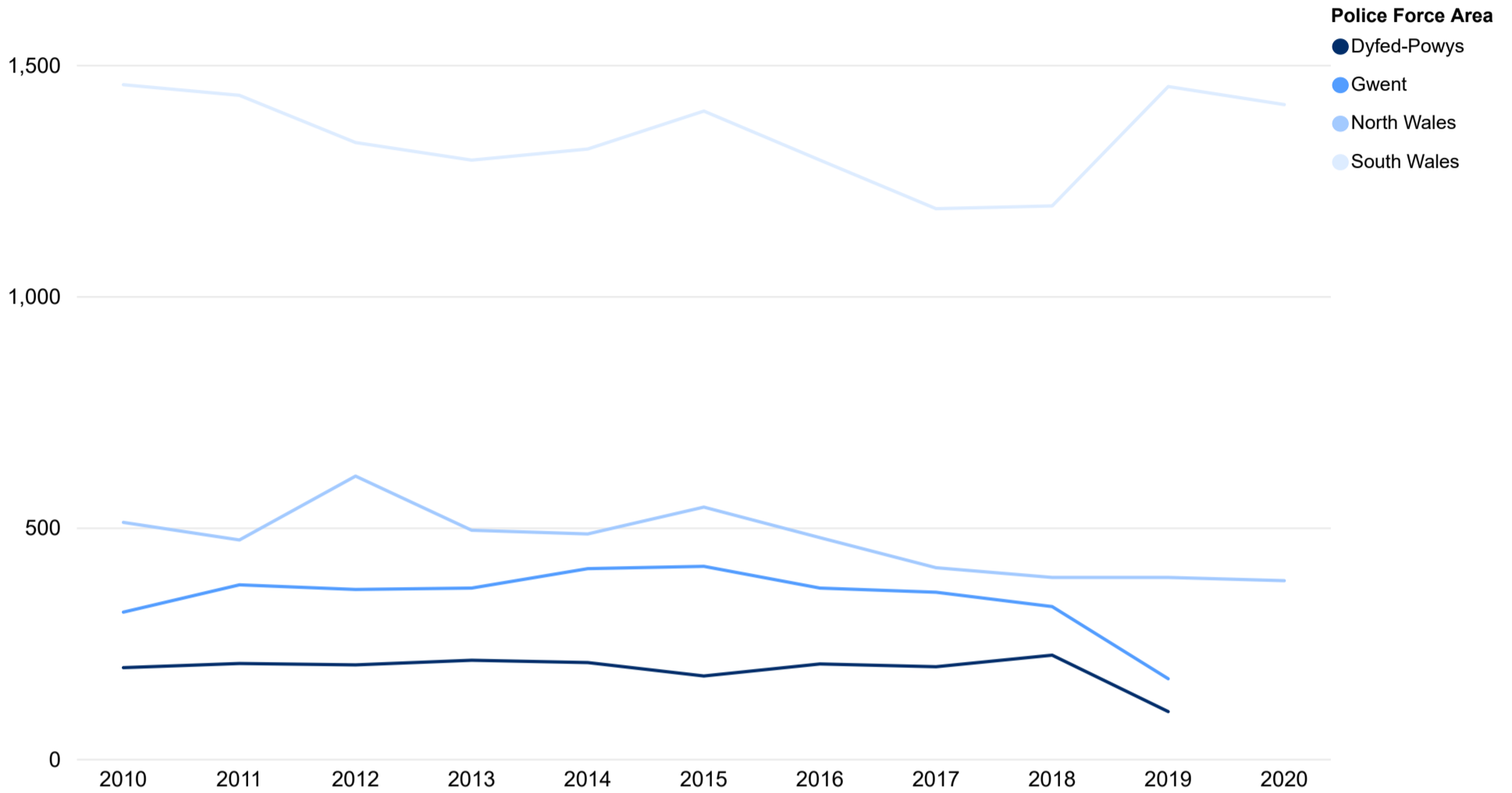
Court Type 01: Crown Court 02: Magistrates Court

Custodial Sentence Length

Police Force Area

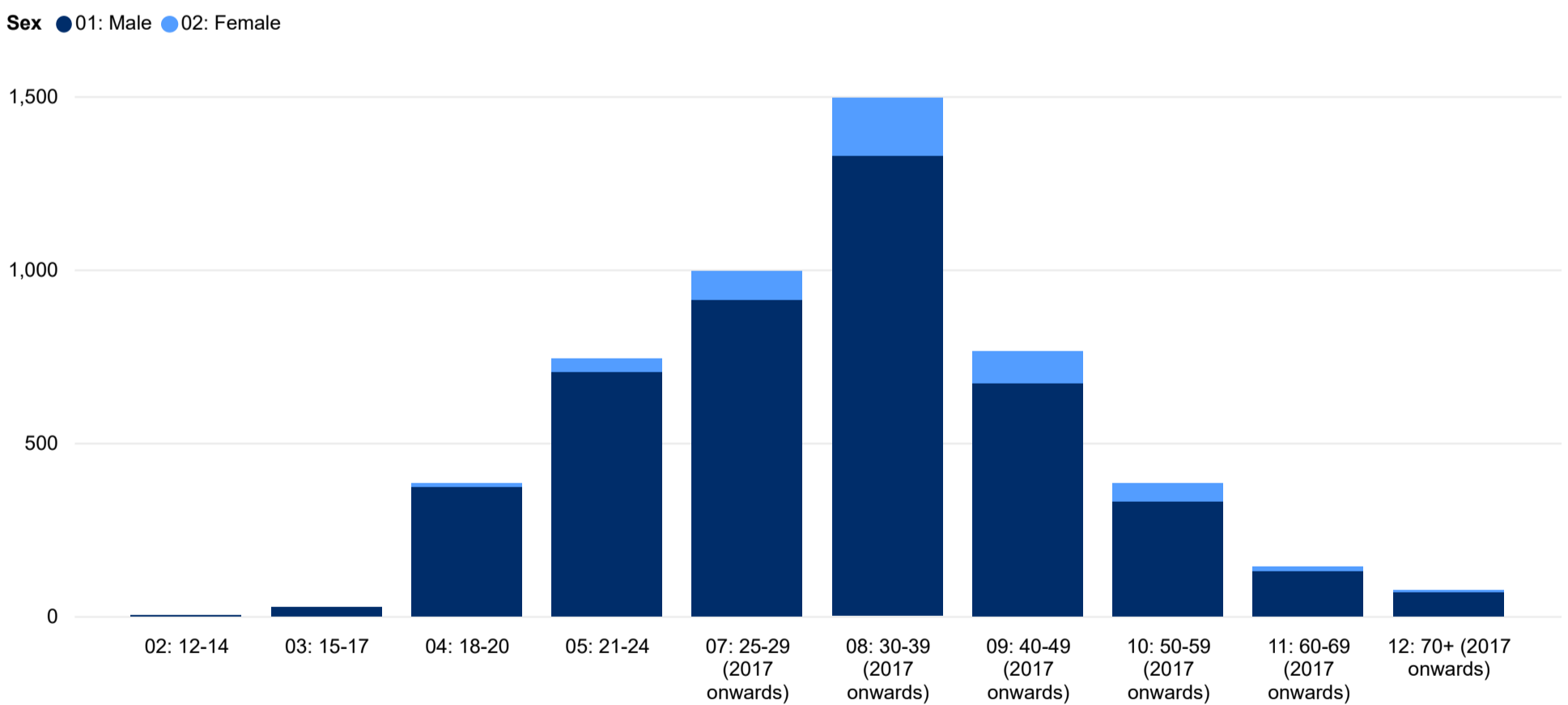
Offence Type

Individuals given custodial sentences, by police force, for selected court types and custodial sentence

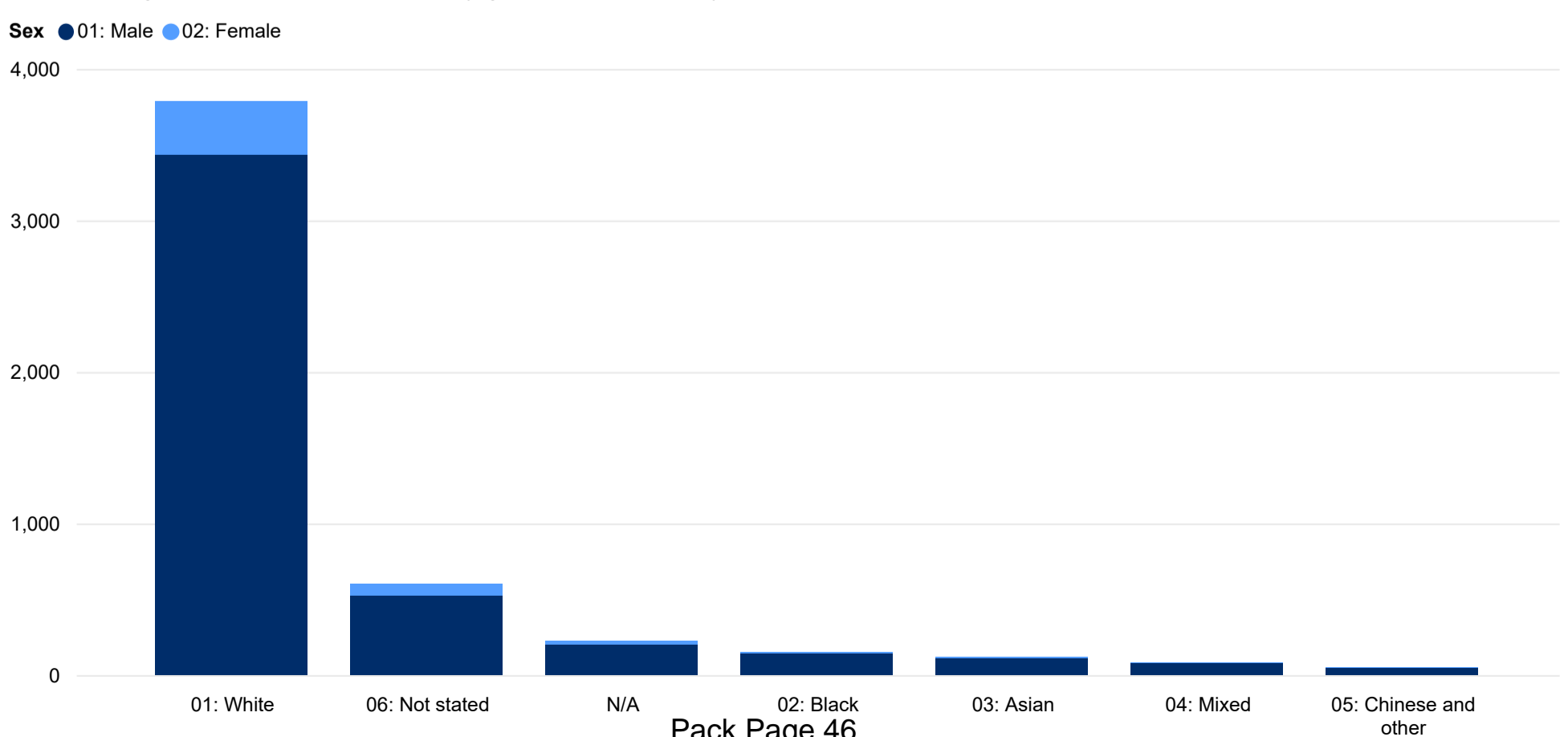


Year of appearance, affecting only bars charts below

Individuals given custodial sentences by gender and age, 2020



Individuals given custodial sentences by gender and ethnicity, 2020



Reset

Contents

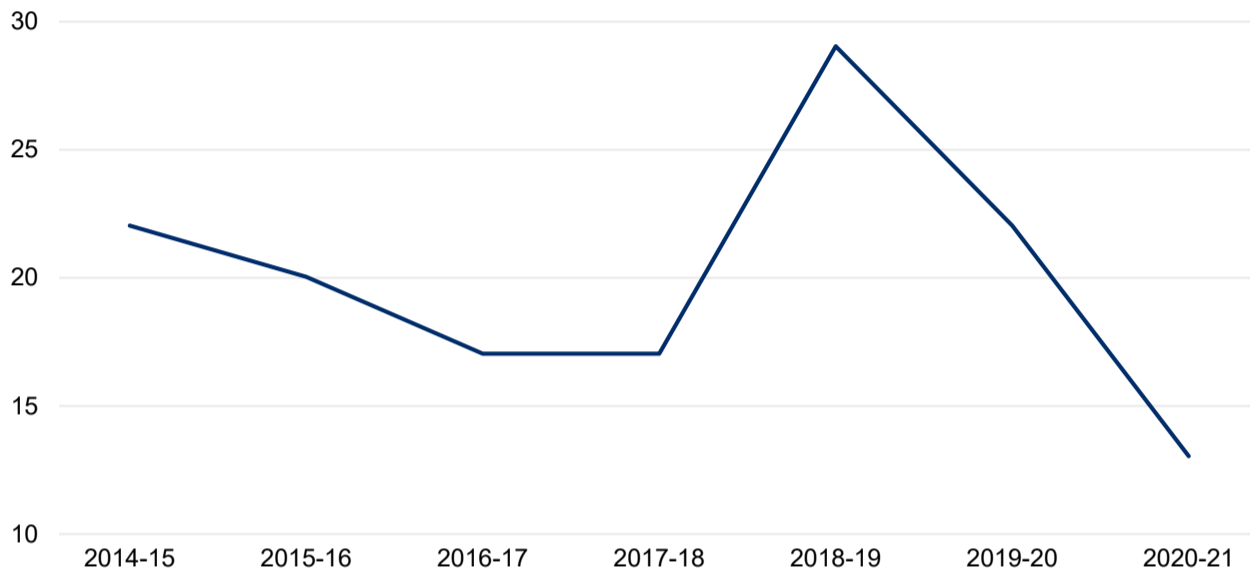
Tribunals

Only one type of tribunal may be selected at any time.
To note: Welsh Language Tribunals set up in 2014 no applications received until 2016.

Also note the charts work independently of each other.

Source and user guides are available: [Adjudication Panel](#), [Agricultural Land Tribunal](#), [Mental Health Review](#), [Residential Property Tribunal](#), [Special Educational Needs Tribunal](#), [Welsh Language Tribunal](#).

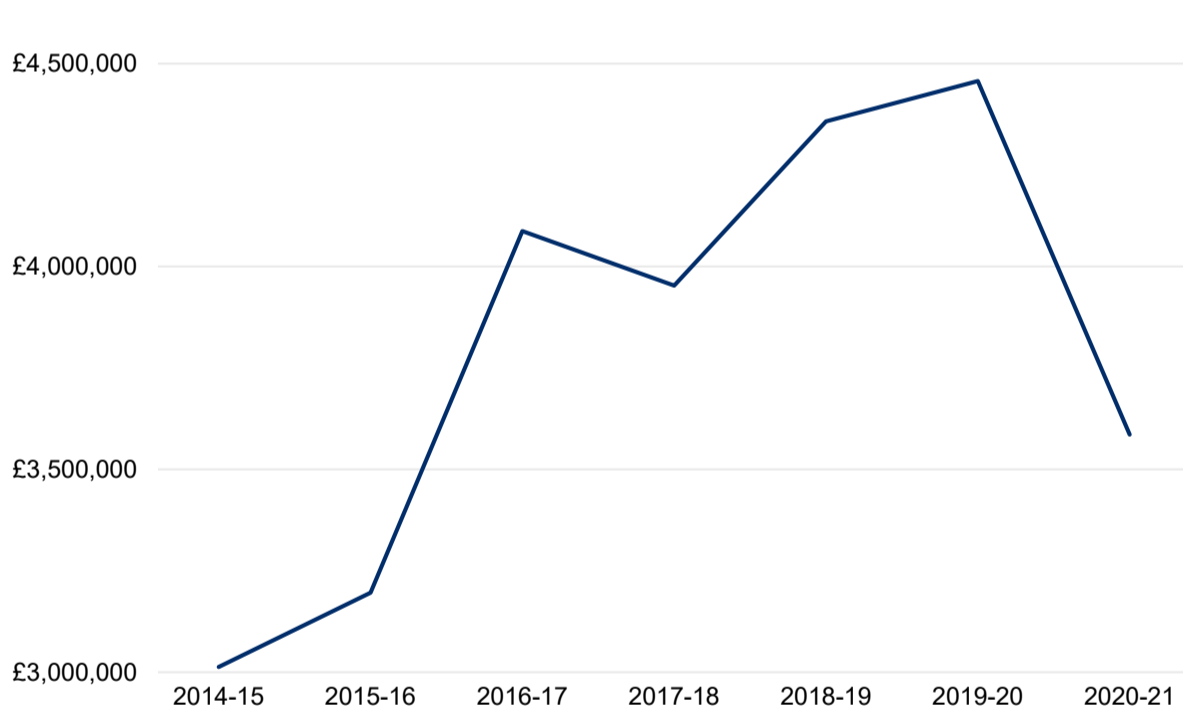
Number of applications received - Agricultural Land Tribunal Wales



Tribunal

- Agricultural Land Tribunal Wales
- Adjudication Panel Wales
- Mental Health Review Tribunal Wales
- Residential Property Tribunal Wales
- Special Educational Needs Tribunal Wa...
- Welsh Language Tribunal

Running costs - Total



Tribunal

- Total
- AJTU Programme
- AJTU Members Training & Appraisal
- Committee for Admin Justice and Tribunals W...
- Tribunal Salaries
- Welsh Language Tribunal Administration
- Adjudication Panel
- Mental Health Review Tribunal
- Residential Property Tribunal Sal
- Agriculture - Land Tribunal
- SEN Tribunals Wales



Crime and Justice Dashboard: Youth Justice

The data featured in this dashboard are taken from the Ministry of Justice and the Youth Justice Board for England and Wales' annual publication, Youth Justice Statistics.

The sources for all datasets are given on the relevant page.

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CTRL+click here to follow link

[Youth Justice - Children](#)

[Youth Justice - Proven Offences](#)

[Youth Justice - Outcomes](#)

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	... which was published
Youth Justice - Children	Annual	Jan	2019-20 ▲	January 2021
Youth Justice - Outcomes	Annual	Jan	2019-20	January 2021
Youth Justice - Proven Offences	Annual	Jan	2019-20	January 2021

Check out other Crime and Justice data dashboards:

[Legal Aid](#)

[Courts and Tribunals](#)

[Crime Occurrences](#)

[Prisons and Probations](#)

[Workforce](#)

Reset

Contents

Crime and Justice Dashboard: Youth Justice - numbers of children

Multiple selections may be made from slicers with square check boxes. To make multiple selections press CTRL on your keyboard whilst selecting your chosen options from the list. Where a slicer has circular check boxes only one option may be chosen. To deselect an option, press it again.

Source and user guides are available: [Youth justice statistics - Local Level open data](#)

Ethnicity group - all charts

All

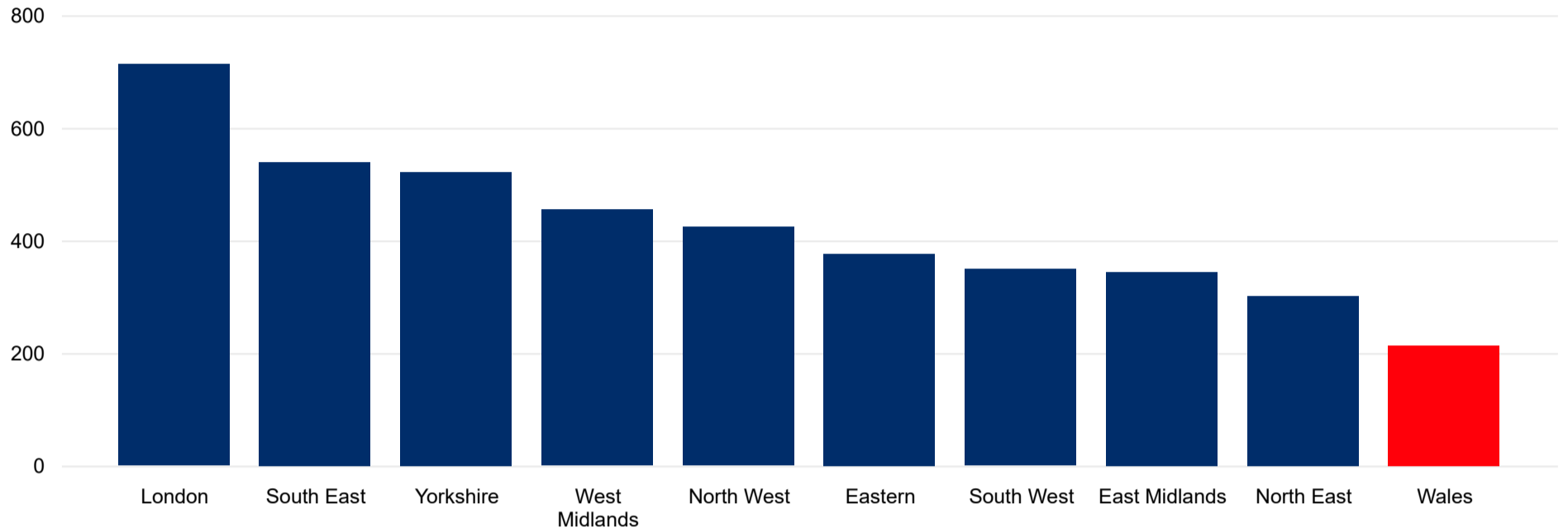
Age group - all charts

10 to 14

Financial year - regional and YOT bar charts only

2019-20

Number of children in the youth justice system who received a youth caution or sentence, by region, 2019-20



Region - both charts below

Wales

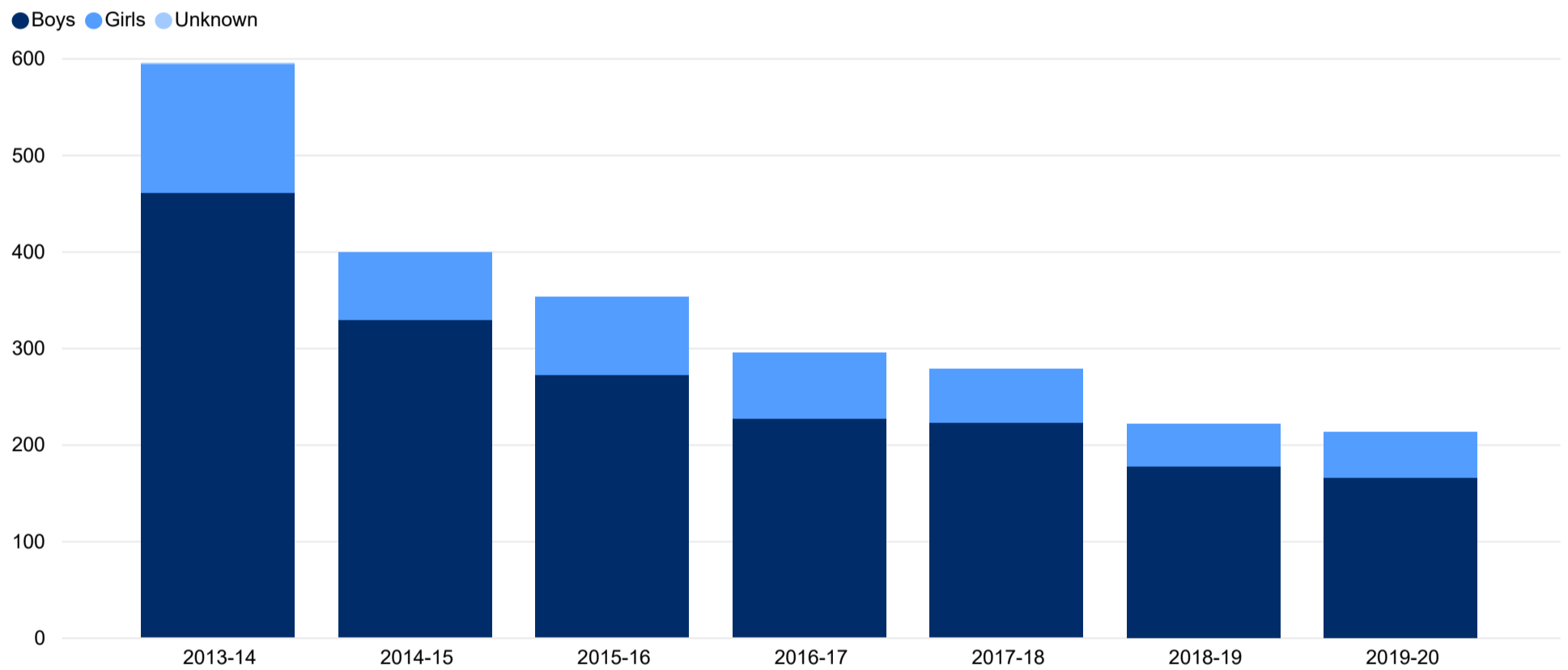
PCC - both charts below

All

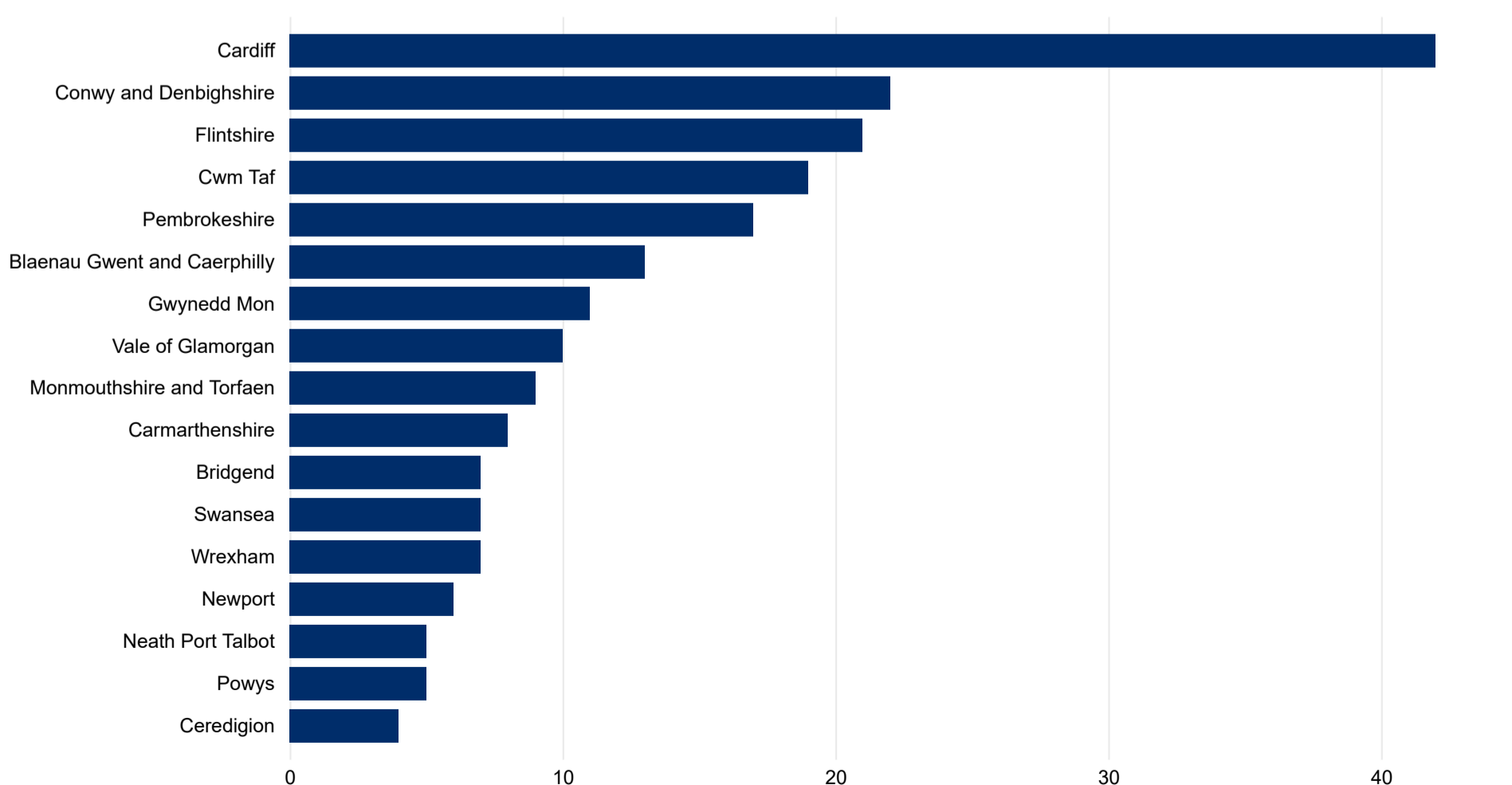
YOT - YOT chart only

All

Number of children in the youth justice system who received a youth caution or sentence, for selected age groups, ethnicity groups and region



Number of children in the youth justice system who received a youth caution or sentence, by YOT, 2019-20



Reset

Crime and Justice Dashboard: Youth Justice - Proven Offences

Contents

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down CTRL on your keyboard whilst choosing from the list. For slicers with circular check boxes only one option may be chosen. To deselect an option, select it again.

The gravity scores shown here have been grouped; 1-4 (less serious incidents) and 5-8 (most serious incidents). Gravity scores are only available from 2016-17 onwards.

Source and user guides are available: [Youth justice statistics - Local Level open data](#)

Offence group - all charts

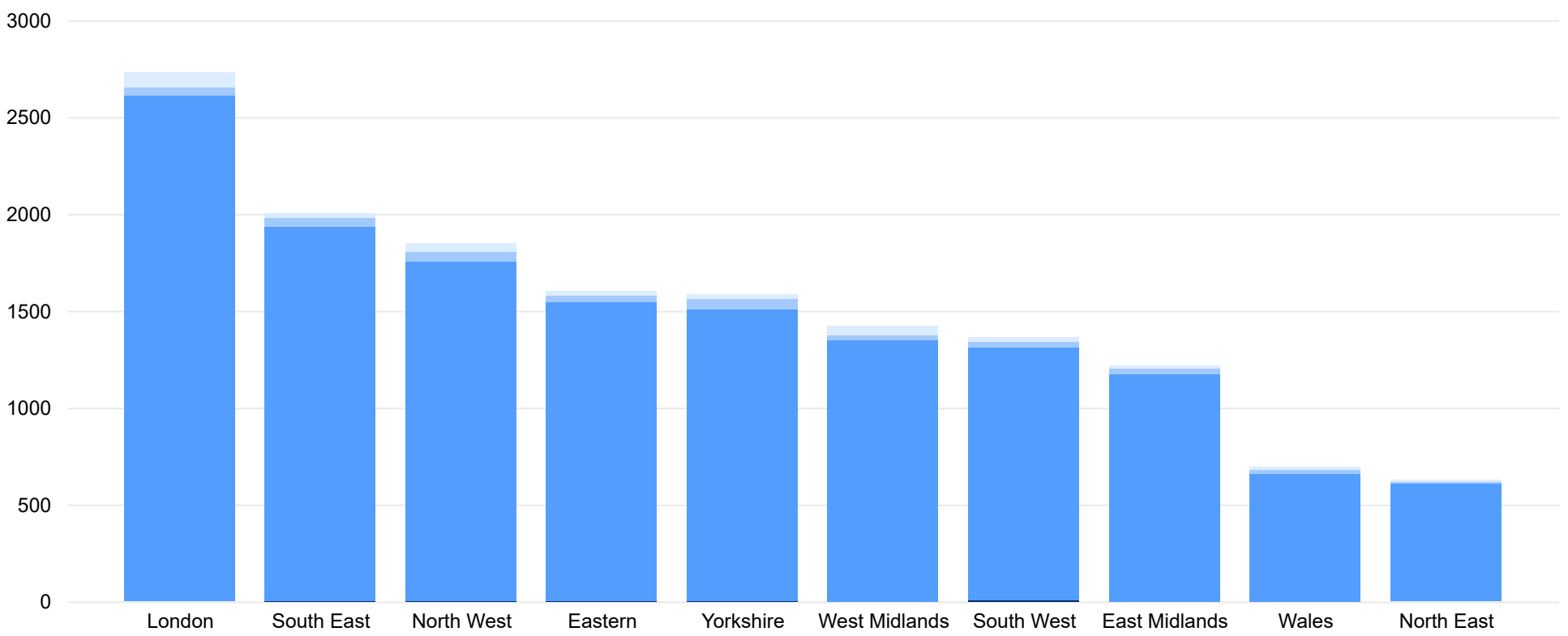
Financial year - regional and YOT charts

Violence against the person

2019-20

Number of proven offences, by gravity score band and region, Violence against the person, 2019-20

Gravity Score band ● 1-2 ● 3-4 ● 5-6 ● 7-8

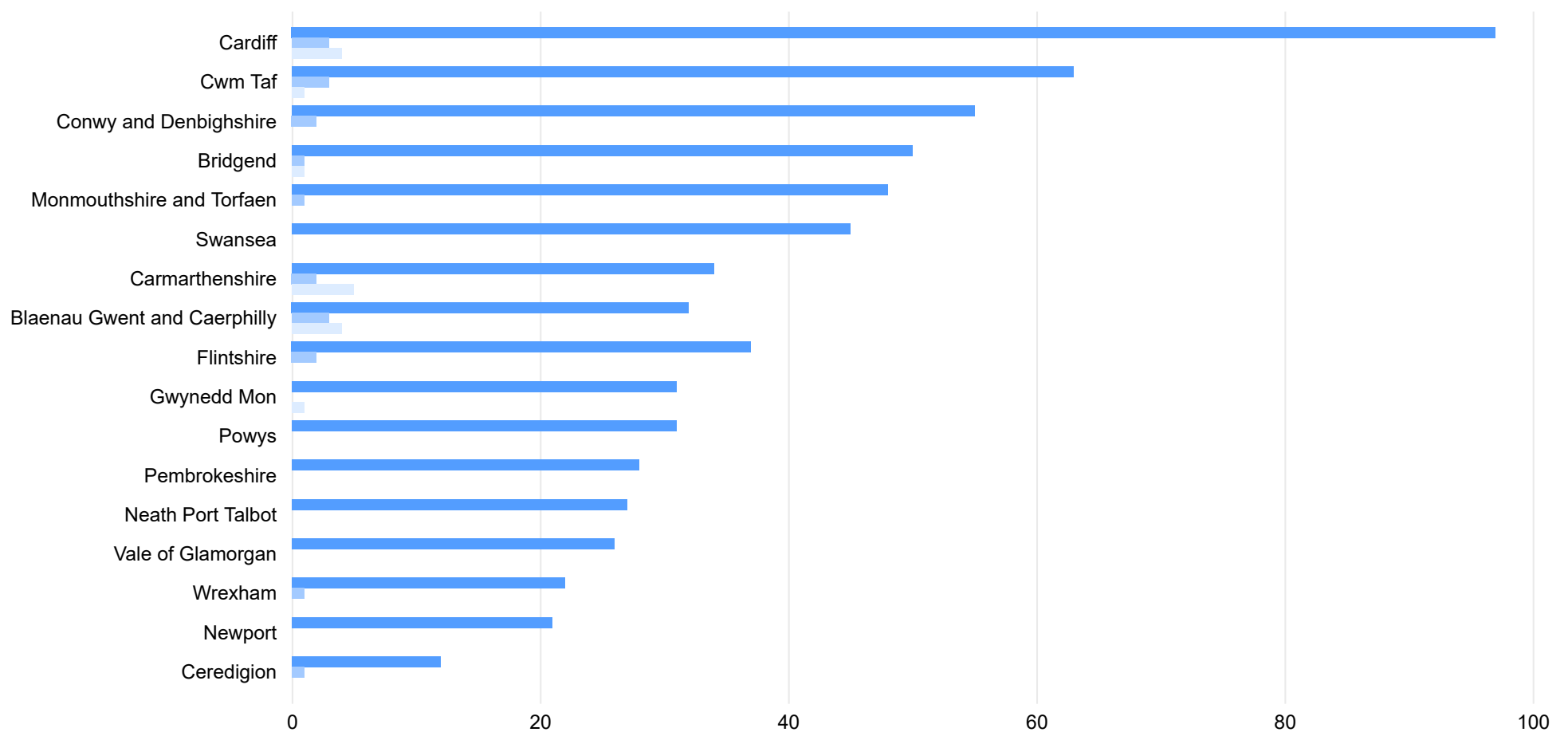


Region - YOT and timeseries bar charts only

Wales

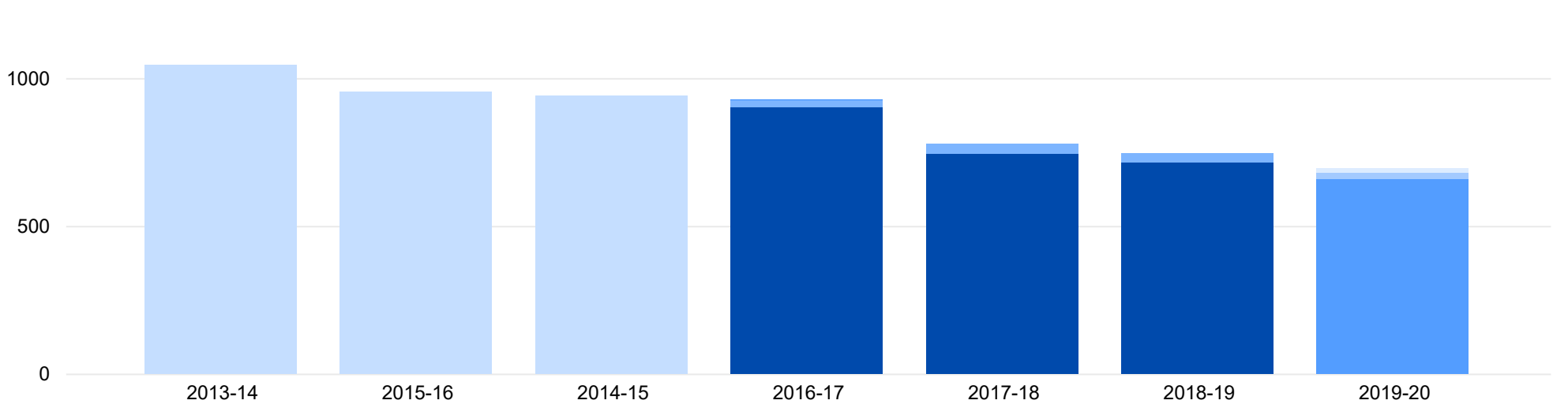
Number of proven offences, by gravity score band and YOT in Wales, Violence against the person, 2019-20

Gravity Score band ● 3-4 ● 5-6 ● 7-8



Number of proven offences, by gravity score band in Wales, Violence against the person

Gravity Score band ● 1-4 ● 3-4 ● 5-6 ● 5-8 ● 7-8 ● Not available ● Unknown



Reset

Crime and Justice Dashboard: Youth Justice - Outcomes

Contents

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down CTRL on your keyboard whilst choosing from the list. For slicers with circular check boxes only one option may be chosen. To deselect an option, select it again.

Please note the data presented here are not a count of children, one child may receive multiple sentences.

Source and user guides are available: [Youth justice statistics - Local Level open data](#)

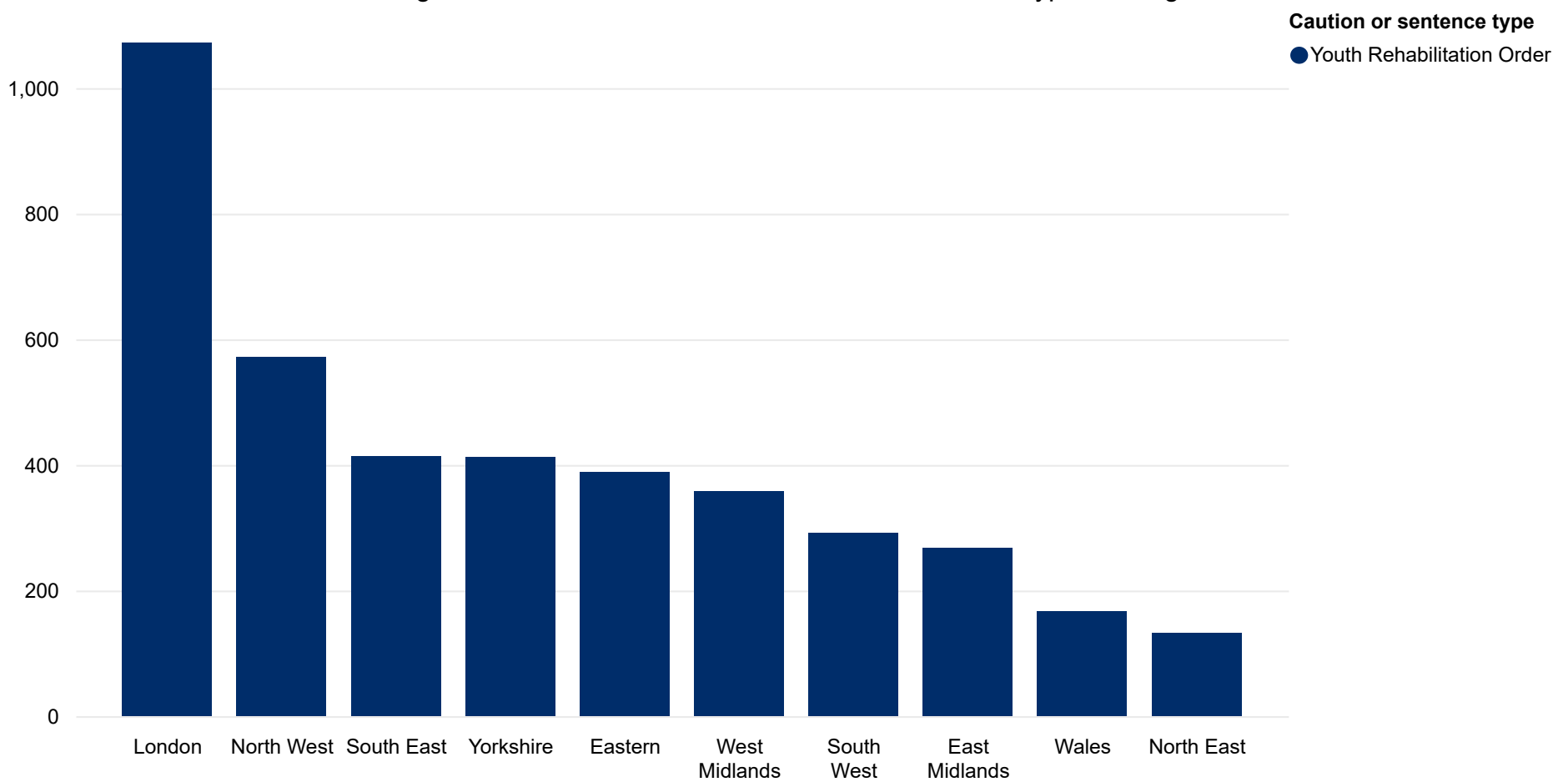
Caution or sentence tier - all charts

- Community
- Custody
- First Tier
- Pre Court

Financial year - regional and YOT bar charts

2019-20

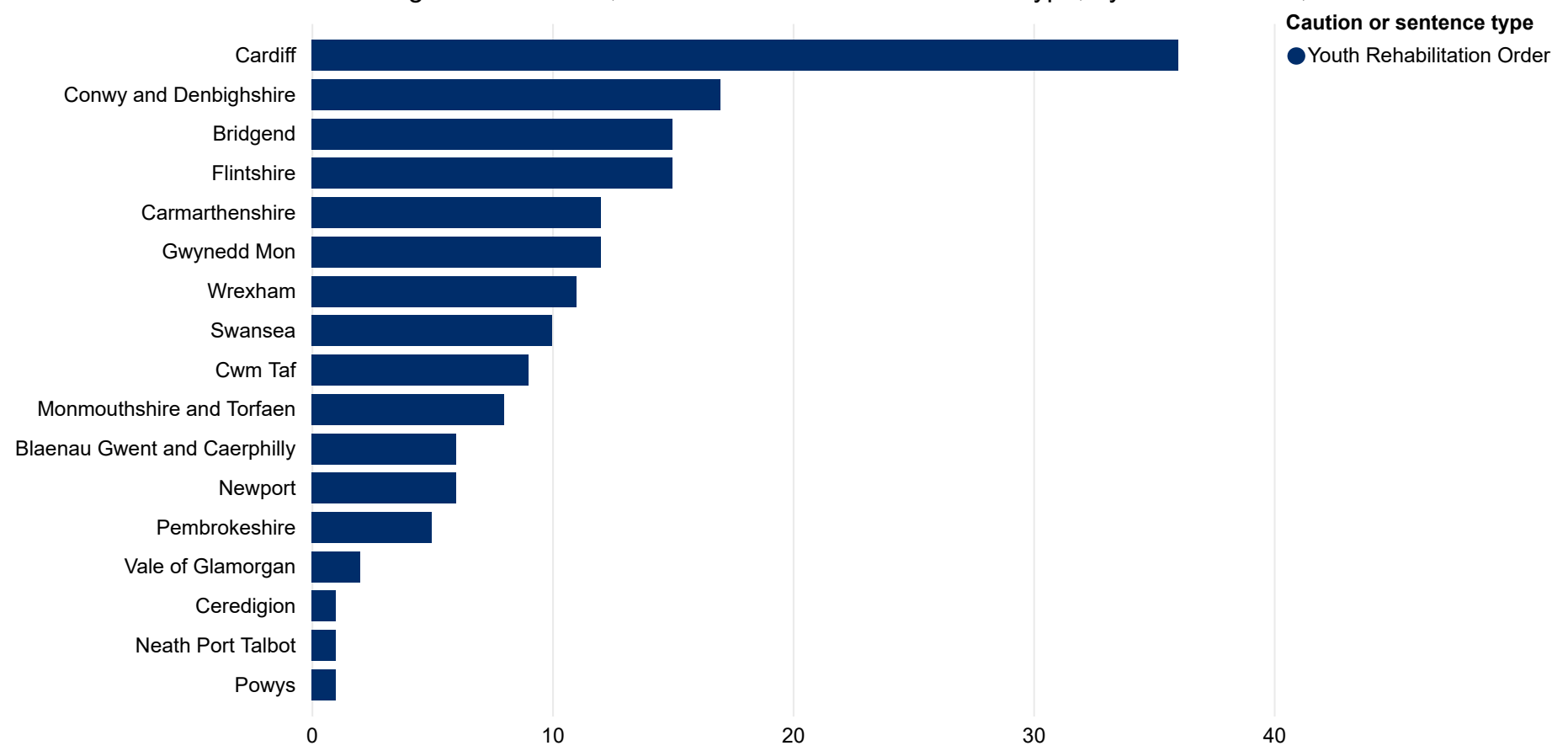
Number of cautions or sentences given to children, for selected caution or sentence type and region, 2019-20



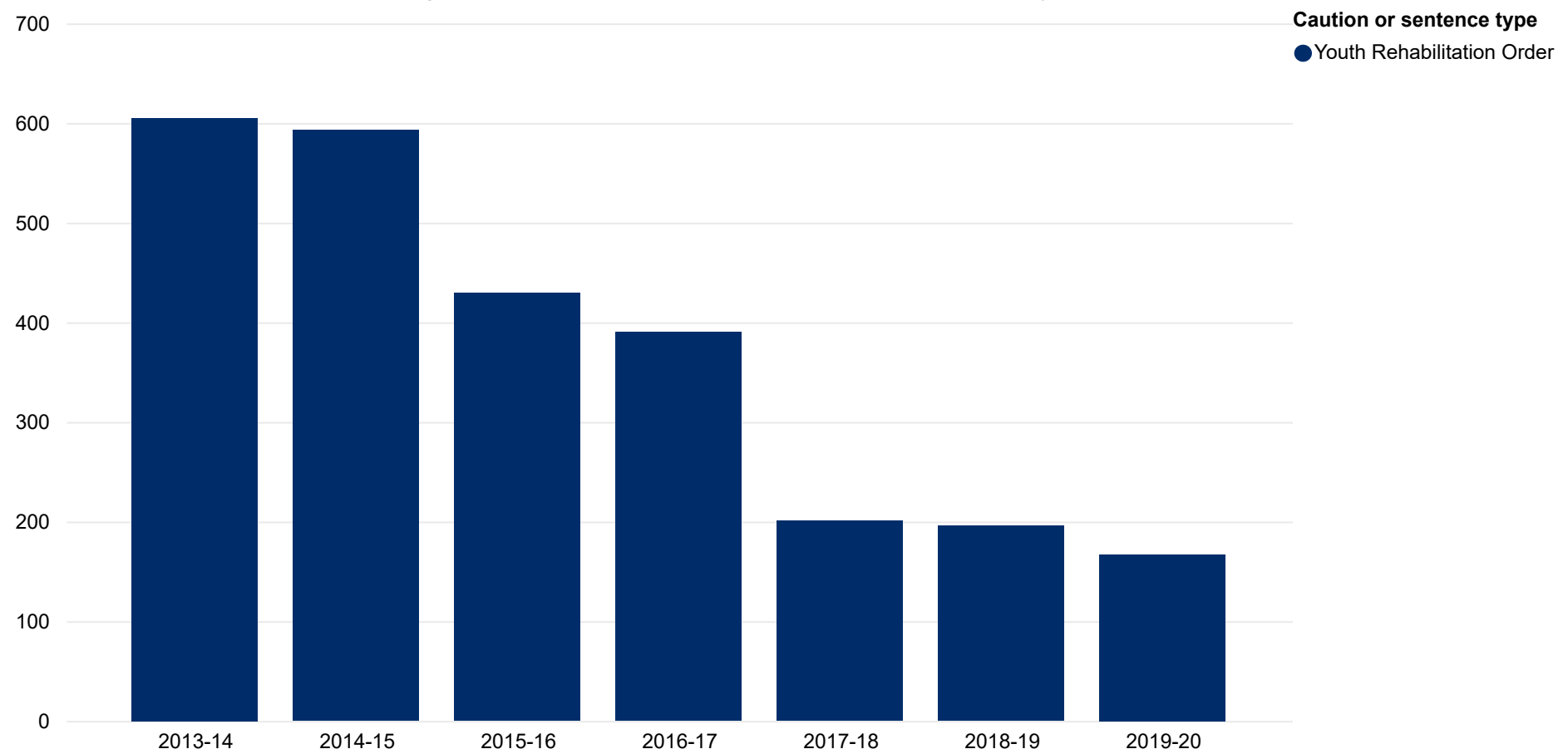
Region - YOT and time series bar charts only

Wales

Number of cautions or sentences given to children, for selected caution or sentence type, by YOT in Wales, 2019-20



Number of cautions or sentences given to children, for selected caution or sentence type, in Wales





Crime and Justice Dashboard: Prisons and probations

Pack Page 52

Prison population

CTRL+click here to follow link

Prison performance

Probation caseload

Page topic	Frequency	Publication schedule (month)	Most recent data in dashboard	...which was published
▲				
Prison population	Quarterly	Jan/Apr/July/Oct	Sep-21	Oct-21
Prison performance*	Annual	Jul	2019-20	Jul-20
Probation Caseload	Quarterly	Jan/Apr/July/Oct	Jun-21	Oct-21

* The Ministry of Justice's publication 'Prison Performance 2020-21' was cancelled due to the COVID-19 pandemic

Check out other Crime and Justice data dashboards:

[Legal Aid](#)

[Courts and Tribunals](#)

[Crime Occurrences](#)

[Workforce](#)

[Youth Justice](#)

Reset

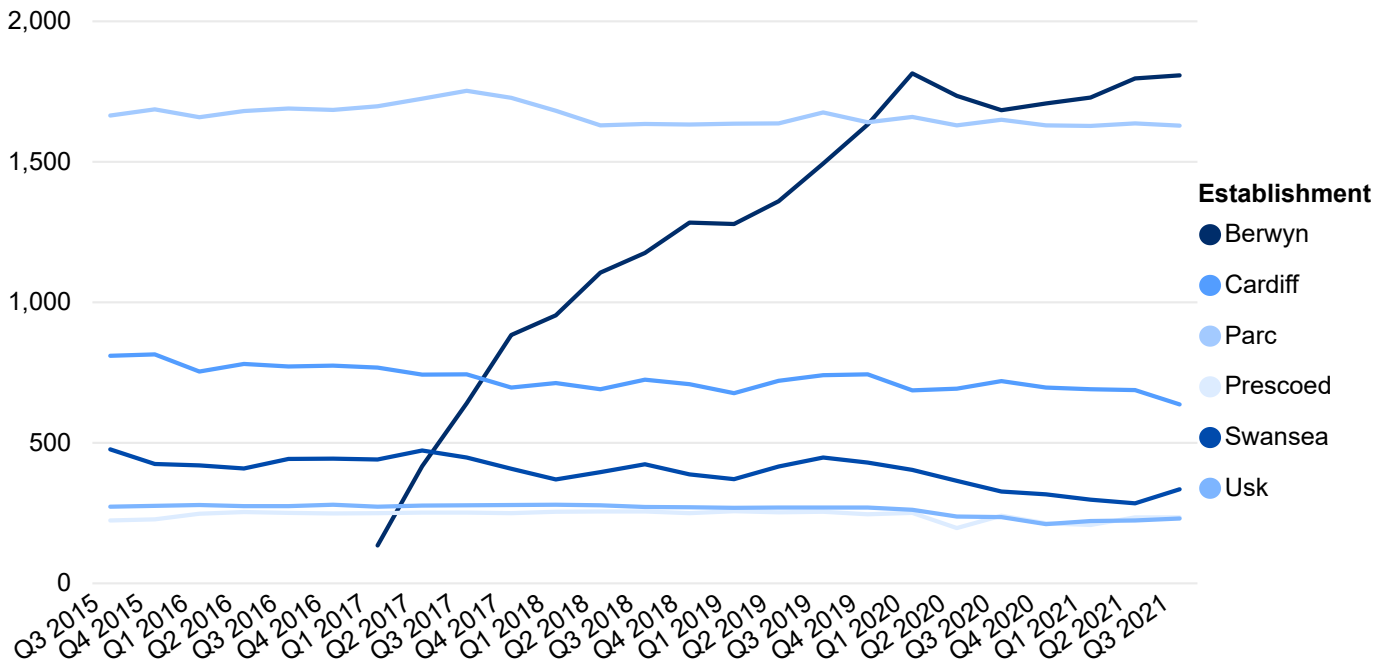
Contents

Prison Population

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen.

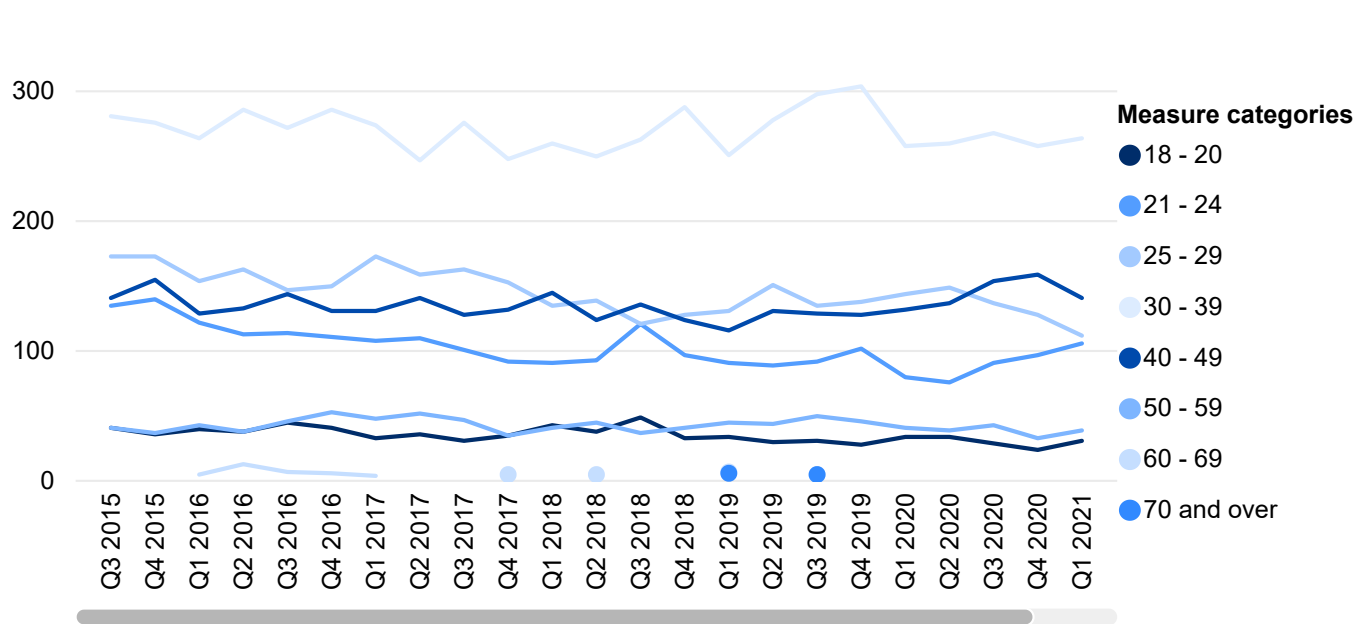
Source and user guides are available: [Offender management statistics quarterly](#).

Prison population by quarter and year for selected establishments



Establishment

Prison population by prison and quarter for selected establishments, by Age group



Establishment

Measure

Reset

Contents

Prison performance and rating

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. Please note although multiple establishments may be selected to do so would not give meaningful charts.

Source and user guides are available: [Prison Performance Statistics](#)

Region

HMPPS Wales

Establishment

Cardiff

Year

2018-19

2019-20

Domain

Organisational Effectiveness

Purposeful Activity

Rehabilitation and Resettlement

Measure

Foreign National Offender Referrals

Incident Reporting System – assaults checks

Incident Reporting System – self-harm checks

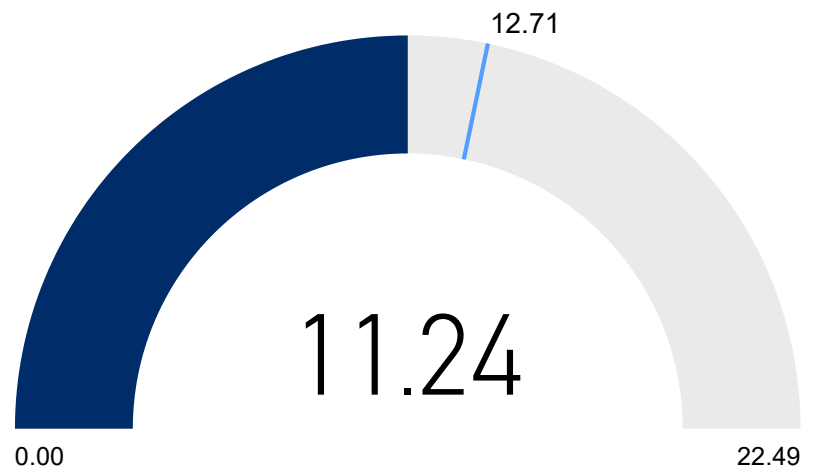
Prison Operating within Budget

Staff Resignation Rate

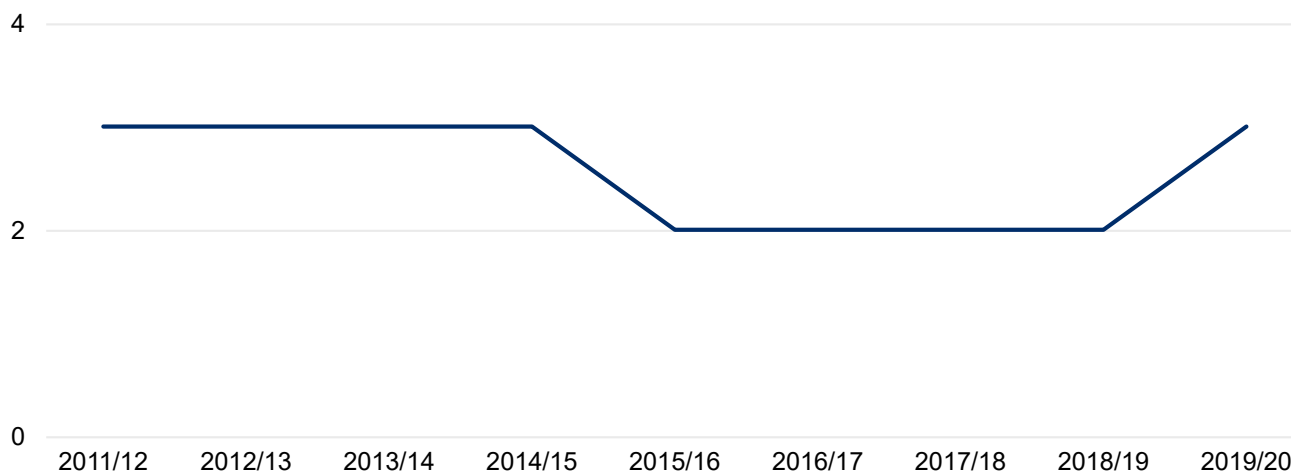
Staff Sickness Absence

In the chart below, the target figure is shown by the blue line. The outturn figure is indicated by the coloured gauge and shown numerically under the gauge.

Target and outturn figures for Cardiff, Organisational Effectiveness - , 2019-20



Prison rating by year, Cardiff



Probation Caseload

Reset

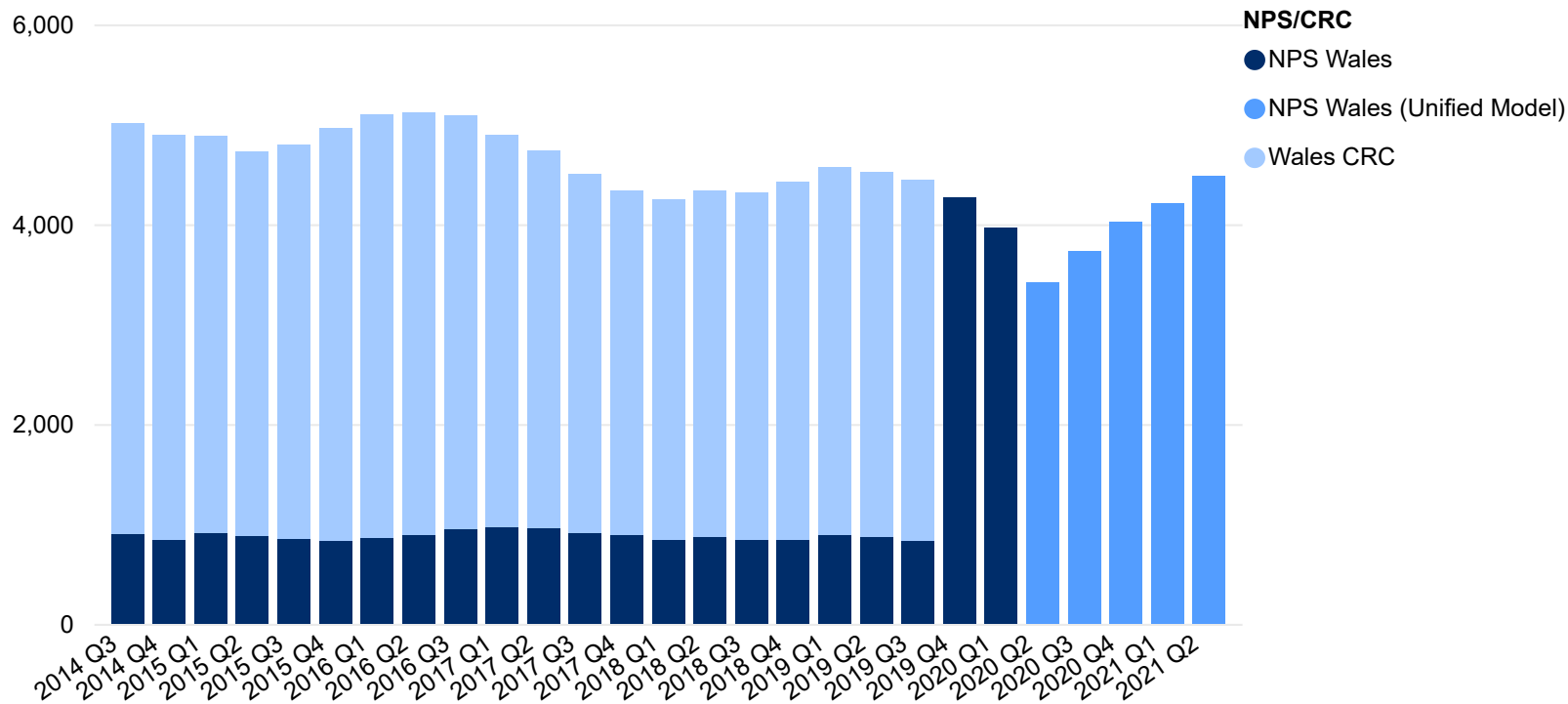
Contents

Multiple selections may be made from slicers with square check boxes. To select multiple options hold down the CTRL key on your keyboard whilst making your selection from the list. Where a slicer has circular check boxes only one option may be chosen. (Please note 2016 Q4 data is currently unavailable)

Source and user guides are available: [Offender Management Statistics quarterly](#).

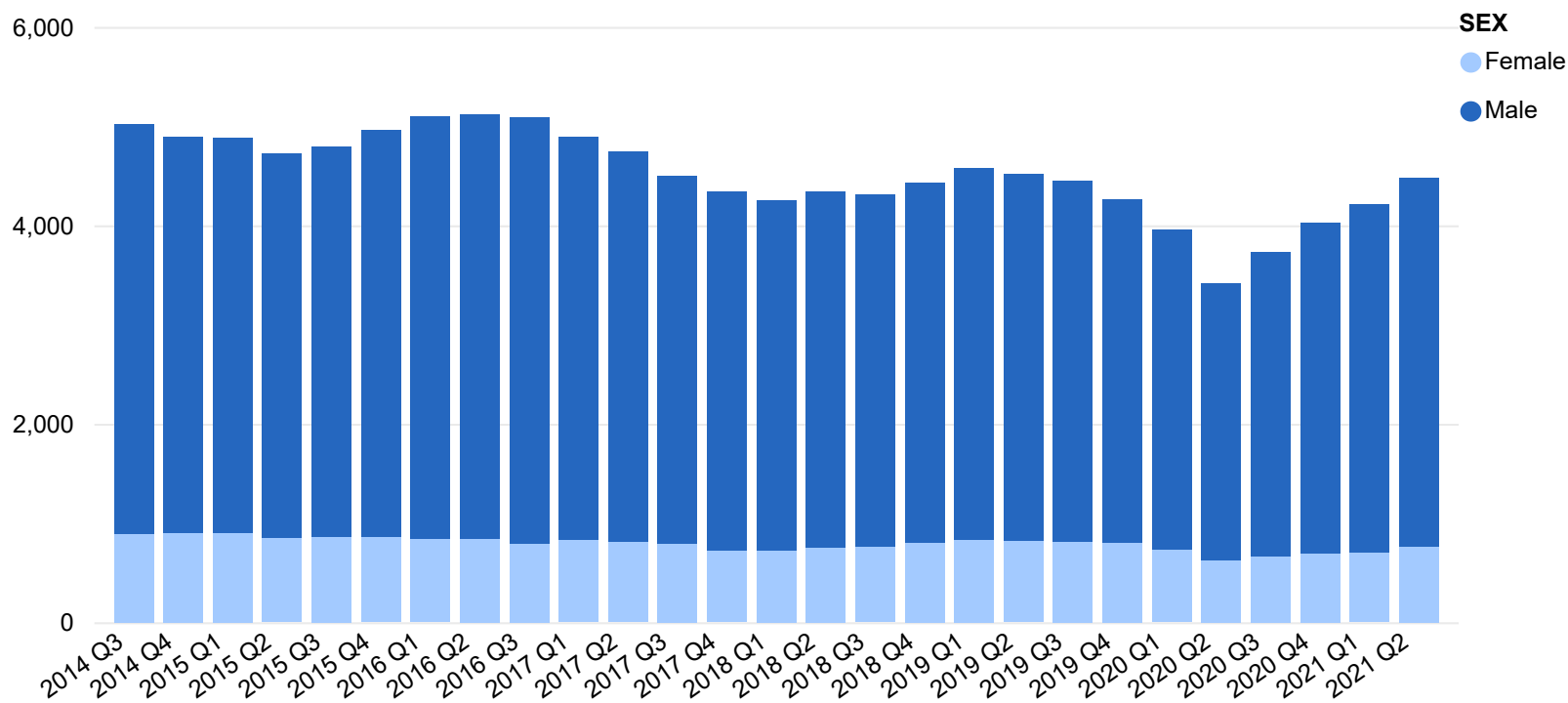
NPS/CRC ORDER TYPE
 Multiple selections All community sentences

Probation caseload for selected NPS/CRCs, All community sentences



To note: Wales CRC transferred to NPS Wales in Dec 2019.

Probation caseload for selected NPS/CRCs by gender, All community sentences



Agenda Item 3

Statutory Instruments with Clear Reports 17 January 2021

SL(6)116 – The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021

Procedure: Made Negative

These [Regulations](#) are made in consequence of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the Act”). That Act reforms the law on education and training for children and young people with additional learning needs. These Regulations make consequential amendments to the following regulations:

- The Police Act 1997 (Criminal Records) Regulations 2002;
- The Education (Information About Individual Pupils) (Wales) Regulations 2007; and
- The Education (Information about Children in Alternative Provision) (Wales) Regulations 2009.

The consequential amendments to secondary legislation relate to enhanced criminal record certificates and to the provision of information about additional learning needs and individual development plans. The amendments are considered necessary or expedient to ensure that there is appropriate provision within the sets of Regulations being amended in light of the additional learning needs (ALN) system being partially in force and the repeal of section 347 of the Education Act 1996.

These Regulations come into force on 18 January 2022. The Welsh Government’s Explanatory Memorandum provides that further amendments to other secondary legislation are likely to be made in due course, in consequence of the 2018 Act.

Parent Act: Additional Learning Needs and Education Tribunal (Wales) Act 2018

Date Made: 16 December 2021

Date Laid: 17 December 2021

Coming into force date: 18 January 2022



SL(6)121 - The Education (School Day and School Year) (Wales) (Amendment) (Coronavirus) Regulations 2021

Background and Purpose

These [Regulations](#) amend the Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”).

On 16 December 2021, Jeremy Miles MS, the Minister for Education and Welsh Language announced plans for the return of school learners in January 2022. These plans included the allocation of two planning days for schools at the beginning of the new school term in January 2022.

These Regulations amend the 2003 Regulations by adding a new regulation 7 to allow term time to be allocated for planning days in order for schools to assess staffing capacity and put the necessary measures in place to support the return of learners. The effect of the new regulation 7 is to allow for up to four sessions (two days) to count as sessions on which the school met if they were devoted to the preparation of schools and planning by teachers as a result of the incidence and transmission of coronavirus during the 2021-2022 school year. These sessions must be held in the first two days of the second (spring) term of the 2021-22 school year.

The making of these amending Regulations means schools will be able to meet the required number of sessions during the 2021-22 school year as set out in the 2003 Regulations. The Welsh Government’s Explanatory Memorandum also provides that these Regulations will help ensure schools have robust plans in place should onsite learning be disrupted over the coming weeks and months.

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 Jeremy Miles MS, the Minister for Education and Welsh Language, in a letter to the Llywydd dated 21 December 2021. In particular, we note what the letter says regarding the breach of the rule:

“The purpose of the instrument is to amend the Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) to allow the first two days at the start of the spring term during the 2021-22 school year to be allocated for planning days in order for schools to assess staffing capacity and put the necessary measures in place to support the return of learners. It will also help ensure they have robust plans in place should onsite learning be disrupted over the coming weeks and months. Without these Regulations in place by the start of the spring term for the 2021-22 school year, schools will not meet the required number of sessions during the 2021-22 school year as set out in the 2003 Regulations.”

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 that there was no full consultation prior to these Regulations being made, however the Welsh Government did engage with the Welsh Local Government Association, in addition to other stakeholders, including trade unions and the Children’s Commissioner for Wales in the period leading up to the Regulations being made. In particular we note the following in the Explanatory Memorandum:

“Feedback received on the planning days was generally positive, and local authorities considered that a review of contingency plans and staffing levels at that point – building in the latest intelligence on the Omicron variant – would help minimise disruption in the longer term.

As the changes applied to the return to school in January 2022, there was insufficient time to undertake a full consultation. Not making these Regulations was not a viable option as it is recognised that schools needed an opportunity at the start of the school term to review and revise arrangements, building their latest understanding of staffing levels into operational arrangements at that point.”



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 that a Regulatory Impact Assessment has been carried out in respect of these Regulations. The Explanatory Memorandum provides that there may be some financial costs to the public sector arising from making these Regulations.

“Schools who use the first two days of the 2021-22 spring term as planning days may have to rearrange events and training scheduled for these days. Costs may also be incurred in making the necessary rearrangements for school transport, catering provision and other support services. There may also be additional childcare costs to families if these planning days result in learners returning to school later than planned. The extent to which families will incur an additional childcare cost is likely to come down to individual circumstances and choices. Some families will use family members, others will take a day off work or (where possible) work from home. Where paid childcare is required, the cost is likely to be in the region of £30-40 per child for the day.”

The Welsh Government also carried out a Children’s Rights Impact Assessment and Equality Impact Assessment in respect of these Regulations. The Explanatory Memorandum notes that the Welsh Government has taken steps to comply with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 by conducting impact assessments and ensuring local authorities are aware of their statutory responsibilities, both in providing the required number of school sessions and in providing sufficient childcare. We note the following paragraphs from the Explanatory Memorandum relating to the Equality Impact Assessment:

“Disadvantaged and vulnerable groups could be adversely affected by an extended Christmas and new year break. Families who live in poverty or those whose income is reliant on actual hours worked may struggle with childcare for these extra days.

Notifying local authorities and schools as early as possible of these changes has given parents the time to plan for any additional childcare needs for these two days, and for some it may mean that children return to school as planned if INSET scheduled days are reallocated to a later date during the school year. We have also informed local authorities and schools that on the second day, we would expect them to consider what provision may need to be put in place for vulnerable children and the children of critical workers. Schools and local authorities should also have regard to the wider needs of their community and the impact of any decisions not to put in place such provision.”

The Explanatory Memorandum also recognizes a child’s right to education established in article 28 of the UN Convention on the Rights of the Child. We note the following paragraph relating to the Children’s Rights Impact Assessment.

“It could be argued that two days loss of schooling could have a detrimental effect on learners. However, the aim of these days is to minimise disruption to teaching and



learning in the longer term and they are viewed as a prudent step to review and prepare for the forthcoming term.”

The Explanatory Memorandum provides that both the Children’s Rights Impact Assessment and Equality Impact Assessment will be published in due course.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

6 January 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament **Pack Page 60**

Legislation, Justice and Constitution Committee

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

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

21 December 2021

Dear Llywydd

The Education (School Day and School Year) (Wales) (Amendment) (Coronavirus) 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 on 1 January 2022, 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.

The purpose of the instrument is to amend the Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) to allow the first two days at the start of the spring term during the 2021-22 school year to be allocated for planning days in order for schools to assess staffing capacity and put the necessary measures in place to support the return of learners. It will also help ensure they have robust plans in place should onsite learning be disrupted over the coming weeks and months.

Without these Regulations in place by the start of the spring term for the 2021-22 school year, schools will not meet the required number of sessions during the 2021-22 school year as set out in the 2003 Regulations.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

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

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

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,

A handwritten signature in black ink, appearing to read 'J Miles', with a stylized, cursive flourish.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg

Minister for Education and Welsh Language

SL(6)126 - The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2022

Background and Purpose

The International Travel Regulations¹ impose requirements on persons entering Wales after having been abroad. They include requirements for persons arriving in Wales to book and undertake coronavirus tests and to isolate for a period determined in accordance with those Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply.

These [Regulations](#) amend the International Travel Regulations by:

- Removing the requirement for pre-departure tests for fully vaccinated travellers and all under 18s;
- Removing the requirement to isolate until a day 2 post arrival negative test result is received for fully vaccinated arrivals and all under 18s;
- Amending the requirement for post-arrival tests to be PCRs to allow LFDs to be used as an alternative for fully vaccinated persons and those under-18, and provide that anyone who tests positive on their LFD test must isolate and take a follow-up PCR test;
- Adding 16 countries to the list of recognised vaccination programmes;
- Exempting children under 5 from testing and isolation requirements;
- Making consequential amendments to the Public Health Information Regulations.

The Public Health Information Regulations² 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 specific public health information. Consequential changes are made to the Public Health Information Regulations to ensure that these Regulations are consistent in the terminology used.

Procedure

Negative.

¹ The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574)

² The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595)



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

Technical Scrutiny

The following 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 13(2) inserts a new paragraph 1ZCA into Schedule 1C to the International Travel Regulations.

Paragraph 1ZCA(1)(h) provides:

“(h) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the test provider ensures that X complies with the following so far as relevant to the carrying out of that element—

- (i) paragraph 1ZA(1)(b) to (e) and (h) as applied by paragraph (a) of this sub-paragraph;*
- (ii) paragraph (c) to (g) of this sub-paragraph;*
- (iii) **paragraph 2D(2) and (4).** [emphasis added]*

Paragraph 2D of Schedule 1C was revoked by regulation 13(5) of the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No. 3) Regulations 2021.³

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 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 6 January 2022.

³ S.I. 2021/1342



In particular, we note what the letter says regarding why these regulations breach the 21 day rule:

"In accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument has not adhered to the 21 day convention, and that some provisions will come into force before the instrument can be laid. The changes to pre-departure testing, post-arrival testing and isolation requirements, and the consequential amendments to the Public Health Information Regulations, will come into force from 04:00 hours on Friday 7 January; further changes to post-arrival tests will come into force from 04:00 hours on Sunday 9 January and the addition of 16 countries to the list of recognised vaccination programmes will come into force from 04:00 hours on Monday 10 January..."

... 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 paragraph in 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."

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 that 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."

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.

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



"There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health."

Welsh Government response

A Welsh Government response is required in relation to the technical reporting point.

Legal Advisers

Legislation, Justice and Constitution Committee

12 January 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament **Pack Page 66**

Legislation, Justice and Constitution Committee



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

6 January 2022

Dear Elin

The Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2022

In accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument has not adhered to the 21 day convention, and that some provisions will come into force before the instrument can be laid. The changes to pre-departure testing, post-arrival testing and isolation requirements, and the consequential amendments to the Public Health Information Regulations, will come into force from 04:00 hours on Friday 7 January; further changes to post-arrival tests will come into force from 04:00 hours on Sunday 9 January and the addition of 16 countries to the list of recognised vaccination programmes will come into force from 04:00 hours on Monday 10 January. I attach a copy of the statutory instrument and I intend to lay this and an accompanying Explanatory Memorandum tomorrow, Friday 7 January 2022.

This statutory instrument amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, to:

- Remove the requirement for pre-departure tests for fully vaccinated travellers and all under 18s;
- Remove the requirement to isolate until a day 2 post arrival test negative result is received for fully vaccinated travellers and all under 18s;
- Amend the requirement for post-arrival tests to be either PCR or LFD and that anyone who tests positive on their lateral flow test must isolate and take a follow-up PCR test;
- Add 16 countries to the list of recognised vaccination programmes;

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Correspondence.Eluned.Morgan@gov.wales

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

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

- Exempt children under 5 from testing and isolation requirements;
- Make consequential amendments to the Public Health Information Regulations.

Consequential changes are made to the Public Health Information Regulations to ensure that these Regulations are consistent in the terminology used.

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

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

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

SL(6)123 - The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

Background and Purpose

These [Regulations](#) make amendments to subordinate legislation following the UK's exit from the EU.

The Regulations amend the Trade in Animals and Related Products (Wales) Regulations 2011 ("the 2011 Regulations") and the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 ("the 2021 Regulations") following the UK's exit from the EU.

The amendments to the 2011 Regulations apply in the field of biosecurity controls for the imports of live animals and animal products, which are included in the set of commodities known collectively as sanitary and phyto-sanitary goods. These amendments are to ensure alignment with changes made by the UK Government to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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. These changes reflect the revised approach to EU-GB import controls which has been taken by the UK Government with effect from 31 December 2021.

The 2011 Regulations are amended to require pre-notification from 1 January 2022 of the arrival of all category 3 animal by-products not already subject to controls since 1 January 2021. Category 3 animal by-products are the lowest risk category, and include products such as animal hides, shells, domestic catering waste and some products deemed fit for humans to eat. Personal goods which form part of passengers' luggage and which are intended for personal consumption or use, small consignments of products sent to natural persons which are not intended to be placed on the market, and goods which are produced in Northern Ireland or the Republic of Ireland and moved or imported into Great Britain from the Republic of Ireland, are temporarily exempted from pre-notification requirements which otherwise come into force in relation to animal products from 1 January 2022.

An amendment is also made to the 2011 Regulations to enable enforcement powers to remain available during the extended transitional staging period other than at border control posts in respect of animals and animal products in Wales.

The Regulations also amend the 2021 Regulations to extend the existing temporary suspension of the requirement for meat preparations imported into England from EEA member States, the Faroe Islands, Greenland or Switzerland, to be deep frozen, keeping this



temporary easement in line with the revised transitional staging period controls. It will allow meat preparations from the EU to continue to be imported in a chilled condition until 30 June 2022. The Regulations seek to ensure alignment with the revised timetable for the introduction of import controls on goods arriving from those countries on 1 July 2022. Without the Regulations it would be illegal for traders to import chilled meat preparations from 1 January 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.

The Explanatory Memorandum for the Regulations states that:

“Given the urgent nature of the Regulations, no public consultation has been undertaken; however, there has been GB-wide extensive stakeholder engagement with the Agri-Food industry and with delivery partners with responsibilities over SPS border controls”

However, it is noted that the UK Government undertook a short consultation exercise in relation to its regulations between 10 and 13 December 2021 which recognised some changes affecting Wales. Given that the UK Government was able to undertake consultation the Welsh Government is asked to confirm why it was not able to undertake a similar short consultation exercise in Wales.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

12 January 2022





Eich cyf/Your ref
Ein cyf/Our ref: MA/L/LG/4293/21

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

22 December 2021

Dear Elin,

The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

I have today made the Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (“the Regulations”) in exercise of the powers conferred on the Welsh Ministers by paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011, and paragraph 1(1) of Schedule 2, and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Regulations will come into force on 30 December.

I attach a copy of the Regulations and the accompanying Explanatory Memorandum, which I intend to lay once the statutory instrument has been registered.

In accordance with paragraph 7 of Schedule 7 of the European Union (Withdrawal) Act 2018, the Regulations must be laid before and approved by the Senedd by 6 February 2022 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 1 February 2022.

Bae Caerdydd • Cardiff Bay
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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.

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 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.

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

Agenda Item 4.4

SL(6)115 - The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021

Background and Purpose

The UK Emissions Trading Scheme (“ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 (“the principal Order”) as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry and aviation sectors. It was designed jointly by the Governments of the UK, Scotland and Wales and the Northern Ireland Executive. It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway we have in Wales.

The ETS requires operators of certain industrial installations and certain aircraft operators to monitor, report on, and surrender “allowances” equivalent to their greenhouse gas emissions in each scheme year. Allowances are held in accounts in the UK ETS registry, and there is a cap on the number of allowances that may be created. For installations that meet the eligibility criteria, there are two opt-out schemes, one for “hospital or small emitters” (“HSE”), the other for “ultra-small emitters” (“USE”). Such installations are not required to surrender allowances.

The main changes made by this [Order](#) include:

- allowing installations that are currently within the HSE opt-out scheme to apply to increase their emissions targets if their emissions are anticipated to increase following capacity growth;
- introducing interim policy measures while a wider biofuels policy is being developed;
- allowing a person who has not yet become an aircraft operator to be able to apply for an emissions monitoring plan;
- resolving an error in the methodology for calculating the UK ETS aviation free allocation entitlement for applicants who qualify as fast growers under the European Union ETS;
- exempting the UK ETS authority and the registry administrator from liability in damages when undertaking functions (but the exclusion from liability does not apply to acts or omissions in “bad faith”);
- enabling the regulator to reject an installation’s monitoring plan and for the operator of the installation to appeal that rejection.

Procedure

Made Negative.



The Order is an Order in Council that was made by Her Majesty before being laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly.

The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd. The other three legislatures can also annul the Order, in accordance with the rules for annulment that apply to each of those legislatures.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh

The Order has been laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly. Therefore the Order has been made in English only.

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 not required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 January 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.5

SL(6)114 - The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022

Background and Purpose

The UK Emissions Trading Scheme (“ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 (“the principal Order”) as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry and aviation sectors. It was designed jointly by the Governments of the UK, Scotland and Wales and the Northern Ireland Executive. It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway we have in Wales.

The ETS requires operators of certain industrial installations and certain aircraft operators to monitor, report on, and surrender “allowances” equivalent to their greenhouse gas emissions in each scheme year. Allowances are held in accounts in the UK ETS registry, and there is a cap on the number of allowances that may be created. For installations that meet the eligibility criteria, there are two opt-out schemes, one for “hospital or small emitters” (“HSE”), the other for “ultra-small emitters” (“USE”). Such installations are not required to surrender allowances.

The main changes made by this [Order](#) include:

- enabling a regulator to impose a civil penalty where a person fails to comply with a notice to return allowances;
- extending the power to carry out inspections of premises to monitor compliance, so the power can be used by an authorised person (and not just by a regulator);
- making it an offence to intentionally obstruct a person who is exercising powers of entry;
- requiring the operator of an installation to surrender any deficit of allowances from previous scheme years when their permit has either been surrendered or revoked.

Procedure

Draft Affirmative.

A draft of the Order has been laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly. The draft must be approved by each of those legislatures before it can be made by Her Majesty.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh



A draft of the Order has been laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly. Therefore, the draft Order is in English only and will be made in English only.

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 not required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 January 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 5.1

SL(6)102 - The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021

Background and Purpose

These [Regulations](#) amend seven sets of regulations concerning student finance. The student finance regulations amended by these Regulations contain criteria pursuant to which certain groups may be eligible for student support, home fee status and the tuition fee cap.

These Regulations amend student finance regulations as follows:

- Irish nationals resident in the EU before studying in Wales: the amendments make provision for Irish nationals studying in Wales who were resident in the EEA and Switzerland at the end of the transition period to be eligible for home fee status and fee support so that their position is comparable to that of a UK national;
- EU Withdrawal Agreement, EEA EFTA separation agreement and Swiss citizens' rights agreement: amendments relate to:
 - the rights of those making late applications to the EU Settlement Scheme and to future joining family members who have yet to apply and are still within the deadline for doing so; and
 - updates to the definition of a person with protected rights to ensure that the student finance regulations confer protections:
 - on a person, including a person who has submitted a late application, while their application is pending and during any appeal against a refusal of their application; and
 - on a person within the deadline for making an application, including a person joining a family member during the initial three months following their arrival in the UK; and
- Student support for those from Crown Dependencies: amendments to ensure that persons (other than certain Irish citizens) who come to Wales from the Isle of Man and the Channel Islands for the purpose of study are not eligible for support (the Explanatory Memorandum explains that this corrects an unintended consequence of previous amendments).

These Regulations came into force on 31 December 2021.

Procedure

Negative.



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

Technical Scrutiny

The following 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 56 of these Regulations inserts new paragraph 8BA in Schedule 2 to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019. Paragraph 8BA(2) refers to paragraph 1(5), but that reference appears to be erroneous – paragraph 1(5) defines the scope of citizens' rights provisions and does not relate to whether a person is treated as being ordinarily resident.

Merits Scrutiny

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

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.

The preamble to these Regulations explains that they are made in exercise of the powers under sections 22(2)(a) and 42(6) of the Teaching and Higher Education Act 1998, amongst other powers.

The Explanatory Memorandum states that these Regulations are also made under section 22(2)(d) of the Teaching and Higher Education Act 1998. This appears to be an error. The power under section 22(2)(d) does not appear to be relevant to the scope of these Regulations.

Welsh Government is asked to confirm that the Explanatory Memorandum is incorrect and that it did not intend to rely on the enabling power under section 22(2)(d) of the Teaching and Higher Education Act 1998.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 10 January 2022 and reports to the Senedd in line with the reporting points above.



Government Response: *The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021*

Technical Scrutiny point

The reference to paragraph 1(5) is incorrect. It should refer to paragraph 11(2). This will be corrected as an amendment in the next available Regulations that are due to be made in May 2022.

Merit Scrutiny point

Welsh Government confirms that the Explanatory Memorandum is incorrect. The Explanatory Memorandum will be re-laid to remove the reference to the enabling power under section 22(2)(d) of the Teaching and Higher Education Act 1982.

SL(6)118 - The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

Background and Purpose

Part 2A of the Public Health (Control of Disease) Act 1984 ("the 1984 Act") enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

[The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 23\) Regulations 2021](#) ("the Regulations") are made in exercise of the powers conferred by sections 45C(1) and (3)(c) and 45F(2) of the 1984 Act in response to the threat to public health which is posed by the incidence and spread of COVID-19.

The Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (the "principal Regulations"), with effect from 20 December 2021, to:

- list specifically allowing or requiring employees to work from home as a reasonable measure which employees may be required to take in accordance with the duty under Step 3 of regulation 16;
- place a new duty, under regulation 18B, on individuals to work, or provide voluntary or charitable services, from home where it is reasonably practicable for them to do so;
- create an offence under regulation 42A where a person, without reasonable excuse, contravenes the requirement in regulation 18B.

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 dissolved or 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 four 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 Welsh Government's justification for any potential interference with human rights. In particular, we note the following in the Explanatory Memorandum:

"Whilst the principal Regulations, as amended by these Regulations, engage 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 spread 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.

Article 5 (right to liberty), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 11 (freedom of assembly and association) and Article 1 of the First Protocol (protection of property) are engaged by the principal Regulations.

Each of these is a qualified right, which permits the Welsh Ministers to interfere with the exercise of the rights if necessary in a democratic society in the interests of public safety or for the protection of health. All such restrictions and requirements must be justified on the basis that they are in pursuit of a legitimate aim, namely of protecting public health, and are proportionate. Any interference with these rights also needs to be balanced with the state's positive obligations under Article 2 (right to life). The adjustment of the restrictions and requirements under the principal Regulations by these Regulations is a proportionate response to the spread of coronavirus. It balances the need to maintain an appropriate response to the threat posed by coronavirus against the rights of individuals and businesses, in a manner which remains proportionate to the need to reduce the rate of transmission of the coronavirus, taking into account the scientific evidence."

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

"Given the ongoing threat arising from coronavirus and the need for a prompt public health response, there has been no public consultation in relation to these Regulations. However, engagement has taken place with various stakeholders including the Equalities Division of the Welsh Government."



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 is no equality impact assessment for the Regulations and ask the Welsh Government to explain what arrangements it has made, in respect of the Regulations, to publish reports of equality impact assessments in accordance with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

While it is noted that the Explanatory Memorandum states, “... *summary impact assessments are in preparation which will include impacts relating to working from home*”, it is unclear whether these will include an equality impact assessment and, in any event, they are not currently available to the citizen for the purpose of assessing the equalities impact of the new provisions being introduced by the Regulations.

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

Beyond the following statement, the Explanatory Memorandum does not set out or link to any specific evidence on which the Welsh Government relies when making provision under the Regulations:

“The Welsh Ministers are of the opinion that the restrictions and requirements set out in the principal Regulations, as amended by these Regulations, are necessary and proportionate as a public health response to the current threat posed by coronavirus, particularly the rapid rise in Omicron cases.”

We note, however, the following from the First Minister, Mark Drakeford MS’, written statement of 17 December 2021:

“At the last review of the coronavirus regulations on 9 December, I set out that we would move from a three-week to a one-week review to ensure we have the right measures in place to keep Wales safe in response to the emerging omicron variant.

This fast-moving, more transmissible variant is here in Wales and is spreading quickly.

.....

The number of confirmed cases of omicron infections is rising every day in Wales – and across the UK. By the end of the month omicron will likely become the dominant form of the virus. We are still learning about this new form of coronavirus. But all the information we have tells us we are facing a very serious situation.”

Bearing in mind the additional statutory duty the Regulations impose under new regulation 18B, particularly the creation of an offence in new regulation 42A, we would be grateful if the Welsh Government could set out the relevant evidence that supports the significant tightening of restriction around home working at this time.



Welsh Government response

A Welsh Government response is required in relation to points 3 and 4 above only.

Committee Consideration

The Committee considered the instrument at its meeting on 10 January 2022 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 84**

Legislation, Justice and Constitution Committee

Government Response: The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

Merit Scrutiny point 3:

1. The Welsh Government routinely prepares and publishes Summary Impact Assessments in relation to changes in the Coronavirus regulations at the earliest opportunity after each review period. These Summary Impact Assessments can be accessed [here](#).
2. The Summary Impact Assessments covers the following areas:
 - Wellbeing Impact
 - Economic Impact Assessment
 - Equality Impact Assessment
 - Children’s Rights Impact Assessment (if applicable and not sufficiently covered in the Equality Impact Assessment)
 - Human Rights Impact Assessment
 - Welsh Language Impact Assessment

Merit Scrutiny point 4:

3. Working from home is one of the key protective behaviours that can help minimise transmission rates especially when community transmission rates are high. Working from home ensures individual contacts inevitably go down. It has been accepted as a particularly effective measure to decrease the spread of COVID during the pandemic as reflected in the Consensus statement from the Scientific Pandemic Influenza Group on Modelling, Operational sub-group (SPI-M-O) for the Scientific Advisory Group for Emergencies (SAGE), 30th June 2021 - [S1298 SPI-M-O Consensus Statement.pdf \(publishing.service.gov.uk\)](#)
4. The Welsh Government routinely publishes the advice on coronavirus it receives from the Technical Advisory Cell which is available [here](#). In the TAC advice dated 2 December the recommendation is to encourage the reduction of social contacts, “especially through increased working from home when that is a viable business option”. This advice is available [here](#).
5. Survey and mobility data at the point the decision was made indicated that guidance and messaging was not having the desired effect in shifting the proportion of people working from home in Wales to minimise the spread of COVID. At that point the data suggested the number of people working from home was at one of the lowest points since the beginning of the pandemic.

Llywydd

Chair, Business Committee

06 January 2022

Dear Llywydd

Legislative Consent Memorandum for the Nationality and Borders Bill: request to extend the reporting deadline

On 7 December 2021 the Business Committee referred the Legislative Consent Memorandum ("LCM") for the UK Government's Nationality and Borders Bill to the Health and Social Care ("HSC") and Legislation, Justice and Constitution Committees with a reporting deadline of Thursday 10 February 2022. At its meeting on 14 December, Business Committee also referred the LCM to the Children, Young People and Education ("CYPE") Committee. We are writing to seek an extension of the reporting deadline to Thursday 17 February 2022.

The HSC and CYPE Committees will discuss our approaches to considering the LCM at our first meeting in the new year (13 January). It is anticipated that we will wish to seek further evidence to inform our conclusions and recommendations. There would be insufficient time for evidence to be available for consideration at our next scheduled meeting on 27 January. Therefore, the first opportunity that either committee will have to consider the evidence at a scheduled meeting will be Thursday 10 February, which is the reporting deadline.



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We would be grateful if the Business Committee would agree, therefore, to extend the reporting deadline by one week to Thursday 17 February. This will enable both committees to consider these important matters at our meetings on 10 February before finalising our reports by email the following week.

Yours sincerely



Russell George MS

Chair, Health and Social Care Committee



Jayne Bryant MS

Chair, Children, Young People and
Education Committee

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



Agenda Item 6.2

Y Cwmsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

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

07 January 2022

Dear Huw,

I am writing to inform the Committee that I have given consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Agreement has been given to the making of The Waste and Agriculture (Legislative Functions) Regulations 2022. This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Following the UK's exit from the European Union, this instrument transfers some technical functions in relation to waste from the European Commission to the Secretary of State and the devolved governments. It also corrects an error in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 ((SI 2020/1445), inserting a definition of 'appropriate authority' into Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (EUR 2013/1306) for the purposes of financing, management and monitoring of rural development and common organisation of the markets schemes.

The European Commission has powers related to Directives concerning waste, including those covering end-of life vehicles, batteries and accumulators, and electrical and electronic equipment specifically, as well as the overarching Waste Framework Directive. This instrument transfers several technical powers and functions relating to those resources and waste management Directives from the European Commission to the Secretary of State where the matter is reserved, and, depending on the power, to the devolved governments where this is devolved. This will allow for the correct functioning of the relevant retained EU legislation following the UK's departure from the EU. This will enable the UK and the devolved governments to maintain environmental standards on the safe handling of waste, levels of recovery, recycling and treatment of waste. The functions listed in this instrument

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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.

are routine, and in several cases, the standards, requirements or other functions set out are already in place and working well – the powers are purely to be able to change them in future should it be necessary, rather than seeking to actively update or amend them at the moment.

While it is not possible to amend Directives directly, as these are not retained EU law, the powers in the European Union (Withdrawal) Act 2018 enable the legislative powers they confer on the Commission to be transferred into domestic law. Without doing this, there would be no, or a limited, ability to make the kind of minor, technical changes to legislation that the powers cover without having to use primary legislation on every occasion. This would make changing such details very slow and cumbersome, and would remove flexibility to respond to scientific and technical changes. This instrument does not itself make any substantive policy changes. These standards are currently all operational, and we do not anticipate needing to alter them soon. However, without the power to alter these standards, it would not be possible to update them if necessary. For example, if this SI were to fail and the powers were not transferred to the Secretary of State and the devolved governments, should better sampling techniques or waste treatment methods be developed in future, we would not be able to adapt the regulations to take account of the new methods.

It will now allow the Secretary of State and the devolved governments to make regulations to set or alter the various technical criteria referenced in each section, primarily to keep up with future scientific and technical progress. Specifically, it provides for the ability of the Secretary of State and the devolved governments to retain functions from the following instruments:

- The Landfill Directive (Directive 1999/31/EC) (Regulation 5 of this instrument) – to set standards for waste sampling of waste going to landfill.
- The End-of-Life Vehicles Directive (Directive 2000/53/EC) (Regulations 6-9 of this instrument) - powers to update and modify exemptions covering the use of certain heavy metals in vehicles based on scientific or technical progress; to specify minimum requirements for the certificate of destruction; powers to modify conditions for storage and treatment in line with scientific or technical progress; and powers to specify material and component coding standards for vehicles.
- The Mining Waste Directive (Directive 2006/21/EC) (Regulations 10-11 of this instrument) – powers to modify non-essential elements such as guidelines for inspecting waste facilities and sampling methods, and to update regulations in line with scientific and technical progress.
- The Batteries Directive (Directive 2006/66/EC) (Regulations 12-13 of this instrument) – the power to specify export criteria and to grant exemptions from labelling requirements for batteries and accumulators.
- The Waste Framework Directive (Directive 2008/98/EC) (Regulations 14-17 of this instrument) – powers to prescribe criteria on the application of the by-products conditions; to prescribe criteria on the end of waste conditions; and to specify the application of the formula for incineration facilities.
- The Waste Electricals and Electronic Equipment (WEEE) Directive (Directive 2012/19/EU) (Regulations 18-20 of this instrument) - powers to update selective minimum treatment technologies; to update the technical requirements for WEEE treatment and storage operations and the non-exhaustive list of products listed as falling into each of the categories specified in the Directive; and to update the crossed out wheeled bin symbol.

Any regulations made under the new powers will also be made by an SI under the negative procedure, so will still be subject to individual Senedd scrutiny at that time.

Further, provision is made for the Secretary of State and, where relevant, the devolved governments, to consult relevant regulatory agencies and anyone else they consider appropriate before the exercise of these power functions.

Part 4 of these Regulations covers the definition of “appropriate authority” in EUR 2013/1306 insofar as it relates to rural development measures and the CMO. Among other things, EUR 2013/1306 lays down a framework for finance, management and monitoring of rural development and CMO schemes, and includes legislative functions to develop and refine the technical details required to operate schemes. Regulation 24 reinserts the definition of “appropriate authority” into that Regulation and regulation 25 revokes the ineffective definition in SI 2020/1445.

The First Minister has given a commitment that where time allows we will provide an opportunity for the Senedd to express a view before consent is formally given. Regrettably it was not possible to do so for this SI as although it has only just been laid, consent was given some weeks ago and before the commitment was implemented.

Yours sincerely,

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

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Document is Restricted

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
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07 January 2022

Dear Huw,

I write in relation to the supplementary Legislative Consent Memoranda (LCM) I laid on 20 December 2021 (SLCM (No.3)) and today (07 January 2022 (SLCM (No.4)) in respect of the Police, Crime Sentencing and Courts Bill.

You will I am sure be aware of the complexity of the Bill which has 179 clauses, runs to 304 pages and includes 20 schedules. In addition, the UK Government laid 91 amendments to the Bill on 1 December 2021 and a further 19 amendments were laid on 4 January 2022, all of which required detailed analysis to determine whether or not they fell within the legislative competence of the Senedd. This follows a previous amendment laid in October 2021.

There is a very short time between the latest tranche of amendments laid 4 January 2022 and the date for the Senedd to provide meaningful legislative consent, as the debate is scheduled for 18 January 2022 – this reflects the UK legislative timetable. My officials have worked hard in the lead up to and over the festive period to ensure comprehensive SLCMs have been laid. Unfortunately, due to the volume and complexity of the amendments tabled on 1 December, and subsequently on 4 January, there is very little time left to allow for scrutiny of SLCM (No.3) and SLCM (No.4) ahead of the Senedd debate. Again, this reflects the pace of the UK legislative timetable.

In SLCM (No.3), I aimed to outline the Welsh Government's position on the amendments laid on 1 December 2021, which impact on devolved matters and also reaffirm the Welsh Government's position on the remaining clauses of the Bill which I consider require the consent of the Senedd. However, due to time pressures we omitted clauses 1, 2, 23-30, 32-35, 37-38, 41 & 43 and erroneously included clause 40. To note, clauses 1, 2, 23-37 and 41 and 43 were fully addressed in the LCM laid on 28 May 2021. I have since laid SLCM

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(No.4), which corrects these errors, includes details of the newly inserted clause 38 and my position on it, and amendments tabled by the UK Government on 4 January 2022 which are within the legislative competence of the Senedd.

SLCM (No.4) offers a complete view of the relevant clauses, addressing the previous omissions and providing a comprehensive view of the clauses which impact on devolved matters. I recommend using it as your first point of reference when considering the Bill.

SLCM (No.3) can be found at:

<https://senedd.wales/media/wanhdp23/slcm-ld14793-e.pdf>

SLCM (No.4) can be found at

<https://senedd.wales/media/cqnj5hix/slcm-ld14812-e.pdf>

I am also enclosing with this letter, for reference, a table setting out the clauses of the Bill as introduced and as amended.

On 16 July 2021 in response to your letter of 2 July, the Llywydd and Chair of the Business Committee suggested that your committee may wish to invite the Chair of the Equality and Social Justice Committee to attend any meetings at which the LCM on the Bill may be discussed. Therefore I am copying this letter to the Chair of the Equality and Social Justice Committee, Jenny Rathbone MS, as well as to all Members of the Senedd.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first name.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

**Comparison table between the original and new version of the Bill 30
November 2021**

Original version:

[newbook.book \(parliament.uk\)](http://newbook.book.parliament.uk)

New version:

[newbook.book \(parliament.uk\)](http://newbook.book.parliament.uk)

Clause number on introduction	Original clause description	A amended at report stage clause No
1	Police Covenant report	1
2	Increase in penalty for assault on emergency worker	2
3	Special constables and Police Federations: amendments to the Police Act 1996	3
4	Meaning of dangerous driving: constables etc (dangerous)	4
5	Meaning of careless driving: constables etc (careless)	5
6	Regulations relating to section 5 and 6 (regs)	6
7	Duties to collaborate and plan to prevent and reduce serious violence	7
8	Powers to collaborate and plan to prevent and reduce serious violence	8
9	Power to authorise collaboration etc. with other persons	9
10	Specified authorities and local government areas	10
11	Educational, prison and youth custody authorities	11
12	Preventing and reducing serious violence	12

13	Involvement of local policing bodies	13
14	Involvement of educational, prison and youth custody authorities	14
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36	Extraction of information from electronic devices: investigations of crime etc	36
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Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

07 January 2022

Dear Huw,

With sincere apologies this letter was originally written on 2 December 2021 but due to an oversight, was never issued. At the time of drafting, this letter answered the two recommendations in the Committee's report on supplementary LCM (No 2) on the Police, Crime, Sentencing and Courts Bill, published on 25 November.

As this letter is now out of date, I am still issuing it as formality.

On 7 January 2022 I issued another letter to yourself along with supplementary LCM No 4 which provides the most up to date position in relation to the Bill.

I write in relation to the report published by the Legislation, Justice and Constitution on 25 November regarding the Supplementary Legislative Consent Memorandum (SLCM) on the Police, Crime, Sentencing and Courts Bill laid on 5 November.

I note your two recommendations and have answered them as set out below.

Recommendation 1. The Minister should, in advance of the debate on the relevant consent motion, clarify why Memorandum No. 2 on the Bill did not refer to clauses 7 and 8, and also explain how clause 17 relates to "clauses 9 and through to 22" as stated in Memorandum No. 2.

Answer:

An error occurred when drafting the Supplementary Legislative Consent Memorandum (SLCM). The SLCM should have stated that given the agreed amendment to clause 17 we considered that clauses 7 to 22 of the Bill as amended required the legislative consent of the Senedd, and those clauses should have been referenced as clauses which I recommend the Senedd gives its consent.

The Legislative Consent Memorandum (LCM) laid on 28 May recommended that the legislative consent of the Senedd be withheld to 9, 17 and 18 as these clauses did not adequately take into account the devolved nature of those clauses, namely allowing the Secretary of State to impose a function upon Devolved Welsh Authorities ("DWAs"). The

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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.

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same LCM recommended the legislative consent of the Senedd be given to clauses 7, 8, 10-16 and 19-22 as these clauses do not impose functions on DWAs.

The amendment laid at House of Lord's Committee Stage relating to clause 17 requires the Secretary of State to obtain the consent of Welsh Ministers prior to using the power to direct Devolved Welsh Authorities. Given the amendment, we are now satisfied that the package of measures contained in clauses 7-22 provides appropriate protection and safeguards in terms of the interaction with DWAs and other devolved issues and I now recommend the consent of the Senedd should be given to clauses 7-22 of the Bill.

We anticipate there are likely to be further changes to the Bill, including further amendments to the serious violence duty clauses, as well as the introduction of entirely new provisions. We understand that amendments may continue to be tabled as late as 4 January. Officials will continue to ensure that the Committee and the Senedd is provided with information about the ever changing provisions of this Bill in accordance with the requirements of SO 29 so they have the fullest picture at the time of the debate in relation to those provisions that are considered to be within the legislative competence of the Senedd.

Recommendation 2. The Minister should, in advance of the debate on the relevant consent motion, make the Welsh Government's position clear on the clauses of the Bill which require the consent of the Senedd, and:

- *the clauses for which it is recommending consent; and*
- *the clauses for which it is not recommending consent.*

Answer:

We are making the following recommendations on the clauses of the Bill as amended following Lords Committee Stage:

The Welsh Government is recommending consent for the following clauses:

Part 1 – Clause 1 Police Covenant

Part 1 – Clause 2 Increase in penalty for assault on emergency workers

Part 2 – Clauses 7-22 Serious Violence Duty;

Part 2 – Clauses 23-35 Offensive Weapons Homicide Review;

Part 2 – Clauses 36-37, & 41-43 Extraction of Information from Electronic Devices

Part 3 – Clause 61 Intentionally or recklessly causing public nuisance

The Welsh Government is recommending consent is withheld for the following clauses:

Part 2 – Clause 47 Criminal Damage to Memorials: mode of trial

Part 3 – Clauses 56, 57 & 60 Public Order

Part 4 – Clause 63 Unauthorised encampments (Offence relating to residing on land without consent in or with a vehicle)

As noted above, this Bill is an ever changing and given the likely last tabling date of 4 January, the full picture of the Bill will remain uncertain until very close to the Senedd debate and as such the Welsh Government's recommendations about consent may remain uncertain until that time.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first letter 'J'.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

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Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

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

6th December 2021

Dear Huw

I am writing to inform the Committee that the Professional Qualifications Bill (the Bill) has now progressed through the House of Lords Report stage. Amendments tabled by the UK Government and agreed at Report Stage make provision falling within the legislative competence of the Senedd, and I have today laid a Supplementary Legislative Consent Memorandum (Memorandum No.2) before the Senedd.

House of Lords Report Stage

The UK Government tabled three amendments on 2 November for consideration at Lords Report Stage which took place on 9 November, where these amendments were agreed. The UK Government has made amendments to Clause 1 of the Bill and inserted additional clauses 14 and 15, as agreed at Lords Report Stage. All three clauses make provision of a kind that the Senedd could legislate for in respect of devolved areas, and remains within the legislative competence of the Senedd.

Clause 1 - Power to provide for individuals to be treated as having UK qualifications

The clause provides a power for the “appropriate national authority” to provide by regulations which professional qualifications or other experience obtained outside the UK may be recognised within the UK. Regulations may only make provision for individuals who satisfy the criteria specified in this clause, namely that they have received overseas qualifications or experience; and that a regulator has determined their qualifications or experience is substantially the same as that required by the regulator or, if not, that they have taken such other experience or qualifications as necessary. The amendment to this clause makes further provision about the additional conditions that may be specified in regulations.

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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.

Clause 14 - Protection of regulator autonomy

This new clause prevents the appropriate national authority making regulations under section 1, 3 or 4 of the Bill unless satisfied that the conditions in subsections (2) and (3) of new clause 14 are met. This clause has been added to provide assurance to regulators that the appropriate national authority may legislate only where doing so would not adversely affect regulatory autonomy.

Whilst the amendment may offer some comfort to regulators, the difficulty remains that it is for the appropriate national authority alone to determine whether or not it is satisfied that either of these conditions are met, and that this is not for each individual regulator to determine.

This amendment applies equally to each of the appropriate national authorities, including the Welsh Ministers where applicable. This means that where the Secretary of State or Lord Chancellor are acting as the authority, they have the power to determine that the additional conditions are met, even when regulating in devolved areas which are contrary to the policy aims of Welsh regulators or the Welsh Ministers.

Clause 15 – Consultation with regulators

This new clause requires the appropriate national authority to consult a regulator of a regulated profession before making regulations under clause 1, 3 or 4 if the authority considers that the regulator is likely to be affected by the regulations or it is otherwise appropriate to consult the regulator. Whilst some regulators may welcome this concession, it does not go so far as to prevent the appropriate national authority from making regulations which the regulators have opposed during such consultation.

Similar to Clause 14, this amendment applies equally to each of the appropriate national authorities, including the Welsh Ministers where applicable. However, the amendment does not prevent the Secretary of State or Lord Chancellor, when acting as the authority, from making regulations in devolved areas which are contrary to the policy aims of Welsh regulators or the Welsh Ministers.

Welsh Government position

While I welcome the engagement of the UK Government to date in respect of the need to make changes to the Bill as it stands, I consider that further amendments are needed to address my concerns in respect of the concurrent powers in the Bill and I therefore I cannot recommend the Senedd gives its consent to these provisions being included in the Bill.

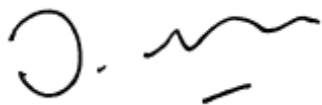
Legislative Consent Memorandum

As you are aware, Standing Orders require a Legislative Consent Memorandum to be laid “normally” within two weeks of the tabling of UK Government amendments, in this case by 16 November. The amendments raise a number of complex constitutional issues the analysis of which has resulted in a delay to laying.

Should there be any further amendments be tabled or agreed during the passage of the Bill through the House of Commons which require the legislative consent of the Senedd, a further Supplementary Legislative Consent Memorandum may be required and I will write to the Committee and Members of the Senedd prior to the plenary debate.

I have written in similar terms to Paul Davies MS, Chair of Economy, Trade, and Rural Affairs Committee and have copied this letter to all Members of the Senedd.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

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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Agenda Item 12

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Agenda Item 13

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

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021**
The Public Procurement (International Trade Agreements) (Amendment) Regulations 2021

DATE **25 May 2021**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

The Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021

The Public Procurement (International Trade Agreements) (Amendment) Regulations 2021

Policy Overview of the SIs:

It is necessary for procurement legislation (detailed below) to be amended so as to effect domestic implementation of the:

- Agreement on Government Procurement (GPA) (under the Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021) ; and
- the procurement obligations in international trade agreements (under the Public Procurement (International Trade Agreements) (Amendment) Regulations 2021

The Law which is being amended:

- The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020
- The Public Contracts Regulations 2015
- The Concession Contracts Regulations 2016
- The Utilities Contracts Regulations 2016
- The Public Contracts (Scotland) Regulations 2015
- The Concession Contracts (Scotland) Regulations 2016

- The Utilities Contracts (Scotland) Regulations 2016

The purpose of the amendments

The purpose of the amendments is to make technical amendments to existing procurement legislation to ensure that international procurement obligations are implemented fully across the UK.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(legislation.gov.uk\)](#) .

The second SI has been laid in draft and is available here: [The Public Procurement \(International Trade Agreements\) \(Amendment\) Regulations 2021 \(legislation.gov.uk\)](#)

Any impact the SI may have on the Welsh Ministers' executive competence

The SIs have no impact on the Welsh Ministers' executive competence.

Any impact the SI may have on the legislative competence of the Senedd

The SIs have no impact on the Senedd's legislative competence.

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication and unnecessary complication.

The Welsh Government considers it appropriate that the UK Government legislates on its behalf in this instance.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Fisheries Policy (Amendment) Regulations 2021**

DATE **22 June 2021**

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

This instrument is made under powers in the Fisheries Act 2020 and is the first exercise of any powers conferred by that Act.

Celtic Sea technical measures

Section 36(1)(c) of the Fisheries Act 2020 provides that the Secretary of State and/or Welsh Ministers may by regulations make provision for a fish industry purpose. This instrument is made in exercise of these powers with the purpose of 'developing commercial fish activities'.

This instrument revokes the following legislation:

- Article 13 of Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters as it applies in retained EU law.
- Articles 2(8) and 9 of Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 as it applies in retained EU law.
- Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea as it applies in retained EU law.

Measures on European Seabass fisheries

Sections 36(1)(c) and 51(1) of the Fisheries Act 2020 provide, respectively, that the Secretary of State may by regulations make provision for a fish industry purpose and that

regulations made under that power may make consequential provision and different provision for different purposes or areas.

The provisions relating to measures on European seabass fisheries amend the following legislation:

- Article 10 of Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters as it applies in retained EU law.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

There is no impact this SI will have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence.

The purpose of the amendments

The legislation specified above has applied in UK law as retained EU legislation since 1st January 2021 and relates specifically to Celtic Sea technical measures.

The Government's objectives in relation to Celtic Sea technical measures are to improve the selectivity in the fishery as a whole, to enable the vulnerable stocks that are in a poor state (including cod) to recover, and to enable the continuation of a profitable and sustainable fishery as stocks recover.

The UK intends to increase the overall level of selectivity resulting from the measures that apply in the Celtic Sea area of Welsh and English waters. Specifically, the UK intends to refine the measures which apply to otter trawl and bottom seine vessels within the Celtic Sea Protection Zone and apply additional measures specific to otter trawl and bottom seine fisheries in the wider Celtic Sea area. Through this process the UK will also to address conflicting requirements between the relevant legislative elements.

This instrument will revoke the relevant legislation as specified, allowing refined and additional measures to be brought in through domestic and foreign vessel licence conditions. Guidance will be developed to provide industry with relevant information on measures.

Under the UK EU Trade and Cooperation Agreement (TCA), each party is required to notify the other Party of new measures that are likely to affect the vessels of the other Party

before those measures are applied, allowing sufficient time for the other Party to provide comments or seek clarification. The UK is therefore in the process of formally notifying the EU of proposed measures to be brought in through domestic and foreign vessel licence conditions in advance of changes being made.

Measures on European seabass fisheries

The measures relevant to seabass fisheries listed above have applied in UK law as retained EU legislation since 1st January 2021, and will be amended by this instrument.

Seabass fisheries are jointly managed by the UK and the EU and the management approach in place since 2015 that both parties provisionally continue to share has, this year, brought the fishing pressure on the stock down to within sustainable limits. As seabass has not been managed as a quota species the landing obligation has not applied. The UK's objectives, therefore, are to further rebalance the discarding/ landing ratio of the existing level of fishing mortality occurring under the current commercial fishing measures under fixed vessel landing limits, in favour of landing. Doing so is aimed at reducing the level of wasted discards by providing additional flexibility in English and Welsh waters to the vessel landing limit derogation in respect of seabass bycatch in fisheries using demersal trawl and seine fishing gear. This features an adjustment to the cap on how much bass can be cumulatively landed under the current 5% of bass in the total species retained on board and landed per fishing trip, from 520kg per two months, to 380kg per month.

The measures also include, with specific relevance to Wales, an adjustment to the scope of the general bass fishing prohibition so that it does not apply to bycatches in a specified number of shore-based fixed gillnets locally regulated in England and Wales that are not set from a vessel. This will have the effect of restoring the marketability of this by-catch, rather than discarding, and this does not result in an increase in bass fishing mortality above the level of regulated shore netting specified.

The UK, while remaining within the shared management approach with the EU and adhering to mutually agreed catch limits to manage fishing mortality, is now able to exercise regulatory autonomy to make incidental adjustments to the retained measures. This instrument makes amendments in relation to measures applying in the English and Welsh zones:

- Removing the word 'unavoidable' where it appears in the annual by-catch derogation for vessels using fixed gillnets (Article 10, paragraph 2 (d)). This is to provide additional clarity on enforcement of the vessel annual bycatch landing limit
- Adding a condition to managing overall fishing capacity (last sentence of last sub-paragraph of paragraph 2 in Article 10) in the context of vessel

replacement and transferring the bass derogation eligibility from the replaced vessel, in the context of single hulled small vessels in the 8 meters and under category. This enables replacement of small vessels to take place with newer, safer vessels in this size category.

- The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here:
<http://www.legislation.gov.uk/id/uksi/2021/698>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021**

DATE **22 July 2021**

BY **Rebecca Evans MS, Minister for Finance and Local Government**

The Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021

Policy Overview of the SI:

It is necessary for procurement legislation (detailed below) to be amended so as to effect domestic implementation of the Agreement on Government Procurement (GPA) under the Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021.

The Law which is being amended:

- The Public Contracts Regulations 2015
- The Concession Contracts Regulations 2016
- The Utilities Contracts Regulations 2016
- The Public Contracts (Scotland) Regulations 2015
- The Concession Contracts (Scotland) Regulations 2016
- The Utilities Contracts (Scotland) Regulations 2016

The purpose of the amendments

The purpose of the amendments is to make technical amendments to existing procurement legislation to ensure that international procurement obligations are implemented fully across the UK. This includes giving effect to the list of central government entities in Annex 1 to the United Kingdom's Appendix I to the Agreement on Government Procurement.

The SI and accompanying Explanatory Memorandum, setting out the effect of each

amendment is available [here](#).

Any impact the SI may have on the Welsh Ministers' executive competence

The SI has no impact on the Welsh Ministers' executive competence.

Any impact the SI may have on the legislative competence of the Senedd

The SI has no impact on the Senedd's legislative competence.

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication and unnecessary complication.

The Welsh Government considers it appropriate that the UK Government legislates on its behalf in this instance.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Organics (Equivalence and Control Bodies Listing)
(Amendment) Regulations 2021**

DATE **09 August 2021**

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

**SI laid in Parliament, which amends Retained EU Law and secondary legislation in a
devolved area**

**The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations
2021**

The 2021 Regulations amend the following retained European Union (“EU”) legislation:

EU Legislation amended

- Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91
- Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control
- Commission Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

**Any impact the SI may have on the Senedd’s legislative competence and/or the
Welsh Ministers’ executive competence**

Welsh Government officials are of the view the 2021 Regulations contain provisions, which are within the scope of the Senedd’s legislative competence, and as such the related functions should not be solely conferred on the Secretary of State.

DEFRA take the view that amendments in the 2021 Regulations relate to reserved matters. On this basis, DEFRA intend to transfer functions relating to the recognition of the equivalence of third-country organic control bodies to the Secretary of State.

The purpose of the amendments

The purpose of the 2021 Regulations is to end the process of needing to amend existing legislation every time a new third country or organics control body is recognised as being equivalent to GB organic standards, or for such amendments being needed should a control body change its contact details. The lists of approved third countries and control bodies will be placed on Gov.UK instead of in a statutory instrument, which will reduce the burden on the UK Parliament and policy officials.

The 2021 Regulations will not change the system of third countries or control bodies applying for recognition, as the system of application, review, consultation, comparison of standards and audits will remain the same.

Third-country control bodies already listed in the annexes of Commission Regulation (EC) No 1235/2008 will be removed and their details transferred to Gov.UK.

Port health authorities, local authorities and businesses will be able to access and search this list on Gov.UK to determine where organic products may be imported from and under what conditions, without having to search through legislation and related amending statutory instruments.

The 2021 Regulations will fulfil the UK's commitment under the Trade and Cooperation Agreement to recognise the EU as having equivalent organic standards. This recognition of the EU as equivalent until 31 December 2023 will be included in the online lists.

The 2021 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments are available here: <https://statutoryinstruments.parliament.uk/timeline/R6m4FRKK/SI-2021/>

Response to the UK Government

The Welsh Government's position is organic production and the Common Agricultural Policy are devolved and so are an exception to reserved matters under Schedule 7A to the Government of Wales Act 2006. The UK Government does not agree, however, and believes the subject matter of the 2021 Regulations is reserved. The UK Government has therefore not sought the consent of Welsh Ministers.

The Welsh Government's view is the above functions directly relate to regulation of movement into and out of Wales of food, plants, animals and related things for the purposes of protecting human, animal or plant health, animal welfare or the environment and observing or implementing obligations under the Common Agriculture Policy. The subject

matter of agriculture and CAP is within the legislative competence of the Senedd (i.e. devolved). Under the terms of the Intergovernmental Agreement, the consent of Welsh Ministers should have been sought prior to laying the 2021 Regulations.

The Welsh Ministers have written to the UK Government to inform them of our view that it is not appropriate for UK Government Ministers to take unilateral decisions on matters which have a direct effect upon areas of devolved competence.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021**

DATE **02 November 2021**

BY **Rebecca Evans MS, Minister for Finance and Local Government**

THE PUBLIC PROCUREMENT (AGREEMENT ON GOVERNMENT PROCUREMENT) (THRESHOLDS) (AMENDMENT) REGULATIONS 2021

Policy Overview of the SI:

It is necessary for procurement legislation (detailed below) to be amended so as to effect domestic implementation of the Agreement on Government Procurement (GPA) under the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021.

The Law which is being amended:

(“the Procurement Regulations”)

The purpose of the amendments

This instrument updates the public procurement reviewable financial thresholds in England, Wales and Northern Ireland which govern the procedures for the award of public contracts for goods, works and services. This instrument also changes the calculation of the estimated value of a procurement so as to include VAT. These changes stem from the UK’s obligations under the WTO Agreement on Government Procurement (GPA).

The thresholds and methodology for calculating contract value used in the Procurement Regulations apply to all procurements covered by those Regulations. No distinction is made between procurements that fall within the scope of the GPA and those that do not. This approach is taken as it would be complex and impractical to have different thresholds and calculation methodologies for GPA and non-GPA procurements, and also to account for differences within GPA procurements by reference to the different offers made by the UK to

different GPA members. The SI takes the same approach and thus applies the GPA related changes across all procurements covered by the Procurement Regulations. The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://www.legislation.gov.uk/uksi/2021/1221/contents/made>

Any impact the SI may have on the Welsh Ministers' executive competence

The SI has no impact on the Welsh Ministers' executive competence.

Any impact the SI may have on the legislative competence of the Senedd

The SI has no impact on the Senedd's legislative competence.

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the adjustments and there is no discretion about how the GPA obligations are implemented. We are content for the UK Government to make these Regulations for Wales.

The Welsh Government considers it appropriate that the UK Government legislates on its behalf in this instance.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021**

DATE **21 December 2021**

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

The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021 (“the 2021 Regulations”)

Policy Overview of the SI:

The aim of the 2021 Regulations is to amend previously retained EU legislation relating to sea fisheries matters. They:

- extend, both in time and technical specification, the exemptions to the requirements to land unwanted catches.
- extend the application of a multi-annual programme for the collection and management of fisheries data.
- make amendments to the regulation of Seabass fisheries.
- revoke a statutory closed season on Sandeel fisheries.
- update measures designed to combat Illegal, Unreported and Unregulated Fishing.

The Law which is being amended:

- Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters;
- Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for small pelagic fisheries and fisheries for industrial purposes in the North Sea;
- Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021;

- Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021;
- Commission Implementing Decision (EU) 2019/909 establishing the list of mandatory research surveys and thresholds for the purposes of the multiannual Union programme for the collection and management of data in the fisheries and aquaculture sectors;
- Commission Delegated Decision (EU) 2019/910 establishing the multiannual Union programme for the collection and management of biological, environmental, technical and socioeconomic data in the fisheries and aquaculture sectors;
- Regulation (EU) 2019/1241 — the conservation of fisheries resources and the protection of marine ecosystems through technical measures;
- Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters;
- Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

The purpose of the amendments

The 2021 Regulations make amendments to retained EU law in the field of sea fisheries. The United Kingdom's illegal, unreported and unregulated ("IUU") fishing vessel list is contained in retained Commission Regulation (EU) No 468/2010. The 2021 Regulations amend the part of the list which specifies vessels contained in the IUU fishing vessels lists of regional fisheries management organisations ("RFMOs"). The amendments add vessels to the UK list to ensure that the UK maintains a list which includes all relevant vessels identified by RFMOs and meets its obligations to the RFMOs of which it is a member.

The 'landing obligation' (the requirement to land catches of certain fish stocks and count them against quota) is contained in retained EU law and there are four additional retained EU law Regulations which specify exemptions from the landing obligation known as the 'discard plans'. The 2021 Regulations amend the discard plans to extend their application beyond the end of 2021, when they are due to expire, and to make amendments to individual exemptions based on scientific advice.

Commission Implementing Decision (EU) 2019/909(1) and Commission Delegated Decision (EU) 2019/910 together set out the multiannual programme for the collection and management of fisheries data. The 2021 Regulations amend those Decisions to extend their application beyond the end of 2021 when they are due to expire.

The 2021 Regulations make a minor amendment to Regulation (EU) 2019/1241 to increase the mesh size requirement for vessels fishing for bass in ICES area 7d of the English Channel. The relevant provision previously specified a minimum mesh size requirement of 90mm for certain fishing activities in area 7d but these Regulations increase that minimum mesh size to 100mm for directed fishing for bass using static nets.

The 2021 Regulations also amend Council Regulation (EU) 2020/123 to update the provisions which regulate sea bass fishing. The amendments are partly to extend the application of the fishing measures beyond the end of 2021 when they were due to expire. They also increase overall the discard limits for vessels using trawls and seines. The amendments to Council Regulation (EU) 2020/123 also revoke provisions relating to sandeel fishing which have now expired.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: [The Sea Fisheries \(Amendment etc.\) \(No. 2\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Any impact the SI may have on the Welsh Ministers' executive competence

Each of the retained regulations being amended places a duty on the SoS to obtain consent from each of the devolved governments before making regulations to the extent that the regulations would be within their jurisdiction. Therefore, there is no impact on Welsh Ministers' executive competence in this regard and there is no encumbrance to Welsh Ministers legislating separately in relation to Wales in these regulatory areas. Any amendment to the 2021 Regulations will require the SoS and Welsh Ministers to act jointly.

Any impact the SI may have on the legislative competence of the Senedd

The SI has no impact on the Senedd's legislative competence.

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy matters under consideration. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility particularly for fishers subject to the regulations who often pass across devolved borders in the course of their daily work. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

13 January 2022

Annwyl Huw

Intergovernmental Relations Review

I am writing in accordance with the inter-institutional relations agreement to report and update you on the joint Review of intergovernmental relations.

I have today issued a Written Ministerial Statement which can be found at [Written Statement: Review of Intergovernmental Relations \(13 January 2022\) | GOV.WALES](#)

Yours sincerely,

MARK DRAKEFORD

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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

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Review of Intergovernmental Relations**
DATE **13 January 2022**
BY **Mark Drakeford MS, First Minister**

Following years of intensive work by Ministers and officials during the joint Review of Intergovernmental Relations, the Welsh Government, along with the UK Government, the Scottish Government, and the Northern Ireland Executive, have agreed to use the package of reforms which has emerged from the Review as the basis for the conduct of intergovernmental relations.

The package has been published and is available at: [The review of intergovernmental relations - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The package makes important progress in advancing the objectives the Welsh Government set out in 'Brexit and Devolution' and 'Reforming our Union', and as such is a welcome development which can bring benefits for all four governments and the four nations.

The final package of reforms builds on the draft set of proposals that was published on 24 March last year. Further progress has been made since then to strengthen the package, focusing on the concerns we expressed with the earlier proposals. In particular, we believe the new structures and process can enable more meaningful dialogue among governments across areas of mutual interest – including on finance, UK-EU relations, trade and international affairs – and underpinned by a clearer, fairer dispute avoidance and resolution mechanism. These arrangements will all be overseen by a new "Prime Minister and Heads of Devolved Governments Council".

Overall, the package has the potential to deliver significant improvements, if the spirit and content as set out in the package is translated through into consistent approaches and actions, based on respect, parity of participation and parity of esteem, and a desire to reach agreement through discussion (and indeed compromise) not imposition. All four governments have a responsibility to live up to these principles.

We will keep Members informed, in accordance with the inter-institutional relations agreement, as we implement the machinery and processes set out in the package.

THE REVIEW OF INTERGOVERNMENTAL RELATIONS

Since 1999, engagement between the United Kingdom Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive has taken place under the umbrella of ‘intergovernmental relations’ (IGR). Ministers and civil servants across the UK are in touch on a daily basis across all areas of interest, discussing joint decision-making, policy development and pragmatic ways to work together.

The past 12 months have been testament to the need for effective intergovernmental relations. As the UK looks to recover from the challenges of the COVID-19 crisis, strong intergovernmental relations is essential to support and enhance the important work of all governments.

Following a review of intergovernmental relations this document sets out new structures and ways of working. These will provide for ambitious and effective working, to support our COVID recovery, tackle the climate change crisis and inequalities, and deliver sustainable growth. They are built on principles of mutual respect and trust, respecting the reserved powers of the UK Government and Parliament and the devolved competences of the Scottish Government, Welsh Government, Northern Ireland Executive and their legislatures.

The new system will provide a positive basis for productive relations, facilitating dialogue where views are aligned and resolution mechanisms where they are not. The review also introduces a new era for IGR with improved reporting on intergovernmental activity, providing greater transparency, accountability and scrutiny from each government’s respective legislatures.

PRINCIPLES FOR INTERGOVERNMENTAL RELATIONS

1. Collaborative working will be founded on the following **principles**:
 - a. Maintaining positive and constructive relations, based on mutual respect for the responsibilities of the governments and their shared role in the governance of the UK;
 - b. Building and maintaining trust, based on effective communication;
 - c. Sharing information and respecting confidentiality;
 - d. Promoting understanding of, and accountability for, their intergovernmental activity;
 - e. Resolving disputes according to a clear and agreed process.
2. The following reforms of intergovernmental structures and processes are drafted on the basis of the current constitutional arrangements, whilst not precluding constitutional developments in the future. They provide a statement of political intent, but are not intended to create new, or override existing, legal relations or obligations, or to be justiciable. Nothing within them should be construed as conflicting with the Belfast/Good Friday Agreement. These arrangements will be kept under review.

MACHINERY

3. This new system reaffirms our collective commitment to work more effectively together through new machinery dedicated to this purpose. On matters of mutual interest, the governments will seek to proceed by consensus, including ensuring the earliest possible resolution of issues. Intergovernmental machinery should:
 - a. sustain positive and constructive relations, based on mutual respect for each others’ responsibilities and a shared role in the governance of the UK;

- b. facilitate effective collaboration and regular engagement in the context of increased interaction between devolved and reserved competence in our new relationship with the EU and other global partners;
 - c. promote dispute avoidance by ensuring there are effective communication and governance structures at all levels, from working-level officials to ministers;
 - d. provide equal opportunity for all governments to influence the choice of issues under consideration in intergovernmental forums and to propose, operate and participate in new forums;
 - e. ensure that all governments respect and abide by all jointly agreed guidance, rules and processes;
 - f. facilitate increased accountability and transparency which, in turn, can help develop and enhance the culture of engagement;
 - g. ensure that the processes serve all governments equally and fairly.
4. Effective IGR must be underpinned by regular official-level engagement within a collaborative environment created and fostered by ministers. As a general principle, therefore, the majority of intergovernmental business should be conducted on an ongoing basis through normal official-level channels wherever possible.
5. Ministerial oversight is however essential to promote effective collaboration and to provide political accountability. Ministerial forums should therefore be in place to consider and, where appropriate, reach agreement on issues of mutual interest across policy areas. Regular and tailored engagement within these forums will strengthen a shared ambition to operate a culture change across all administrations in their conduct of IGR. All ministerial engagement will be conducted in accordance with the principles for intergovernmental relations.
6. Intergovernmental decisions will continue to work on the basis of agreement by consensus. The default position will remain that a joint approach will not be taken in the absence of such consensus. There will be clarity throughout on the territorial extent of policy and representation in engagement.

Communication

7. Intergovernmental relations are best facilitated by effective sharing of information and respecting confidentiality of the content of the discussions. The governments have committed to effective and timely communication with each other, particularly where one government's work may potentially have some bearing on the responsibilities of another; and to transparency in the conduct of their relations. The governments will ensure that appropriate formal and informal processes are available for sharing data and information, both multilaterally and bilaterally as appropriate. The governments commit to respecting the terms under which information is shared.

Future Conduct of Intergovernmental Relations

8. Overall accountability for intergovernmental relations will remain with the Prime Minister, the First Ministers of Scotland and Wales and the First and deputy First Minister of Northern Ireland.
9. The new structures and processes should serve all governments equally, fairly and with respect for each government's respective responsibilities. To meet the objectives set out above, future intergovernmental relations will be conducted through the forums established within the three tier structure:
- a. Portfolio engagement at official and ministerial level;

- b. Engagement on cross-cutting issues, including an Interministerial Standing Committee;
 - c. The Prime Minister and Heads of Devolved Governments Council
10. A standing IGR Secretariat will also be established to provide administrative support and promote the efficient and effective maintenance of relations at each tier and for the handling and resolution of disputes. Further details are outlined in Annex A. The role and functions of each tier are set out below.

Engagement Structures

11. **Tier 1 - Portfolio Engagement.** All governments will commit to regular portfolio-level engagement on areas of mutual interest. This engagement should take place formally within **Interministerial Groups (IMGs)**, which are expected to cover a number of policy areas and will aim to meet regularly on a quadrilateral basis with established terms of reference. It may be more appropriate in some areas for engagement to be less frequent or in a different format, for example bilaterally, with exact format determined jointly. Further detail is outlined in Annex B.
12. **Middle Tiers - An Interministerial Standing Committee (IMSC)** should be established to consider issues which cannot be considered at the portfolio-level within the relevant IMG, to bring together strategic considerations affecting many different portfolios and to discuss any cross-cutting international issues. The IMSC should provide oversight of all IMGs and its Terms of Reference will therefore provide a remit to consider issues falling within all policy areas of mutual interests, both domestic and international, if they have a bearing on the wider relationships between the governments. It will meet every other month, according to rotating arrangements, but could meet more or less frequently according to need and if agreed by consensus. The IMSC may also consider issues that have been delegated to it. The IMSC, and supporting officials structures, will also be responsible for ensuring the effectiveness of portfolio-level engagement. Draft terms of reference are included in Annex B.
13. Recognising that international relations is a reserved competence, the importance of engagement on the UK Government's approach to international issues as it affects devolved responsibilities is embedded in the system. The IMSC will consider cross-cutting and wider strategic international issues, with FCDO Ministers invited as necessary. This will be complemented by two internationally focussed IMGs, including the Trade IMG to discuss agreements with the UK's new trading partners, and an IMG for the UK-EU Trade and Cooperation Agreement. These forums are in addition to departmental IMGs who will consider international engagement and agreements where devolved competence is being considered. In relation to UK-EU meetings, UK co-chairs will consider attendance as part of the UK delegation. International engagement and agreements that fall outside the remit of the IMSC or a relevant IMG will be led directly by FCDO, either on a bilateral or multilateral basis where necessary.
14. Confidentiality is a material part of all intergovernmental relations, and a necessary condition for engagement. All parties will treat discussions sensitively and not disclose information that breaches the confidential nature of such discussions.
15. If particular issues are identified as needing in-depth and focused consideration by ministers, **time-limited Interministerial Committees (ICs)** will be established by consensus.
16. Building on existing engagement in the Finance Ministers Quadrilateral, a **Finance Interministerial Standing Committee (F:ISC)** will consist of representatives of Her

Majesty's Treasury, together with the devolved governments' finance ministers to consider finance and funding matters. The F:ISC will sit alongside the IMSC and have similar operating arrangements, as outlined in the F:ISC Terms of Reference. It will be supported by a joint secretariat consisting of representatives of each minister's departments. Terms of Reference are included in Annex C.

17. Top tier of engagement - Intergovernmental relations in the UK will be overseen by the overarching **Prime Minister and Heads of Devolved Governments Council** ('the Council'). All middle-tier and portfolio engagement will be accountable to this forum. The functions and operation of the Council are detailed in Annex B.
18. Meetings will be chaired by the Prime Minister. In addition, it is anticipated the Prime Minister will engage with First Ministers and other parties, for example local leaders, outside of these structures.

SECRETARIATS

19. The Council, IMSC and ICs will be supported by a standing IGR Secretariat, consisting of officials from all governments. The Secretariat will be accountable to the Council rather than to individual sponsoring governments. The IGR Secretariat will promote the efficient and effective maintenance of relations at each tier, facilitate prompt handling and resolution of disputes, and provide administrative support across the structures. More detail is set out in Annex A.
20. The F:ISC will be supported by the F:ISC Secretariat, led collectively by officials from the members of the F:ISC. The F:ISC Secretariat, supported by the IGR Secretariat, will lead the first two stages of the dispute resolution process. Further detail is set out in Annex C.

DISPUTE RESOLUTION AND AVOIDANCE

21. All governments are committed to promoting collaboration and the avoidance of disagreements, facilitated by the new intergovernmental machinery in which engagement will normally take place at the lowest appropriate level possible. Any government may refer a disagreement to the IGR Secretariat as a dispute. Escalation of a disagreement between governments as a dispute will only be considered after due and full consideration has been given at portfolio-level (including F:ISC regular engagement), where a disagreement cannot be resolved at portfolio level, and has significant implications for the relationship between two or more governments. This will include circumstances where governments disagree about the interpretation of, or actions taken in relation to, matters governed by intergovernmental agreements, rules or procedures (including Common Framework Agreements). This is without prejudice to the legal provisions within the devolution settlements which govern matters relating to legislative competence. The resolution process (set out in Annex D) should be seen as part of a much wider system of active IGR, and as a process of last resort.

TRANSPARENCY AND PARLIAMENTARY ACCOUNTABILITY

22. The governments are accountable to their respective legislatures for the conduct of intergovernmental relations and will seek to promote a wider understanding of this activity. All governments commit to increased transparency of intergovernmental relations through enhanced reporting to their respective legislatures.
23. All intergovernmental forums will be encouraged to produce communiqués on their meetings and activities and publish these online. These would include:

- a. date, location, Chair and list of participants;
 - b. a summary of discussion points.
24. The IGR Secretariat will support any requirements of individual governments in making their reports to their legislatures and will also prepare an annual report on intergovernmental activity.

Annex A: The IGR Secretariat

1. A standing IGR Secretariat, accountable to the Council, will promote the efficient and effective maintenance of relations at each tier, facilitate prompt handling and resolution of disputes, and provide administrative support across the structures.
2. The IGR Secretariat will be hosted and funded by the Cabinet Office, and staffed by officials from all governments (on a rotating basis if overall numbers of staff are lower than four). The Cabinet Office will be responsible for overseeing all IT arrangements. The Secretariat Head will be responsible for managing the Secretariat. The impartiality of the Secretariat is assured through its accountability to the Council and through its commitment to serve all administrations equally in accordance with the agreed guidance, rules and processes in the IGRR.
3. The IGR Secretariat will operate in accordance with the following set of guidelines. The IGR Secretariat will:
 - a. Be accountable at all times to the Council rather than to individual governments;
 - b. Serve all governments equally and act impartially in accordance with guidance, rules and processes that are jointly agreed by the Council;
 - c. Respond to any request by any government to exercise its right to submit an item, supported by any relevant background papers, for a meeting in accordance with the agreed terms of reference (ToRs) of the particular forum;
 - d. Promote transparency and accountability wherever possible.
4. The IGR Secretariat's functions will include:
 - a. Determining dates, agenda, location and chairing of intergovernmental meetings of the Council, IMSC, and ICs, and establishing new IMGs as requested;
 - b. Compiling / commissioning background papers for discussion for the Council, IMSC, and ICs;
 - c. Reporting on the outcomes of meetings, drafting minutes and sharing joint communiqués for the Council, IMSC, and ICs;
 - d. Facilitating the process of dispute resolution. This will include assessing whether the appropriate steps have been followed to resolve a disagreement and decide whether it should be escalated as a dispute through the formal process. Where appropriate, it will appoint a third-party to provide third-party advice or conduct mediation on non-F:ISC disputes, subject to the agreement of all parties to pursue these options;
 - e. Compile reports on IGR activity, noting the separate reporting arrangements each government has in place with its respective legislatures. It will be responsible for gathering information about meetings that have taken place during the year, and collating this information into an annual report to be shared with all governments. All governments will remain responsible for how the information is reported to their legislatures;
 - f. Gathering data relevant to the exercise of its functions.
5. The IGR Secretariat will work with an intergovernmental Senior Officials' Group to ensure that the new structures, processes and behaviours are fully realised. The Secretariat Head will attend meetings of the Senior Officials' Group in order to facilitate feedback between the ministerial and official levels of engagement.
6. For non-F:ISC disputes, the IGR Secretariat will, where appropriate, appoint a third-party to provide advice or conduct mediation.

7. The IGR Secretariat will maintain a record of engagement within IMGs, including a record of IMG meetings as provided by IMG Secretariats. Where a disagreement is referred back to an IMG or should disagreements persistently arise, the Secretariat Head may convene a meeting between relevant senior civil servants for discussion and proposal of solutions.
8. The IGR Secretariat oversees requests for items to be added to the agendas of middle-tier forums, with the exception of the F:ISC which is managed by the F:ISC Secretariat. For non-F:ISC disputes, the Secretariat will coordinate the Senior Officials Meeting to provide ministers with impartial advice about the nature of the dispute, an assessment of implications, and collectively recommended solutions.
9. The IGR Secretariat may convene a meeting of the Council for the purpose of dispute resolution. For all disputes, the agenda item will be supported by a paper produced by the IGR Secretariat. This paper may be considered by correspondence between Council members before, and if there is consensus regarding resolution, in lieu of a meeting. A Secretariat report on the outcome of the dispute, including any third-party advice obtained, must be prepared by the Secretariat and laid by each government before its legislature.
10. The IGR Secretariat will support any requirements of individual governments in making reports to their legislatures. The Secretariat will also prepare an annual report to be published online, including:
 - a. a list of all engagements for each forum;
 - b. agenda items;
 - c. any resolved disputes, an executive summary of the Secretariat report on the outcome, and associated third-party reports when relevant and appropriate.

ANNEX B: DRAFT TERMS OF REFERENCE FOR THE COUNCIL, IMSC and ICs, AND DRAFT LIST OF IMGS

The Prime Minister and Heads of Devolved Governments Council

Attendance

1. The Prime Minister and Heads of Devolved Governments Council ('the Council') will consist of the Prime Minister, the First Ministers of Scotland and Wales, and the First Minister and deputy First Minister of Northern Ireland.
2. The Council will be responsible for overseeing intergovernmental relations in the UK. Overall accountability for intergovernmental relations will remain with the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland.
3. Other ministers and relevant parties will be invited to attend depending on the specific agenda items under discussion.

Functions

4. The functions of the Council will include:
 - a. considering policy issues of strategic importance to the whole of the UK;
 - b. overseeing the functioning of and providing strategic direction to the system of multi-level governance created by devolution;
 - c. reaching decisions on strategic direction for IGR by consensus;
 - d. acting as the final escalation stage of the dispute resolution process; and
 - e. overseeing and regularly reviewing this agreement.

Operation

5. The Prime Minister will host an annual meeting of the Council with the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland. Meetings will be chaired by the Prime Minister. The IGR Secretariat will oversee the operation of this meeting.
6. In addition to its annual meeting, the Council may meet more frequently for example, extraordinary meetings for the purpose of dispute resolution. The Council may also meet in other formats according to need. Any meeting at this level, even with delegated responsibility to representatives, will be considered a meeting of the Council.
7. If agreed by all governments, the Council will be able to delegate responsibility for specific issues to the middle tier forums as appropriate and will also be able to create or stand down time-limited Interministerial Committees as agreed by consensus. If agreed at the ICs, members of those committees can also stand down committees if the need is no longer there. The Council might assign to one of the middle-tier forums one or several issues to review within these functions, while aligning with the final escalation stage of the dispute avoidance and resolution process.

Interministerial Standing Committee

8. As policy-specific conversations should take place between the relevant ministers at the portfolio level, the Interministerial Standing Committee (IMSC) will provide some oversight to portfolio engagement but will not replace or duplicate it. The IMSC will consider issues bearing wider implications for relationships between the governments, including issues cutting across different portfolios, cross-governmental programmes of

work, cross-cutting international issues, or policy issues which have moved beyond technical considerations and into a wider political agenda. It will ensure that the relevant forums are in place to consider broader items of intergovernmental policy and escalate issues when necessary.

Attendance

9. The IMSC will consist of the relevant IGR ministers from all governments.
10. When portfolio-level expertise is deemed beneficial to the particular conversation at hand, ministers from other departments and ministries can be invited to attend.

Function

11. The aim of the IMSC is to consider issues cutting across several ministerial portfolios and ensuring positive policy collaboration across all four governments. It will also consider issues that require collaboration across multiple IMGs, the breadth of which prevents them from fitting into the remit of a particular IMG and will be an escalation stage between individual IMGs and the top-tier forum in the dispute resolution process.
12. The IMSC will aim to achieve the following objectives:
 - a. Consider matters which cut across multiple policy areas and competences, including any cross-cutting or wider strategic international issues;
 - b. Provide oversight and central coordination of intergovernmental engagement across all devolved policy areas;
 - c. Provide oversight of portfolio-level engagement;
 - d. Consider cross-cutting matters relating to the implementation, development and impact of reserved policies in devolved areas, including but not limited to international issues;
 - e. Provide oversight of the Common Frameworks programme and its governance arrangements. Individual frameworks will be considered in the relevant Interministerial Group as necessary;
 - f. Consider issues which have an impact on regulatory standards across the UK for internal trade;
 - g. Consider the implications of diverging approaches in establishing cross-cutting local policies which impact on another government's area of responsibility;
 - h. Share expertise on devolved areas which is required for the operation of cross-cutting reserved policies;
 - i. Provide an escalation route for international issues, which cannot be adequately addressed in the relevant Interministerial Group, or bilateral meetings, or which require further strategic oversight across multiple policy areas;
 - j. Consider disagreements which have an impact on the relationships between the governments, and escalate intergovernmental disputes when necessary.
13. Items will be added to the agenda according to a strict set of rules overseen by the Secretariat:
 - a. The issue must cut across multiple policy areas within multiple portfolios;
 - b. The issue must not fall within the remit of an existing IMG. If it does, it should either be referred back to the relevant IMG for consideration or an explanation sought from the government which has suggested the item as to why it should be considered by the IMSC rather than the relevant IMG;
 - c. For disputes, the issue must have been assessed by the IGR Secretariat as qualifying as a dispute, as having implications beyond its policy area, impacting the wider relationship between the parties involved, and having already been

considered by the relevant IMG and gone through stage 1 of the resolution process.

Operation

14. Meetings of the IMSC will take place every other month, but it can meet more or less frequently according to need and if agreed by consensus.
15. Locations and chairing will rotate between the governments and be determined in advance. The agenda will be agreed by all four governments, and the meetings will be facilitated by the Secretariat.
16. Any government will have the right to submit an item to the Secretariat to request it be considered at the relevant IMSC meeting. The Secretariat will be responsible for comparing the item against the above criteria and considering the appropriate timings for the item to be considered.
17. Without prejudice to the chairing arrangement determined for the meeting, when the agenda includes items relating to reserved policies led by a specific UK Government department, those items will be introduced and discussion led by the relevant UK Government minister.

Time-limited Interministerial Committees

18. If a cross-cutting issue normally falling within the remit of the IMSC requires specific consideration in isolation from other issues, due to political developments, repeat appearances on the IMSC agenda, or urgency, a time-limited Interministerial Committee (IC) should be established for that purpose.
19. Any government may request the establishment of a time-limited IC which will be established by consensus on the need to do so. Frequency of meetings, chairing arrangements and attendance will be determined upon the creation of each IC depending on the particular needs of the issue under consideration. The IGR Secretariat will draft the ToR for each IC in consultation with the Senior Officials' Group, to be agreed by the relevant ministers from all governments.
20. Any number of ICs can be created at any given time but must have a predetermined life-span, which can be extended by consensus. ICs, like the IMSC, will however only consider issues which cannot be considered by the relevant IMG.

Portfolio engagement

21. Much engagement at portfolio level is already in place and will be rebranded to align with this new agreed structure. These meetings provide an important locus for discussion of the impacts upon each other of policy change in different governments for learning and cooperation between governments, and for agreement on the use of mixed-competence levers (which have both reserved and devolved elements) in support of outcomes. These meetings will be organised, and secretariat support provided, by the participating departments and ministries through arrangements agreed between them. However, the IGR Secretariat will maintain a record of engagement within IMGs, including a record of IMG meetings provided to the IGR Secretariat by the IMG Secretariats. Any government will have the right to request that an item for discussion from an IMG be referred for consideration at the Interministerial Standing Committee or Finance Interministerial Standing Committee. The IGR Secretariat will facilitate inclusion of such items for discussion in accordance with the

principles for intergovernmental relations, the relevant forum's terms of reference (for example IMSC's Terms of Reference), or the dispute avoidance and resolution process set out below. The IMSC, supported by the IGR Secretariat, will also support the review of the effectiveness of portfolio-level engagement as necessary.

22. This section includes a number of preliminary IMGs to be established, but this is not an exhaustive or definitive list, with the intention that groups can be established or adapted according to need. There are a number of issues where engagement between the four governments will be mutually helpful, but the appropriate form of this engagement has not yet been agreed. It will be the role of the IGR policy officials and the new IGR Secretariat to advise on the most appropriate IMG or IMSC/F:ISC where those issues will be discussed. Each forum will be responsible for jointly agreeing and updating their terms of reference depending on changes to their structures and priorities.
23. Guidance will be issued to departments and ministries to shape collaborative attitudes towards engagement in the post-EU exit context of increased interaction between devolved and reserved competence. This will include recommendations for rotating chairing and location and frequency of meetings, but leaving the precise arrangements to be jointly agreed between administrations to ensure they are appropriate for the nature of the forum, and flexible and adaptable for the future. Each department and ministry will be responsible for agreeing and updating their terms of reference depending on changes to their structures and priorities.

UKG department*	Name
BEIS	Engagement on science and research - format TBC
	IMG (Business and Industry)
	IMG (Net Zero)
Cabinet Office	IMG (Elections)
	IMG (UK-EU TCA) - to be established
DCMS	IMG (Culture)
	IMG (Sports Cabinet)
	IMG (Tourism)
Defra	IMG (Efra)
DfE	IMG (Education) - SoS level - to be established
	IMG (Higher Education) - to be established

DfT	IMG (Transport)
DHSC	IMG - to be established
DIT	IMG (Trade)
DWP	Engagement on welfare - format TBC
Home Office	IMG - to be established
DLUHC	IMG - to be established
MoD x Office of Veterans Affairs	IMG (Covenant Veterans)
MoJ	IMG - to be established

*The inclusion of the name of UKG departments is intended to illustrate the likely department/policy area leading on this, but this will differ depending on the government.

ANNEX C: DRAFT TERMS OF REFERENCE FOR THE FINANCE INTERMINISTERIAL STANDING COMMITTEE

Attendance

1. The Finance Interministerial Standing Committee (F:ISC) will be led by the relevant finance ministers from the UK Government and the devolved administrations.
2. Attendance will ordinarily include all finance ministers, however where appropriate may include bilateral engagement.
3. When portfolio-level expertise is deemed beneficial to the particular conversation at hand, ministers from other departments and ministries can be invited to attend.

Function

4. The aim of the F:ISC is to consider the impact of economic and finance matters affecting the UK.
5. The F:ISC will therefore cover the following:
 - a. Consideration of UK-wide and nation-specific macroeconomic and fiscal positions;
 - b. Consideration of emerging economy and finance issues and longer-term challenges that affect all administrations, where collaboration and sharing of information supports planning, policy development and decision-making;
 - c. Other ad hoc economic/finance issues affecting all administrations;
 - d. Resolution of financial disputes.

Operation

6. The F:ISC should typically take place each quarter, however meetings may take place less or more frequently if agreed unanimously. Meetings should take place around key events.
7. The F:ISC will be chaired by the UK Government or a devolved administration finance minister.
8. The agenda will be determined by the Secretariat. Any administration would have the right to submit an item to the Secretariat to request it be considered at the relevant F:ISC meeting. The Secretariat would be responsible for comparing the item against the above functions and considering the appropriate timings for the item to be considered.
9. Agenda items can be introduced and led by any of the attendees, as determined by the Secretariat. When the agenda relates to reserved policies led by a specific UK Government department, the items would be introduced and led by the relevant UK Government minister.
10. HM Treasury and the devolved administrations will publish joint communiques setting out the meeting date, meeting attendees, and the high-level meeting agenda.
11. The F:ISC Secretariat will be led collectively by officials from the members of the F:ISC. In the case of a dispute, the F:ISC Secretariat will be comprised of officials from the disputing parties for the purposes of the dispute resolution process.

Disputes

12. The UK Government and devolved administrations will seek to maintain positive and constructive relations, based on mutual respect for the responsibilities of the UK Government and devolved administrations and their shared role in the governance of the UK.
13. All governments are committed to promoting collaboration and the avoidance of disagreements, facilitated by the new intergovernmental machinery in which discussions will take place at the lowest level possible. The escalation of a disagreement between governments as a dispute will be considered only where due and full consideration has been given at portfolio-level. In this context, the following model should be seen as part of a much wider system of active intergovernmental relations (IGR) and dispute management, and as a process of last resort.
14. Any disagreements shall ordinarily be managed through continued official led engagement.
15. Any finance minister can escalate a disagreement as a dispute by notifying the IGR Secretariat and F:ISC Secretariat by writing, if there is a disagreement between members of the F:ISC which cannot be resolved through normal channels or regular F:ISC discussions.
16. The IGR Secretariat will consider whether a disagreement should be classified as a dispute according to the following criteria:
 - a. Has the disagreement been discussed extensively at senior civil servant level for the relevant portfolio?
 - b. Was a solution proposed at the senior civil servants discussion (that was not satisfactory to all parties to the disagreement)?
 - c. Has the disagreement been discussed extensively by the relevant portfolio ministers?
 - d. Does the disagreement have implications beyond its policy area, impacting the wider relationships between the parties involved?
17. No member of the Finance ISC can reject the decision of another to raise a dispute on any economic or finance issue or refuse to engage on its substance if the IGR secretariat recommends a disagreement be escalated as a formal dispute. However, all parties acknowledge that policy decisions on funding are strictly reserved to Treasury ministers, with engagement with the devolved administrations as appropriate. As outlined in the Statement of Funding Policy, funding disputes may only be raised where there is reason to believe a principle of the Statement of Funding Policy may have been breached.
18. The process for resolving a dispute will follow the steps agreed between the UK Government and the devolved administrations through the Intergovernmental Relations Review as closely as possible, recognising specific differences outlined in these Terms of Reference.
19. On escalation of a disagreement to a dispute, the F:ISC Secretariat will coordinate and implement the process by convening a meeting of Senior Officials within 10 working days, unless all parties agree to an extension, which will consider collective recommendations to ministers for resolving the dispute. Portfolio Senior Officials will also be invited to attend if appropriate.

20. If Senior Officials request that the dispute be further considered by ministers, the Secretariat will convene a meeting of the F:ISC in dispute formation. Ministers should aim to meet within approximately 10 working days unless they agree to an extension.
21. The F:ISC will seek to agree to resolve the dispute, either by agreeing Senior Officials' recommendations or through discussion. If ministers are unable to resolve the dispute, any of the disputing parties will have the right to request non-binding third-party evidence or advice to inform subsequent discussion. The scope of this evidence or advice, as well as the body nominated to carry it out, must be agreed by all parties to the dispute.
22. A F:ISC in a dispute setting will be chaired by an independent chairperson. All parties to the dispute must agree the appointment of the independent chairperson. The role of the chair will be to ensure that the discussion proceeds efficiently, positively and keeps to time. The chair will not have a decision-making role but will record any consensus which is reached or, alternatively, outline the next steps under the dispute resolution process if an agreement is not reached.
23. If no resolution is found at the F:ISC, the matter will be referred back to the IGR Secretariat to be considered by the Prime Minister and Heads of Devolved Governments in the Council. This process is set out in the terms of reference for the Council.
24. Disputes raised in relation to the Welsh and Scottish Governments' fiscal frameworks will continue to be managed through the arrangements set out in their respective fiscal framework agreements.
25. The F:ISC Secretariat will provide minutes of the meeting of the F:ISC in dispute formatting.
26. Any concerns with the conduct of the disputing governments can be referred to the IGR Secretariat.

ANNEX D: DISPUTE AVOIDANCE AND RESOLUTION PROCESS

Escalation stages

Stage 1 - consideration of dispute by IGR Secretariat

1. The final stage for a portfolio-level disagreement before escalation to a 'dispute' to the IGR Secretariat will usually be considered by the relevant IMG or F:ISC. On referral, the role of the IGR Secretariat will be to provide impartial advice to governments about the nature of the dispute. No Secretariat or government can reject the decision of a government to raise a dispute.
2. The IGR Secretariat will base the assessment of the nature of the disagreement on a clear set of criteria:
 - a. Has the disagreement been discussed extensively at senior civil servant level for the relevant portfolio or finance matter?
 - b. Was a solution proposed at the senior civil servants discussion (that was not satisfactory to all parties to the disagreement)?
 - c. Has the disagreement been discussed extensively by the relevant portfolio or Finance Ministers?
 - d. Does the disagreement have implications beyond its policy area, impacting the wider relationships between the parties involved?
3. If the dispute fulfils all the criteria, it is escalated as a dispute to either IMSC or F:ISC. If it does not, the IGR Secretariat will refer it back for consideration to an earlier stage of the process.
4. Ahead of the IMSC or F:ISC, the relevant Secretariat will coordinate a meeting of the Senior Officials' Group within 10 working days, unless all parties agree to an extension, to consider collective recommendations to ministers for resolution. The chair will not have a decision-making role and must not be a representative of a government which is party to the dispute.

Stage 2 - consideration by IMSC or F:ISC

5. Following the meeting of the Senior Officials' Group, the relevant Secretariat will convene a meeting of the relevant ministers within 10 working days, unless an extension is agreed by all relevant ministers. The Secretariat will issue the agenda to the relevant ministers and officials summarising the background and the recommendations of the Senior Officials' Group. The chair of the meeting will have been agreed at the Senior Officials' Group meeting. This could be a minister from a government not party to the dispute or an independent third-party who will not have a decision-making role.
6. The IMSC or F:ISC will seek to agree to resolve the dispute. If a resolution is not reached, it is escalated to the Council, unless all parties agree not to escalate and instead to report to legislatures on the outcome of the dispute.
7. **Third-party (non-binding) advice or mediation should be sought once, at the F:ISC or ahead of escalation to the Council unless all parties to the dispute agree not to do so.** Alternative means of resolution can also be sought should all parties

agree. No disagreement over the operating arrangements can prevent escalation to the Council. The relevant Secretariat will determine escalation.

8. On some occasions, third-party intervention will not be appropriate, for example matters of national security or commercially sensitive material. It will be for the senior officials of the IMSC or F:ISC to provide advice to their ministers on whether it is appropriate to seek third-party advice.

Stage 3 - consideration by the Council

9. Following third-party advice (if relevant), the dispute will escalate to the Council for consideration of the dispute and the third-party advice within a month. For all disputes, the agenda item will be supported by a paper produced by the IGR Secretariat.
10. Any member of the Council may initiate a discussion about the status of an emerging or ongoing dispute. A decision will not be made on its resolution, however, until the dispute has been referred to the Council by the IGR Secretariat as a result of the earlier steps identified in the process, or if governments agree to reach a solution outside the process.
11. The IGR Secretariat will report on the outcome of the dispute at the final escalation stage, including any third-party advice already obtained, and this must be prepared by the Secretariat and laid by each government before its legislature. If governments reach a stage in the process where they are unable to reach a resolution and progress the dispute further, each government must make a statement to their respective legislatures setting out the circumstances for the failure to reach a solution.

Operating Arrangements

Chair

12. The chairs appointed to stage 1 and 2 must not be a representative of a government which is party to the dispute. The chair could therefore either be a representative of a government not party to the dispute or an independent representative. The role of the chair will be to ensure that the discussion proceeds efficiently, positively and keeps to time. The chair will not have a decision-making role. Instead the chair will record any consensus which is reached or, alternatively, outline the next steps under the dispute resolution process if an agreement is not reached.

Third-party involvement to resolve dispute

13. The appointment of third-parties to provide advice must be agreed by the relevant governments. This includes the commission for the third-party and the scope of their advice. This process will be facilitated by the relevant Secretariat.
14. If required, an independent mediator will be appointed, as agreed by the parties to the dispute, on the recommendation of the Secretariat. The timescales for the mediation process will be agreed by the parties.
15. The key criteria for appointment to provide third-party input into the new process are likely to include:
 - a. Ability to act impartially and independently, without political affiliation;
 - b. Extensive expertise in constitutional and related matters;
 - c. Willingness and capability to respond at short notice and deliver at pace;

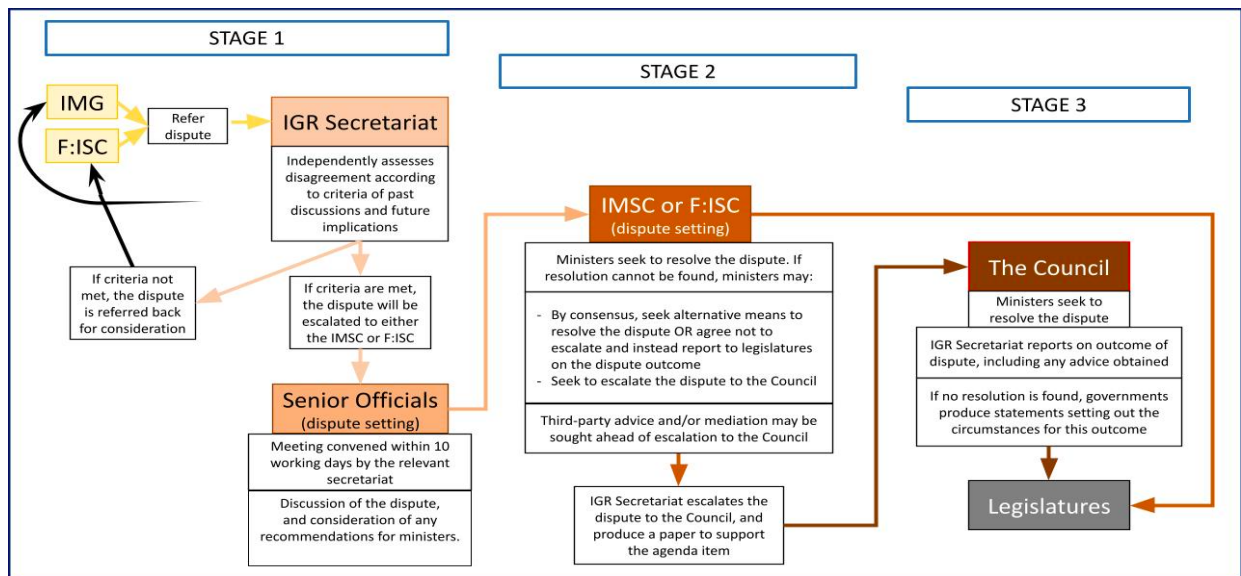
d. Ability to participate in the process without compromising the confidentiality of discussions.

16. The key criteria for appointment to provide third-party input to a particular dispute are likely to include:

- a. Specific expertise relating to the nature of the dispute (but not necessarily policy expertise as this will have been dealt with at portfolio level);
- b. Absence of conflict of interest or ability to manage this within their organisation;
- c. Availability to deliver within the prescribed timescales;
- d. No public position on matters relevant to the dispute which would create a perceived or actual conflict of interest;
- e. Ensure the confidentiality of conversations of a sensitive nature is respected and protected.

17. The Secretariat will issue the report to all governments simultaneously.

Flowchart of dispute resolution process



7 January 2022

To: Chairs of Senedd committees, via email

Review of the committee timetable and committee remits

You will recall that, on 16 December 2021, the Chairs' Forum considered, and endorsed, the Business Committee's suggested approach to conducting a review of the committee timetable and committee remits.

Chairs expressed a range of different views at the 21 December meeting, with some Chairs finding the current timetable challenging, whilst others expressed concerns about changing the current approach. There were no concerns raised about committee remits, although it is proposed that remits will continue to fall within the scope of this review.

To build on this, I invite you to discuss the review with your committees and to provide a written response to the review. The focus of this aspect of the review is to gather the agreed view of each committee.

In doing so, I would be grateful if you would consider the terms of reference for the review, and a number of specific questions. Whilst addressing the questions will be helpful, they are not intended to be prescriptive.

The terms of reference, and questions, are enclosed with this letter.

I also enclose a copy of the paper considered by the Business Committee and the Chairs' Forum.

Whilst you might wish to refer to feedback you have received from external stakeholders in your response, the Business Committee does not expect committees to consult with stakeholders in the time available for this review.

The timescale for this review is tight, as the Business Committee is aiming to implement any changes arising from the review at the start of the summer term 2022.

Consequently, as agreed at the Chairs' Forum meeting on 16 December 2021, the review will need to be completed in early March in order to provide committees with sufficient time to plan for any changes made.

To enable this, please submit your written response by 12pm on Friday 4 February 2022. This is a week later than the original deadline proposed in the suggested approach.

Alongside this consultation with committees, Business Managers will be discussing the review with their Groups, and individual committee members will be surveyed too.

Draft proposals, based on the evidence gathered, will be discussed at the Chairs' Forum meeting on 17 February 2022. The Business Committee will then make decisions about the future timetable and committee remits in the light of that discussion.

If you require any further information, please contact the Clerk to the Chairs' Forum, Alun Davidson, who is supporting the Business Committee with this review.

Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones". The signature is written in a cursive style with a large initial 'E'.

Elin Jones MS

Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Business Committee: Review of the committee timetable and committee remits

Terms of reference and consultation questions

Terms of reference

To review the current approach to the committee timetable, and committee remits, with a view to identifying any changes to the approach that could improve committee effectiveness, whilst maintaining an appropriate balance between the time committee members spend on committee work (in and outside committee meetings) and their wider responsibilities.

Consultation questions

Timetable – status quo

To what extent does the current approach to the committee timetable provide:

sufficient time for committees to undertake their work effectively?

sufficient flexibility to meet peaks in committee workloads and/or future business requirements for additional committee capacity?

an appropriate balance between the time Members spend on committee work (in and outside committee meetings) and their wider responsibilities?

Timetable – alternatives to the status quo

What changes could be made to the committee timetable to improve committee effectiveness, whilst maintaining flexibility to accommodate additional committee business, and an appropriate balance between the time Members spend on committee work (in and outside committee meetings) and their wider responsibilities?

If changes are to be made to the timetable, when should these changes be implemented?

Remits

Do you believe there is a need to adjust the remit of your committee? For example, to balance work across committees, and/or to improve lines of accountability.

Measuring the effectiveness of your committee



Has your committee established a means of assessing the effectiveness of its work?

This question is posed in order to determine whether any changes made as a consequence of this review can be monitored in this context.

[Enclosure 2 – Business Committee paper]

Review of the committee timetable, and committee remits: Draft approach

Purpose

1. To provide a draft approach to the review of the committee timetable, and committee remits, for consideration by the Business Committee.

Background

2. The Business Committee agreed a fortnightly committee timetable at the start of the Sixth Senedd, on the basis that it would provide:
 - sufficient meeting time for committees to perform their roles;
 - a fair balance between the time members are expected to spend on committee work and their wider responsibilities;
 - flexibility for committees to hold additional meetings when there is a need to complete time-limited work, and/or address peaks in workload; and
 - sufficient flexibility to accommodate an additional committee in the system, if needed (currently the Special Purpose Committee).
3. In addition to a fortnightly timetable, the Business Committee increased the amount of time available during the week within which committees could meet – this includes Monday mornings and the occasional use of Fridays for Stage 2 consideration of Bills.
4. Protected weeks were retained, to provide dedicated time for the Chairs’ Forum, Scrutiny of the First Minister Committee, and further additional meeting time for committees to request if needed.
5. A secondary objective, expressed at the time the timetable was agreed, was to encourage committees to make efficient use of their meeting time. For example, to hold one-off stakeholder roundtables to gather a range of evidence at once, rather than deploying the more traditional “panel after panel” approach to evidence gathering over a number of weeks.
6. The Business Committee previously agreed to review the committee timetable, and the remits of committees, at Easter 2022 i.e. after two terms of operation.

7. However, the volume of requests from committees for additional meetings, and the concerns expressed by some committees with the current timetable, have led to this review being brought forward.
8. The Llywydd has also indicated that the Chairs' Forum would be consulted on the review at its 17 February meeting.
9. Most concerns raised to date have been in relation to timetabling, rather than remits, though concerns have been raised about the breadth of the remit set for the Legislation, Justice, and Constitution Committee.
10. The proposals in this paper suggest reviewing both timetabling and remits at the same time, due to the possible interdependency between the two i.e. if a review of remits resulted in the creation of a new committee, the timetable would need to take account of this.
11. It would be possible to separate these reviews, should that be the Business Committee's preference, though a review of remits that took place at a later date might necessitate further changes to the timetable.

Draft terms of reference

12. Draft terms of reference are suggested in the box below:

Draft terms of reference

To review the current approach to the committee timetable, and committee remits, with a view to identifying any changes to the approach that could improve committee effectiveness, whilst maintaining an appropriate balance between the time committee members spend on committee work (in and outside committee meetings) and their wider responsibilities.

13. The review will consider the status quo and options for the future operation of the timetable.
14. Under the headings below are questions that expand on the terms of reference, and could be addressed during the course of the review:

Timetable – status quo

Does the current approach to the committee timetable provide:

- sufficient time for committees to undertake their work effectively?
- sufficient flexibility to meet peaks in committee workloads and/or future business requirements for additional committee capacity?

- an appropriate balance between the time Members spend on committee work (in and outside committee meetings) and their wider responsibilities?

Timetable – alternatives to the status quo

- What changes could be made to the committee timetable to improve committee effectiveness, whilst maintaining flexibility to accommodate additional committee business, and an appropriate balance between the time Members spend on committee work (in and outside committee meetings) and their wider responsibilities?
- If changes are to be made to the timetable, when should these changes be implemented?

Remits

- To consider whether committee remits should be adjusted. For example, to balance work across committees, and/or to improve lines of accountability.

Interdependencies

15.The review will need to consider:

- the resourcing and/or technological constraints on timetabling, and how this should be managed in the future e.g. the number (and type) of committee meetings that can be held concurrently; and
- the impact on Senedd Commission resources, including staffing, of any changes proposed as a consequence of this review (or maintaining the status quo, should that be the preferred option).

Committee effectiveness

16.The review could consider the extent to which Committees have established means of assessing the effectiveness of their work, so that any changes made as a consequence of this review can be monitored in this context.

17.This could be extended to capture any committee innovation that has arisen in response to a fortnightly (and more flexible) timetable e.g. alternative approaches to evidence gathering, work conducted outside meetings etc.

Evidence gathering

18.The following approach to evidence gathering is proposed:

- **Committees** – the Business Committee invites each committee to provide a written response to the questions posed by the review.
- **Committee members** – committee members will be invited to complete a survey to obtain their views on the time currently allocated for committee work, their view on what the correct balance should be between time spent on committee work and

their wider responsibilities, and the level of priority they are able to dedicate to committee work.

- **Chairs** – the Chairs’ Forum is consulted on any proposals for change that arise from the review, prior to proposals being finalised.
- **Party Groups** – Business Managers invite a view from their party groups.
- **Data** – data on the usage of allocated time, additional meeting time, and types of committee activity, can be provided.

Timescales

December 2021

- Consult the Chairs’ Forum on the terms of reference and approach to the review (16 December).

January 2022

- Three-week period of evidence gathering (10 – 28 January).

February 2022

- The Business Committee considers draft proposals, based on the evidence received (8 February)
- The Chairs’ Forum considers the draft proposals and the timing of the introduction of any changes to the timetable (17 February)).

March 2022

- The Business Committee confirms proposals (1 March).
The Business Committee publishes a report and tables any motions needed to give effect to remit changes (should there be a need for any) (to be made in Plenary on 9 March).

April 2022

- Timetable changes to be implemented at the start of the summer term.

Consulting the Chairs’ Forum

19. Whilst there is an appetite to resolve perceived issues with the timetable quickly, there is a tension between this and the lead-in time needed for committees to plan their work.

20. The Business Committee might wish to consult the Chairs’ Forum, at its meeting on 16 December, on the scope and timescale for the review before taking a final decision.