

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Videoconference via Zoom	P Gareth Williams
Meeting date: 6 February 2023	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest

13.30

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

13.30 – 13.35

Made Negative Resolution Instruments

2.1 SL(6)313 – The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023

(Pages 1 – 2)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–05–23 – Paper 1 – Draft report

2.2 SL(6)314 – The Agricultural Holdings (Units of Production) (Wales) Order 2023

(Pages 3 – 4)

[Order](#)

[Explanatory Memorandum](#)



Attached Documents:

LJC(6)-05-23 – Paper 2 – Draft report

Affirmative Resolution Instruments

3 Inter-Institutional Relations Agreement

13.35 – 13.40

3.1 Correspondence from the Minister for Finance and Local Government: Finance Interministerial Standing Committee

(Pages 5 – 6)

Attached Documents:

LJC(6)-05-23 – Paper 3 – Letter from the Minister for Finance and Local Government, 30 January 2023

4 Papers to note

13.40 – 13.45

4.1 Correspondence from the First Minister: UK-EU Parliamentary Partnership Assembly

(Pages 7 – 9)

Attached Documents:

LJC(6)-05-23 – Paper 4 – Letter from the First Minister, 26 January 2023

LJC(6)-05-23 – Paper 5 – Letter to the First Minister, 21 December 2022

4.2 Correspondence from the Public Accounts and Public Administration Committee: Procurement Bill

(Pages 10 – 11)

Attached Documents:

LJC(6)-05-23 – Paper 6 – Letter from the Public Accounts and Public Administration Committee to the Minister for Finance and Local Government, 30 January 2023

4.3 Correspondence from National Trust Cymru: Historic Environment (Wales) Bill
(Page 12)

Attached Documents:

LJC(6)-05-23 – Paper 7 – Letter from National Trust Cymru, 31 January 2023

4.4 Correspondence from Food Sense Wales: Food (Wales) Bill
(Pages 13 – 20)

Attached Documents:

LJC(6)-05-23 – Paper 8 – Letter from Food Sense Wales, 30 January 2023

4.5 Correspondence from the Solicitors Regulation Authority: Legislative Consent Memorandum on the Economic Crime and Corporate Transparency Bill
(Pages 21 – 23)

Attached Documents:

LJC(6)-05-23 – Paper 9 – Letter from the Solicitors Regulation Authority, 2 February 2023

5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting
13.45

6 Welsh Government Draft Budget 2023–24: Draft report
13.45 – 13.55 (Pages 24 – 38)

Attached Documents:

LJC(6)-05-23 – Paper 10 – Draft report

7 Legislative Consent Memorandum on the Retained EU Law (Revocation and Reform) Bill: Draft report
13.55 – 14.25 (Pages 39 – 40)

Attached Documents:

LJC(6)-05-23 – Paper 11 – Draft report

LJC(6)-05-23 – Paper 12 – Legal Advice Note

8 Legislative Consent Memoranda on the Levelling-up and Regeneration Bill: Draft report

14.25 – 14.40

(Pages 41 – 74)

Attached Documents:

LJC(6)-05-23 – Paper 13 – Draft report

LJC(6)-05-23 – Paper 14 – Legal Advice Note

LJC(6)-05-23 – Paper 15 – Letter from the Minister for Climate Change, 25 November 2022

LJC(6)-05-23 – Paper 16 – Letter to the Minister for Climate Change, 2 November 2022

SL(6)313 – The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023

Background and Purpose

The Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) make provision about the length of the school day, which is ordinarily divided into two sessions, and for schools to meet for at least 380 sessions during any school year.

The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023 (“the Regulations”) amend the 2003 Regulations. In particular the Regulations:

- Amend the definition of “school” to reflect that there are no longer any non-maintained special schools in Wales;
- Reduce the minimum number of school sessions which must be held during the school year 2022-2023 in order to take account of the additional bank holidays to mark the State Funeral of Her Majesty Queen Elizabeth II and the Coronation of His Majesty King Charles III; and
- Provide for an additional INSET day in each of the school years 2022-2023, 2023-2024 and 2024-2025.

The Regulations require that the additional INSET day be used for the purpose of professional learning in relation to one or more of the following:

- Reducing the impact of poverty on the progression and attainment of pupils at the school;
- The operation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 for pupils at the school;
- The curriculum to be provided at the school under Part 2 of the Curriculum and Assessment (Wales) Act 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

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.

Paragraph 6.15 of the Regulatory Impact Assessment contained within the Explanatory Memorandum notes the potential impact of an additional INSET day on children and families:

6.15 We believe the main impact will be upon children and families, particularly those on lower incomes. In considering the options, we have been conscious of the current economic context, with rising living costs and freezes to income tax thresholds expected to result in a fall in real household disposable income over the coming years. Our decision to limit the additional INSET days to one per academic year is partly as a result of conducting the equality impact assessment, as in this way we can mitigate some of the impact. The impact on children as a group will be short term as there will be a collective missed day of school for children and young people. However, in the long term this additional INSET day will enable the successful delivery of the new curriculum and other reforms, improving the standard and breadth of education they receive.

Paragraphs 6.26 and 6.29 of the Regulatory Impact Assessment note that eligible children will be unable to access free school meals on the additional INSET day, and that primary school children may also miss out on free breakfast provision. Paragraph 6.30 concludes that:

6.30 However, on balance, the impact of not being able to access food provision on 1 of 190 terms days (in addition to the existing 5 INSET days) is outweighed by the benefits to their education from introducing the additional INSET day.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

1 February 2023



SL(6)314 – The Agricultural Holdings (Units of Production) (Wales) Order 2023

Background and Purpose

Certain agricultural tenancies carry succession rights. In these cases, under the Agricultural Holdings Act 1986, a close relative of the deceased or retiring tenant can apply to the Agricultural Land Tribunal ('ALT') for a direction as to whether the relative is entitled to succeed to a tenancy. One of the tests in establishing a right of succession involves satisfying the ALT that the applicant does not already occupy a "commercial unit of agricultural land" elsewhere. If this were the case, the close relative would not be eligible for automatic succession.

This Order sets out figures for agricultural incomes which are associated with various farming activities and are used in determining whether or not the land in question is a "commercial unit of agricultural land" during the relevant period.

The current Order in force is the Agricultural Holdings (Units of Production) (Wales) (No. 2) Order 2021, which covers the period from 12 September 2020 to 11 September 2021. This Order covers two periods, from 12 September 2021 to 11 September 2022 and from 12 September 2022 to 11 September 2023.

Procedure

Negative.

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

Technical Scrutiny

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

1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In article 1(2), in the Welsh text, the translated definition in italics of "Rheoliad 1307/2013" is incorrect as it reads "*(Regulation 17/2013)*" [**emphasis added**]. It should match the definition that it is translating and read "*(Regulation 1307/2013)*".



Merits Scrutiny

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

Welsh Government response

Technical Scrutiny point 1:

The Government acknowledge that in article 1(2) of the Welsh text the translated definition in italics of “Rheoliad 1307/2013” is incorrect and reads (Regulation 17/2013) not (Regulation 1307/2013). The Government accepts this omission is not ideal, but on analysis, the Government feel it would not be appropriate to make an amendment or correction to rectify the error.

Our reason for this view is that the error is clearly obvious, and there is no possibility that a court or user of the legislation could interpret the reference in any way other than that which was intended. The Government is of the view that the error is not so sufficiently confusing that it would be worth correcting and feels that the meaning is obvious despite the error. The Government thank the Committee for drawing the omission to its attention. However, due to the reasons set out above, the Government has made the decision to leave the instrument in its existing form.

Legal Advisers

Legislation, Justice and Constitution Committee

24 January 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Pack Page 4

Legislation, Justice and Constitution Committee

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1NA

30 January 2023

Dear Huw,

I am writing to inform you a meeting of the Finance: Interministerial Standing Committee (F:ISC) will take place on 9 February.

The focus of the meeting will be on UK economic and fiscal plans and EU replacement funding.

The UK Government is in the process of finalising its supplementary estimates for 2022-23. I will be highlighting the challenges this process presents for the Welsh Government budget, building on previous discussions in regard to providing greater funding certainty for devolved governments.

With the UK Spring Budget confirmed to take place on 15 March, I will be reiterating previous asks of the UK Government to provide the necessary support to protect public services and respond to the inflationary, pay and other cost pressures. With this year marking 75 years of the NHS, I will be requesting investment from the UK Government in our NHS and social care sector to respond to the significant pressures it is facing and to deliver wider reform.

The EU replacement funding item will be the first time we have had a substantive discussion on this issue. I will be highlighting the impact UK Government decisions have had on Wales and the financial shortfall of £1.1 billion¹. I will be seeking a commitment from the UK Government to address the loss of funding and enable greater devolved involvement in the use of replacement structural funds. For this item an invite has been extended to the Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities.

¹ [Written Statement: Loss of funding to Wales as a result of the UK Government's arrangements for replacement EU funding \(4 May 2022\) | GOV.WALES](#)

Under AOB I will be highlighting the publication of the interim report by the Independent Commission on the Constitutional Future for Wales.

Alongside the F:ISC I have also requested a bilateral meeting with the Chief Secretary to the Treasury to discuss Wales specific issues including fair funding for Wales and decarbonisation.

I will report to the Committee on the outcome of the meeting.

Yours sincerely,

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

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

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

Llywodraeth Cymru
Welsh Government

SeneddLJC@Senedd.Wales

26 January 2023

Dear Huw,

I am writing in response to your letter of 21 December reporting on the second meeting of the UK-EU Parliamentary Partnership Assembly, and the Senedd's involvement in it.

I completely agree that the TCA is of great importance to Wales, and that the Senedd and Welsh Government need to be actively engaged in its governance, because of our responsibilities for matters within its scope. The Welsh Government also recognises that the wider UK-EU relationship remains vital to the future of Wales, and the rest of the UK, and I am keen that Wales should be actively involved in fora of this kind as much as possible to help develop that positively. I note particularly the recommendation on energy co-operation which must improve, particularly given our huge challenges on climate matters and the current geopolitical situation.

I look forward to your continued engagement in the PPA and to active co-operation between the Senedd and the Welsh Government to support this.

Yours sincerely,



MARK DRAKEFORD

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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.

Rt Hon Mark Drakeford MS
First Minister

21 December 2022

Dear Mark

The second meeting of the UK-EU Parliamentary Partnership Assembly

As you will be aware the Trade and Cooperation Agreement provided for the establishment of a UK-EU Parliamentary Partnership Assembly (PPA). The PPA plays an important role in overseeing the implementation of the TCA and any future UK-EU Agreements.

We represented the Senedd at the second meeting of the UK-EU PPA on 7-8 November. During this meeting the PPA adopted its first recommendation to the TCA Partnership Council on energy cooperation: an area of significant interest to Wales. It also held important discussions on issues such as the Northern Ireland Protocol, citizens' rights, funding of research and innovation, and the impact of Brexit on touring artists.

During the meeting we were able to emphasise the TCA's importance to Wales and raise awareness of role of the Welsh Government and the Senedd in its implementation. We also drew attention to the work being done in the Senedd and more widely in Wales on these issues.

We are writing to draw your attention to our short report on the outcomes of the meeting and our proposals for strengthening engagement between the Senedd and the PPA in future. We hope the issues discussed will be of interest to you and we propose to continue to keep the Welsh Government

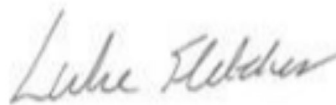
updated of the Senedd's work with the PPA and any areas discussed of particular importance to Wales.

We eagerly await the response of the UK Government and the European Commission to the recommendation made by the PPA and hope to receive this response in January 2023.

Yours sincerely,



Huw Irranca-Davies
Chair
Legislation, Justice and Constitution Committee



Luke Fletcher
Member
Economy, Trade and Rural Affairs Committee

30 January 2023

Dear Rebecca,

The UK Government's Procurement Bill – supplementary legislative consent memoranda

At our meeting on 26 January 2023, we considered the supplementary legislative consent memoranda (Memorandum No. 3 and Memorandum No. 4) you have laid in respect of the UK Government's Procurement Bill.

We note that the Chair of the Legislation, Justice and Constitution Committee wrote to you on the 26 January 2023 seeking clarity on a number of matters referred to in the memoranda. We would also like clarity on those matters and fully endorse that letter. We would be grateful if you could copy us into your response to the Legislation, Justice and Constitution Committee.

In addition to the issues raised by the Legislation, Justice and Constitution Committee we would also like clarification on an additional point.

In Memorandum No. 4, you identified the duty on the Secretary of State to publish a timeline for the removal of physical technology or surveillance equipment from the Government's procurement supply chain (where the Secretary of State is satisfied there is established evidence that a provider has been involved in modern slavery, genocide, or crimes against humanity). You state that as Government is not defined, it is not limited to the UK Government. You state that you consider that this means the timeline will also cover the removal of suppliers from the Welsh Government's procurement supply chain.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

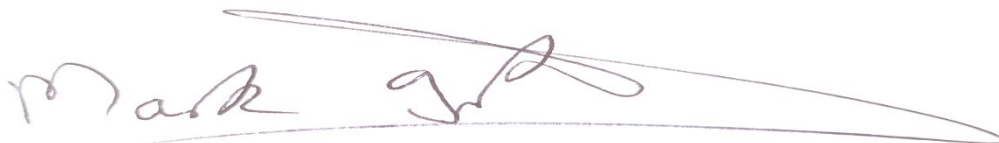


Please could you provide clarification on:

the involvement, if any, the Welsh Government will have in developing the timeline that must be laid before the UK Parliament by the Secretary of State; and
the impact this might have upon Welsh Businesses and the Welsh Government's procurement supply, including details of the practical implications of the removals of suppliers.

Since the deadline for reporting on both memoranda is 2 March, we would be grateful to receive your responses to these questions by noon on 13 February. I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mark Isherwood', with a long horizontal flourish extending to the right.

Mark Isherwood MS
Committee Chair

National Trust Cymru engagement with the Historic Environment (Wales) Bill

Dear Huw,

On behalf of National Trust Cymru, I would like to take this opportunity to offer our support for the Historic Environment (Wales) Bill.

National Trust Cymru places great importance on the conservation, management, and enjoyment of the natural and historic environment both within and beyond our boundaries. We care for 46,000 hectares of land, 157 miles of coastline, 185 scheduled ancient monuments, 419 listed buildings and 18 of the nation's finest castles, houses, gardens and industrial sites. With the support of our staff and volunteers, more than 1.8 million visitors enjoy our places in Wales every year.

We are proud to work in collaboration with partners across the sector to protect and promote Wales' heritage and have been pleased to engage with early discussions about the Bill via the Historic Environment Group (HEG).

National Trust Cymru welcomes the Bill's aim to make legislation relating to the historic environment in Wales more accessible, clear and user-friendly. I was encouraged to see the Legislation, Justice and Constitution Committee's Initial Consideration report, the Senedd's unanimous decision that the Bill should proceed as a consolidation Bill and progress to Detailed Committee Consideration.

We will continue to actively engage via HEG, monitor the Bill's progression and would strongly support the Committee's recommendation for a detailed plan on the timescales and volume of subordinate legislation which will be required as part of the full implementation of this consolidation.

If there is anything further we can do to assist you and the Committee's work at this stage, please do let me know.

Yours sincerely,



Lhosa Daly,
Director for Wales

Ymddiriedolaeth Genedlaethol/
National Trust
Dinefwr Park, Llandeilo
Carmarthenshire
SA19 6RT

www.nationaltrust.org.uk

Cyfarwyddwr Cymru / Director for Wales: Lhosa Daly

Swyddfa gofrestredig/Registered office:
Heelis, Kemble Drive, Swindon
Wiltshire SN2 2NA

Rhif elusen gofrestredig/Registered charity number 205846



Agenda Item 4.4

From: [REDACTED]
Sent: 30 January 2023 18:50
To: Irranca-Davies, Huw (Aelod o'r Senedd | Member of the Senedd); Legislation, Justice and Constitution Committee | Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Subject: Food Sense Wales LJC and Wellbeing of Future Generations Act
Attachments: FSW Evidence for 19.1.22.pdf; FPAC ETRA committee Draft Food Bill Jan 23.pdf; FSW Evidence for 19.1.22 (Cy).pdf
Importance: High
Categories: Correspondence



<p>Annwyl Huw</p> <p>Hyderaf eich bod yn cadw'n dda.</p> <p>Rwy'n ysgrifennu atoch yn rhinwedd eich rôl fel Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad ac mewn perthynas â'r craffu ar y Bil Bwyd (Cymru) drafft.</p> <p>Roeddwn yn meddwl y byddai'n ddefnyddiol, yn dilyn y sesiwn dystiolaeth gyda'r Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd ar Ionawr 23ain, i dynnu sylw at dystiolaeth a gyflwynwyd gan Synnwyr Bwyd Cymru mewn perthynas â'r Bil Bwyd (Cymru) drafft ac yn benodol, sut y mae'r Bil arfaethedig yn ymdrin â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru).</p> <p>Rydym wedi darparu tystiolaeth ar 3 achlysur yn ymwneud â'r Bil:</p>	<p>Dear Huw,</p> <p>I trust you are keeping well.</p> <p>I am writing to you in your position as Chair of the Legislation, Justice and Constitution Committee and in relation to the scrutiny on the draft Food (Wales) Bill.</p> <p>I thought it would be helpful, following the evidence session with the Minister for Rural Affairs and North Wales, and Trefnydd on 23rd January, to highlight evidence submitted by Food Sense Wales in regard of the draft Food (Wales) Bill and in particular, how the proposed Bill deals with the Wellbeing of Future Generations (Wales) Act.</p> <p>We have provided evidence on 3 occasions relating to the Bill:</p>
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<p>1. Yn ein rôl fel ysgrifenyddiaeth ac fel aelod o Gynghrair Polisi Bwyd Cymru i ymgynghoriad yr haf ar y Bil drafft. Tynnaf eich sylw at yr adran sy'n ymdrin â rhyngwyneb y Bil arfaethedig a Deddf Llesiant Cenedlaethau'r Dyfodol. Ymgynghorwyd â swyddfa Comisiynydd Cenedlaethau'r Dyfodol ar y cyflwyniad hwn. Ymateb BilBwydCymru Cymraeg.pdf (foodsensewales.org.uk). Y Berthynas Rhwng Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) a Bil Drafft Bwyd (Cymru) tud 2-3</p> <p>2. Tystiolaeth ysgrifenedig (ynghlwm) a llafar gan Synnwyr Bwyd Cymru a ddarparwyd i Bwyllgor yr Economi, Masnach a Materion Gwledig ar gyfer sesiwn Ionawr 19eg. Yn benodol, tynnaf eich sylw at y sesiwn dystiolaeth a fy ymateb i'r cwestiwn gan Samuel Kurtz AS ynghylch rôl Comisiynydd Cenedlaethau'r Dyfodol. (248-250) Pwyllgor yr Economi, Masnach a Materion Gwledig 19/01/2023 - Senedd Cymru</p> <p>3. Tystiolaeth a gasglwyd gan Gynghrair Polisi Bwyd Cymru, yn enwedig yn tynnu sylw at rai o'r prif lwybrau ymholi o'r 4 sesiwn o Bwyllgor yr Economi, Masnach a Materion Gwledig hyd yma (ynghlwm)</p> <p>Byddai Synnwyr Bwyd Cymru yn fwy na pharod i egluro unrhyw beth o fewn y ddogfen amgaeedig neu ddarparu tystiolaeth bellach pe bai angen yn ystod y broses graffu.</p> <p>Cofion cynnes,</p> <p>Katie</p>	<p>1. In our role as secretariat and member of Food Policy Alliance Cymru to the summer consultation on the draft Bill. I draw your attention to the section that deals with the interface of the proposed Bill with that of the Wellbeing of Future Generations Act. We consulted with the Future Generations Commissioners office on this submission. Draft-Food-Wales-Bill-consultation-response Eng.pdf (foodsensewales.org.uk) . Ref Section A: Interface Between Wellbeing of Future Generations (Wales) Act and the Draft Food (Wales Bill) pg 2-3</p> <p>2. Written and oral evidence (attached) from Food Sense Wales provided to the Economy, Trade, and Rural Affairs Committee for the 19th January session. In particular I draw your attention to the evidence session and my response to the question from Samuel Kurtz MS regarding the role of the Future Generations Commissioner. (248-250) Economy, Trade, and Rural Affairs Committee 19/01/2023 - Welsh Parliament (senedd.wales)</p> <p>3. Evidence compiled by Food Policy Alliance Cymru, particularly drawing out some of the main lines of enquiry from the 4 Economy, Trade, and Rural Affairs Committee sessions to date (attached)</p> <p>Food Sense Wales would be more than happy to clarify anything within the enclosed or provide further evidence if required during the scrutiny process.</p> <p>Kind regards,</p> <p>Katie</p>
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Katie Palmer
Rhagenwau: hi/ei
Rheolwr Rhaglenni, Synnwyr
Bwyd Cymru

Katie Palmer
Pronouns: she/her
Programme Manager, Food Sense Wales



Ebost/Email: [REDACTED]

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Mewnrwyd /Intranet: www.foodsensewales.org.uk

@foodsensewales @fairfoodcardiff

Cardiff and Vale Charity (registered charity number 1056544), Cardiff & Vale Public Health Team, Woodland House, Maes y Coed Road, Cardiff CF14 4HH

**Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb yn Gymraeg heb oedi.
We welcome correspondence in Welsh. We will respond in Welsh without delay.**

Confidentiality

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Hysbysiad preifatrwydd: Gellir gweld hysbysiad preifatrwydd Bwrdd Iechyd Prifysgol Caerdydd a'r Fro ar ein gwefan: (<http://www.cardiffandvaleuhb.wales.nhs.uk/opendoc/325392>)

Mae'r neges hon yn gyfrinachol. Os nad chi yw'r derbynnydd y bwriedid y neges ar ei gyfer, byddwch mor garedig â rhoi gwybod i'r anfonydd yn ddi-oed. Dylid ystyried unrhyw ddatganiadau neu sylwadau a wneir uchod yn rhai personol, ac nid o angenrhaid yn rhai o eiddo Bwrdd Iechyd Prifysgol Caerdydd a'r Fro, nac unrhyw ran gyfansoddol ohoni na chorff cysylltiedig. Mae cyfathrebu drwy e-bost yn amodol I fonitro; am fwy o wybodaeth. <http://www.wales.nhs.uk/sitesplus/864/cymraeg>

Freedom of Information

Please be aware that, under the terms of the Freedom of Information Act 2000, Cardiff and Vale University Health Board may be required to make public the content of any emails or correspondence received. For further information on Freedom of Information, please refer to the Cardiff and Vale UHB website <http://www.cardiffandvaleuhb.wales.nhs.uk/freedom-of-information-new>

Cofiwch fod yn ymwybodol ei bod yn bosibl y bydd disgwyl i Bwrdd Iechyd Prifysgol Caerdydd a'r Fro roi cyhoeddusrwydd i gynnwys unrhyw ebost neu ohebiaeth a dderbynnir, yn unol ag amodau'r Ddeddf Rhyddid Gwybodaeth 2000. I gael mwy o wybodaeth am Ryddid Gwybodaeth, cofiwch gyfeirio at wefan Bwrdd Iechyd Prifysgol Caerdydd a'r Fro <http://www.wales.nhs.uk/sitesplus/864/cymraeg>

Economy, Trade and Rural Affairs Committee: Food (Wales) Bill

Katie Palmer, Food Sense Wales 21.12.22

1. The Bill brings forward a meaningful framework and accountability measures to enable a proactive approach, determining how we want our food system to work, rather than just dealing with the consequences. We view the Bill as essential **to bring about coherent and comprehensive policy** that will achieve the goal of delivering a food system fit for future generations.
2. As an organisation operating across the Food System - cutting across the third sector and public sector - Food Sense Wales is acutely aware that the absence of a holistic vision and targets for the food system in Wales is hampering the progress that Wales could be making in becoming one of the most sustainable and resilient food nations in the world. The food system could be delivering on population health, food security, net zero and biodiversity targets and fair work. In reality a lack of policy coherence actively prevents this from happening – and could even be making the situation worse. Bringing experts across the Food System together under the banner of a Food Commission, to develop and oversee strategy, would ensure all parts of the system are aiming for the same goal.
3. In particular I would like **to emphasize the opportunities through linking national vision and policy with local strategy and delivery**. At a local level Food Goals could be built into Wellbeing Objectives and delivered through local food plans overseen at a local level by cross sector **Food Partnerships** working in conjunction with Public Service Boards. Examples of where this practice is already developing can be seen through the emerging Network of 7 Sustainable Food Partnerships¹ and in particular Blaenau Gwent Food, Bwyd Sir Gar, Food Cardiff, Monmouthshire Food and Food Vale. Food Cardiff's Good Food Strategy for the city which sets out five food goals - a healthy Cardiff; an environmentally sustainable Cardiff; a thriving local economy; a fair and connected food system; and an empowering food movement. This strategy was co-produced by almost 2,500 individuals and organisations in Cardiff and the results from the Cardiff citizen survey. Cardiff Council and Cardiff & Vale UHB. Cardiff Council became one of the first UK local authorities to publish its own Food Strategy in 2019. Recognising the need to work across portfolios, Cardiff Council have appointed a dedicated Food Officer and host a cross-departmental Steering Group. The Move More, Eat Well Plan led by Cardiff & Vale University Health Board and approved by both PSBs includes a health communities' priority area, committing to the continued development of sustainable food partnerships. **Cardiff's draft Wellbeing Plan** includes "promote healthy, local, and low-carbon food and support Cardiff's bid to become the first Gold Sustainable Food Place in Wales"².

Providing adequate resourcing for training within public bodies and coordination of food partnerships would be key for successful implementation - work which could be progressed through the Community Food Strategy.

The committee may like to note that Welsh Government are in the process of investing £2.5m into the development of cross sector food partnerships through the Prosperous Futures Team.

4. As part of Food Policy Alliance Cymru we responded to the Food Bill Consultation where detailed responses to all aspects of the Bill were addressed

English - [Draft-Food-Wales-Bill-consultation-response_Eng.pdf \(foodsensewales.org.uk\)](#)

Welsh - [Ymateb BilBwydCymru_Cymraeg.pdf \(foodsensewales.org.uk\)](#)

We are pleased to see that the Bill has been strengthened on the environmental and education aspects.

¹ [Sustainable Food Places - foodsensewales.org.uk](#)

² [Cardiff-PSBs-Draft-Local-Well-being-Plan-2022-2026-English.pdf \(cardiffpartnership.co.uk\)](#) pg 48

Economy, Trade, and Rural Affairs Committee - Draft Food (Wales) Bill

Food Policy Alliance Cymru (FPAC) consultation response

27th January 2023

This response reflects discussion points raised at committee oral evidence sessions on 19th and 25th January 2023

A. An overarching umbrella (systems) approach to food-related policies

Primary legislation that puts the food system in the driving seat (rather than the back seat of other policy areas) provides an opportunity to build a consensus on a collective vision for our food system in Wales. It would enable planning and strategic development to build a more resilient and long-term statutory framework for food policy in Wales. A framework which would operate in and beyond political cycles and become solid, principled, long-term and institutionally embedded, for building food system resilience.

This Bill is important because to date policy incoherence has often led to mixed messages, missed opportunities and contradictory approaches.

We do not feel that syphoning off aspects of this proposed Bill into other parts of legislation (e.g. Agriculture (Wales) Bill or Social Partnerships and Procurement Bill) would be a satisfactory approach as it would still lead to, or even exacerbate policy incoherence. For example, whilst the Social Partnerships and Procurement Bill may link into aspects of procurement within local food plans, it wouldn't take into account aspects such as those detailed in the Health and Social secondary food goal, for example actions to alleviate household food insecurity.

An example of a failure of coherence in Welsh Food policy can be seen in the proliferation of Intensive Poultry Units (IPUs) and their devastating impact on Welsh rivers. Farmers have been encouraged to diversify into poultry units to increase economic security and food production, but there was clearly a failure to consider the environmental impacts of this. In particular the cumulative effect of multiple IPUs in the same catchment area have been ignored and local authorities lack the planning controls needed to control them. Welsh Government is now rightly proposing to incentivise sustainable farming practices, through the Sustainable Farming Scheme; however, the scheme and Agriculture (Wales) Bill include no mention of planning policy and nothing that would prevent this environmentally devastating farming continuing, even by farmers receiving SFS payments.

B. Integrated approach to Food goals

The secondary food goals outlined in the consultation are sectoral and work against the need to take an integrated approach to the food system. It is also worth noting that the Food Waste goal could sit within the Environment Goal since globally food waste contributes between 8 and 10 per cent of total greenhouse gas emissions. FPAC have suggested alternative Food Goals as detailed in our summer consultation response¹, targets for which would be set by the Commission. Here we propose that they could be integrated with the draft Bill as follows:

¹ https://www.foodsensewales.org.uk/app/uploads/2022/10/Draft-Food-Wales-Bill-consultation-response_Eng.pdf

Goal (Draft Food Bill)	Description (FPAC suggestion)
Economic well-being	<ul style="list-style-type: none"> • Sustainable food sector jobs and livelihoods: Those who earn their living within the food system receive, or are enabled to receive, at least the living wage or a fair return for their work and work is free from exploitative practices, and is varied, engaging and empowering (100% of job paying real living wage by 2030) • Sustainable food procurement: Increased public procurement of food from organic or agroecological Welsh producers (30% by 2030)
Health & Social	<ul style="list-style-type: none"> • Food for all: Wales becomes the first nation to eliminate the need for food banks (by 2030). Everyone in Wales has access to the food they need in a dignified way, in order to live a healthy life. • Food for public health: Increased consumption of vegetables, which are produced sustainably in Wales for Wales (75% of Eatwell veg portions by 2030).
Education	<ul style="list-style-type: none"> • Educational provision on food related issues in each key stage in all schools.
Environment	<ul style="list-style-type: none"> • Farming for nature and climate: Increased amount of agroecological production (100% by 2035). • Net Zero food system: A net zero food system for Wales (by 2035). • Global environmental footprint: a 75% reduction in the environmental footprint of food production and consumption at home and overseas by 2035.
Waste	(addressed within Environment and Economic well-being goals)

We would support an overarching requirement that goals be considered together and where a measure to advance one goal is developed; it's impacts on the other goals be considered.

C. Length of time of the legislative process

The legislation is critical for creating long-term sustainability of the Welsh Food System that supersedes political cycles. The legislative process does not prevent the advancement of food-related policies in the meantime and indeed, the process of debating, consulting on and further developing the Food (Wales) Bill will serve to lay the ground for the forthcoming legislation (while recognising the continuing absence of a Commission during this period and the critical role it would play in providing the oversight to ensure better integration across departments of food-related policies). An example would be the Programme for Government commitment to develop a Community Food Strategy. This strategy could form the basis of developing the infrastructure

needed to support public bodies to develop and deliver on local food plans, work that is already progressing through Welsh Government's £2.5m investment in cross-sector food partnerships².

D. Format and role of the Commission and a Commissioner

The Bill has fallen short of suggesting a dedicated Food Commissioner for Wales. We feel that a Food Commissioner, together with the Food Commission, should hold responsibility for carrying out the process of co-production (collaboration and involvement) to develop the Wales National Food Strategy, from the ground up. The Commission would present a draft Strategy, based on co-production principles, to Welsh Ministers for approval. The Commission leading on this process will help ensure that the strategy is integrated across WG departmental priorities.

The requirement for integration and collaboration means that public bodies and Ministers need to work together to seek synergies and align policy across departments in support of its vision of well-being for current and future generations— this is what the Food Bill should seek to do for food-related policies, based on the co-produced Wales National Food Strategy. The Food Commission's role should be to navigate the process of integration of food-related policies across Ministers' portfolio. A Food Commissioner, rather than a Chair of the Food Commission, would carry the responsibility for navigating this process and provide a figurehead that is recognised by the wider Food System community.

E. UK and international Context

Under the current circumstances it would seem both pragmatic and strategic for the Welsh Parliament to build a more resilient and long-term statutory framework for its food policy. Many of the central policy fields that impinge upon our food system (i.e. trade policy, regional economic policy, environmental policy, food and farming policy) are now becoming more (rather than less) vulnerable to partisan party politics and the relatively short political cycles. The political consensus around support schemes has diminished, and, indeed with the UK wide de-regulation of remaining EU regulations due to its 'sunset' clause by the end of 2023, (i.e. the Retained EU Law (Revocation and Reform Bill, currently being processed in UK Parliament), we are likely to witness further deregulations. In addition, recent experiences from Westminster demonstrate that without legislation to enforce, and the lack of a mechanism such as a Food Commission(er) to influence, even well researched, thoroughly consulted upon and supported Food Strategies (Henry Dimbleby's National Food Strategy) can be largely ignored or de-prioritised by Government.

F. How can the Food Bill facilitate access to new Markets?

The Bill can facilitate new markets by bringing together different government departments and public bodies and working with relevant private and community sector organisations to develop new routes to market.

An example of how working across the food system in an integrated way could create new local and sustainable supply chains whilst promoting food education in schools is the Courgette Pilot³. This

² <https://www.foodsensewales.org.uk/minister-for-social-justice-announces-support-for-food-partnerships-across-wales/>

³ <https://www.foodsensewales.org.uk/welsh-veg-for-primary-schools-in-wales-how-a-new-sustainable-supply-chain-investment-scheme-could-drive-up-agroecological-veg-production/>

pilot saw courgettes from Blas Gwent, a south Wales-based agroecological grower being delivered to schools in Cardiff via Wales-based wholesaler, Castell Howell with the support of the Sustainable Food Partnership, Food Cardiff, Cardiff City Council and the participating schools.

If Welsh Government committed to every primary school meal containing 2 portions of veg next school year then they would have to supply 5331 tonnes of veg into schools. If this was all from agroecologically produced Welsh veg then this would generate a guaranteed market for agroecological producers in Wales of around £15m. This would involve doubling the area growing field veg in Wales and would support nearly 100 businesses employing nearly 1000 people. It would also have the knock-on effect of developing a regionalised and resilient network of food producers able to supply veg into the heart of their communities.

G. Definitions

FPAC have some concerns around the definition of 'local food' in the Bill – local food is not always the most environmentally sustainable (or healthy) food. The Welsh Food Commission should have the ability to define 'local food' with this in mind. Any definition of local food should consider the methods of production such as organic standards, Food for Life Served Here awards, Pasture for Life and Fairtrade.

[Food Policy Alliance Cymru](#) is a coalition of organisations and stakeholders building and promoting a collective vision for the Welsh food system.

Through collaboration, engagement and research the Alliance aims to:

- Co-produce a vision for a food system in Wales that connects production, supply and consumption and gives equal consideration to the health and wellbeing of people and nature.
- Advocate for policy change to address climate and ecological emergencies, the public health crisis and the rise in food insecurity.
- Ensure Wales is linked to UK policy, research opportunities and the broader global system

The following members of Food Policy Alliance Cymru have contributed to this response:

Food Sense Wales; Social Farms & Gardens; Gweithwyr y Tir - Landworkers' Alliance Cymru; Urban Agriculture Consortium; Nature Friendly Farming Network Cymru; WWF Cymru; RSPB Cymru; Soil Association Cymru; Dr Angelina Sanderson Bellamy, Association Professor of Food Systems, UWE Bristol; Prof Terry Marsden, Cardiff University; Simon Wright, Director of Food and Rural Economy, University of Wales Trinity Saint David

This consultation may be published and will also be published on

<https://www.foodsensewales.org.uk/good-food-advocacy/food-policy-alliance-cymru/>

Any queries may be directed to foodsensewales@wales.nhs.uk

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sra.org.uk

2 February 2023

Dear Mr Irranca-Davies

Re: Economic Crime and Corporate Transparency Bill LCM

I am writing regarding the above Bill, which I am aware the Legislation, Justice and Constitution Committee is currently considering. I thought as an organisation named in the Bill, it might be helpful to provide our perspective on this to inform your consideration of the legislative consent memorandum. As currently drafted, the Bill includes provisions to confer additional powers upon us, which we support, as detailed further below.

We are the largest regulator of legal services in England and Wales, covering around 90 per cent of the regulated market. We have responsibility for making sure that the 156,000 practising solicitors and 9,600 law firms (just over 4,000 solicitors and 400 firms in Wales) we regulate are playing their part in tackling the money laundering and economic crime that blights our society, the economy and so many lives.

Our work on tackling economic crime

We have developed and advanced our approach to fighting economic crime for many years, including most prominently on money laundering and terrorist financing and more recently financial sanctions. Our work in this area is overseen by the Office of Professional Body AML Supervision (OPBAS).

If we identify knowledge or suspicion of money laundering itself taking place, we liaise with law enforcement and the National Crime Agency to open an investigation and act either straight away in coordination with law enforcement or once any criminal investigation has been concluded.

We took enforcement action against 51 firms/individuals in the year up to March 2022 and conducted 163 firm inspections and 109 desk-based reviews.

Our view on the new legislation

The powers that the Bill provides (Clause 181) would allow unlimited fining powers for the SRA in relation to solicitors engaged in economic crime and are a recognition of the significant role lawyers have as trusted advisors and gatekeepers to services

Ni yw rheoleiddiwr cyfreithwyr a ffirmiau cyfraith Cymru a Lloegr.

which can be misused, with all the damage that causes. We see this provision (along with Clause 183) that expand our regulatory objectives, as critical measures in deterring solicitor and law firm involvement in economic crime, whether intentionally or unwittingly through poor compliance with their obligations.

Our ability to deter solicitors from involvement in economic crime has to date been constrained by our very limited fining powers for traditional firms and those who work in them, [recently uplifted](#) by the Ministry of Justice from £2,000 to £25,000. This pales into insignificance in the light of the finances so often involved in economic crime (whereas we have powers to fine Alternative Business Structures up to £250m and those who work in them up to £50m).

We have been asking for an increase in our fining powers for many years, bringing us in line with the other legal regulators whose fining powers for their regulated communities are not capped and therefore have better deterrence.

The new powers and regulatory objective, alongside the comprehensive definition of economic crime used in the Bill, will significantly improve how we can effectively deter and tackle the full range of economic crime.

We also welcome Clause 184¹: 'Approved Regulators: Information Powers' which would provide the SRA with additional powers to proactively request information from firms so we can spot check how they are preventing economic crime.

Financial sanctions and Strategic Litigation against Public Participation

You might also find it helpful to know more about the action we are taking in relation to financial sanctions. Solicitors and other professionals are prohibited from assisting designated persons² from moving assets or providing them with advice on how they may do so. Solicitors can provide legal advice to designated persons as long as it is not to help them evade financial sanctions, however they must either seek a licence from the Office of Financial Sanctions Implementation (OFSI) to charge a reasonable fee for work, or provide the advice free of charge.

We regularly update our [guidance](#) for firms on making sure they are complying with Russian financial sanctions and that all measures and restrictions are complied with in light of the conflict in Ukraine. We also published a recent [update](#) to the profession, and we are [carrying out](#) spot checks on firms to assess compliance with the new financial sanctions relating to Russian individuals. We will take disciplinary action should we see evidence of serious non-compliance.

We have issued [guidance](#) relating to Strategic Litigation against Public Participation (SLAPPs) on how to balance duties when conducting litigation, as well as [a warning notice on SLAPPs](#) and [advice for those who might have been targeted by them](#). We are currently investigating some 40 cases with allegations related to SLAPPs.

¹ Note, this clause was added as a government amendment as New Clause 14 during Report Stage in the House of Commons on 25 January 2023.

² [Who is subject to financial sanctions in the UK? - GOV.UK \(www.gov.uk\)](#)

We hope this provides a useful overview of the value that the additional powers in the Bill would bring to our work. If you have any questions or wish to discuss this with us further, please do get in touch.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Philip', written in a cursive style.

Paul Philip
Chief Executive
Solicitors Regulation Authority

Agenda Item 6

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

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Document is Restricted

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



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS

Chair, Legislation, Justice and Constitution Committee

seneddLJC@senedd.wales

25th November 2022

Dear Huw

Thank you for your letter of 2 November regarding the Legislative Consent Memorandum (LCM) on the Levelling Up and Regeneration Bill (the Bill).

I too share your frustration over the lack of engagement from the UK Government on areas within the Bill prior to its introduction. Whilst engagement has improved it remains disappointing that there are areas in the Bill for which we have little detail and placeholder clauses remain. This has complicated not only the devolution assessment of the provisions and their effect upon Wales, but also negotiations over potential amendments. I acknowledge the importance of the Senedd's scrutiny role in the legislative consent process and accept that this in turn limited the ability of all four responsible committees to carry out meaningful scrutiny of the LCM.

I have provided a response to your questions in full where I can in the annex to this letter (**Annex 1**) and will lay a revised LCM on the Bill as soon as possible.

The responses to the letter have been based on the Bill as introduced, and I intend to lay a supplementary LCM to the same effect. This will provide a clear picture of my position on the Bill. Amendments to the provisions within the Bill during its passage through the House of Commons and Lords will be laid as a separate LCM in accordance with standing orders. I fully support your request for a revised deadline to assess the provisions and understand the Minister for Rural Affairs North Wales and Trefnydd will discuss with the Business Committee once the revised LCM has been laid/at the earliest opportunity.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

I am copying this letter to the Llywydd as Chair of the Business Committee, as well as the Chairs of the Climate Change, Environment and Infrastructure Committee, the Local Government and Housing Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Annex 1 – Response to Questions set out by the Legislation, Justice and Constitution Committee

Note: Unless otherwise stated references to provisions in the Bill are to the version of the Bill as introduced.

1. ***Can the Minister explain fully the divergence of opinion between the Welsh Government and the UK Government as to whether Part 1 of the Bill requires the consent of the Senedd? What discussions has the Minister had with the UK Government in this regard?***
 - 1.1 For over two decades the Welsh Government, in line with its devolved responsibilities for regional **economic** development, worked in partnership to help address the long-term structural economic challenges in Wales and reduce geographical disparities between different parts of the United Kingdom (UK) and the European Union (EU).
 - 1.2 While the UK Government has failed to meet its manifesto promises of replacing EU funds in full and no power being lost to Wales, Welsh Ministers continue to seek a co-decision-making role on agreeing the outcomes and how funds supporting the Levelling Up agenda – including the Shared Prosperity Fund (the replacement to EU funds) – should be spent; this helps to ensure policy coherence and avoid duplication. Our Framework for Regional Investment in Wales remains an important policy document for that purpose. Improving policy coherence
 - 1.3 The Welsh Government is of the view that Senedd Cymru could pass equivalent provisions to those contained within Part 1 and place on Welsh Ministers identical obligations to set out how they propose to “reduce geographical disparities” in economic, social or other opportunities across Wales; supported by identical reporting, scrutiny, review etc. obligations.
 - 1.4 This is because the objective of “levelling-up” to significantly reduce geographical disparity in the UK is not a reserved matter. Whilst the Welsh Ministers would not introduce legislation in respect of England, the Senedd would have legislative competence to legislate to achieve the same outcome of “levelling-up” for Wales.
 - 1.5 The “levelling-up” missions are described in the Explanatory Notes to Levelling-Up and Regeneration Bill (the Bill), however, they are not contained in the Bill itself in respect of which the Standing Orders require an assessment as to whether a Legislative Consent Memorandum (LCM) must be laid before the Senedd. The missions read as high-level aspirational outcomes linked to specific areas – education, health, transport, employment and economic development. etc. Areas regarded as within the legislative competence of the Senedd.
 - 1.6 UK Government are of the view that Part 1 of the Bill does not require the legislative consent of the Senedd via a Legislative Consent Motion. The UK Government state that Part 1 does not modify the executive competence of the Welsh Ministers or the legislative competence of the Senedd, but do not address whether or not Part 1 makes provisions ‘for any purpose within the legislative competence of the Senedd. The UK Government is of the view that the UK Parliament can legislate to place duties upon the UK Government Ministers to set missions for the whole of the UK.
 - 1.7 Welsh Government officials have met with officials from the Department for Levelling Up, Housing and Communities, and will continue this engagement as the Bill progresses.

2. *Is the Minister able to provide more information regarding the Welsh Government's policy regarding the content of clauses 1-6 and the substantive reasons for its recommendation that the Senedd does not consent to these provisions?*

- 2.1 This Bill, if passed as currently drafted, would require future UK Governments to set longer term missions across a wide range of devolved matters, and actions to deliver against these missions could materially interfere with the policy objectives of the Welsh Government.
- 2.2 The Welsh Government does not agree the need for Part 1 of the Bill. Improving the well-being of everyone in Wales and addressing inequalities is the core mission of this Government and underpins the approach taken to the Well-being of Future Generations (Wales) Act 2015 (the WFG Act) passed by the Senedd in 2015.
- 2.3 The Welsh Ministers published their Economic Mission last year, clearly outlining our values and priorities which shape the decisions we are taking in supporting our economy here in Wales.
- 2.4 We aim to work to ensure our country is more prosperous, fairer and greener than ever before. In particular, our ambition is to create the conditions where more people, particularly the disadvantaged and young people, feel confident about planning their futures in Wales. Further to this we have set out a vision of what makes Wales an attractive place to live, study, work and invest, including the quality of life in an inclusive, open and green nation.
- 2.5 Our [Regional Economic Frameworks](#) set out the opportunities and challenges we face to improve the lives of people across Wales. They put collaboration ahead of competition, showing how we will act to maximise fairness for all and eliminate inequality at every level of society. They are an essential part of our commitment to a more focussed model of economic development - developing the distinctive strengths of our regions, supporting inclusive and sustainable economic growth and maximising opportunities to address national, regional and local inequalities, contributing to the well-being goals for Wales.
- 2.6 In Wales, we have through the WFG Act, a legislative framework to improve the economic, social, environmental, and cultural well-being of the whole of Wales for current and for future generations. The seven well-being goals were developed through a national conversation with the people of Wales and shaped and agreed by the Senedd.
- 2.7 This framework extends beyond just government and captures 48 public bodies, including public services boards and town and community councils. It recognises that both Government and public bodies have a contribution to make to achieving the well-being goals which reflects their powers and duties.
- 2.8 The provisions in clauses 1-6 of the Bill contain some of the elements that are already provided for through the WFG Act. This includes annual reporting, indicators and milestones and the setting of objectives to shape delivery.
- 2.9 In addition, the definition of "geographical disparities" in the Bill, as introduced, only makes specific mention to economic and social opportunities or outcomes. This misses the environmental and cultural opportunities and outcomes that are the

foundation of the WFG Act and well-being goals, and the strong views of the Senedd at the time that cultural well-being is an essential part of improving Wales.

3. Can the Minister confirm why the LCM makes reference to clause 96 (street votes) requiring consent in the view of the UK Government, when this view is not reflected in the Explanatory Notes to the Bill?

3.1 The reference to clause 96 of the Bill requiring consent in the view of the UK Government was included in the LCM in error. However, it is my view that as the clause is a placeholder clause and is not currently limited to England, that it falls within the legislative competence of the Senedd. We anticipate amendments will be tabled to the Bill to limit the application of clause 96 to England, which is why the UK Government has not identified it as requiring consent. We will correct this in the revised memorandum.

4. Is the Minister in a position to seek clarity as to why the UK Government included clause 78 as requiring consent in the Explanatory Notes, when clause 78 is entitled "Power to require use of approved planning data software in England". Is clause 78 intended to apply in Wales or has the UK Government erroneously noted that it applies in Wales?

4.1 We have not had any discussions with the UK Government on this particular point, therefore I am unable to clarify the UK Government's position on this. As introduced, we consider the application of clause 78 to apply to England only and therefore Senedd consent is not required.

5. Has the Minister raised the inconsistency between the Explanatory Notes, immediately before paragraph 470, and the Bill at clause 77 regarding the title of clause 77, where the Explanatory Notes refers to England but the clause itself does not? Is the Minister confident that this clause applies in Wales?

5.1 We have not had any discussions with the UK Government on this particular point. It is likely to be an error with the Explanatory Notes and we will raise it with the UK Government. The planning data provisions have the potential to apply to Wales in areas that are within the legislative competence of the Senedd. This is in a limited area in respect of regulations made under Part 5 (Environmental Outcome Reports). I am confident clause 77 has the ability to apply in Wales.

6. Can the Minister provide further detail as to the new powers that are provided to the Secretary of State by Chapter 1 of Part 3, clause 96 and clause 112 and confirm what effect these powers would have in Wales, including any effect on the legislative competence of the Senedd and the executive competence of the Welsh Ministers?

6.1 The planning data provisions in Chapter 1 of Part 3 of the Bill are intended to set approved data standards so that data held by relevant planning authorities is directly comparable. This would enable developers to work more efficiently across different authorities and, make it easier for the public to compare data across different authority areas. It would also facilitate growth and competition in the planning data software market through the creation of a common standard which suppliers would work to, enabling cross-boundary matters to be dealt with more efficiently.

6.2 The vast majority of 'relevant planning authorities', as defined in clause 81 of the Bill, capture bodies operating in England, or in non-devolved areas. The only area

within the legislative competence of the Senedd that will be affected by any planning data regulations will be in respect of any Environmental Outcomes Report Regulations made under Part 5 of the Bill. As drafted in the Bill as introduced, it would be the Secretary of State who would be making such Environmental Outcomes Reports Regulations (“EOR Regulations”), however negotiations are ongoing in respect of the Welsh Ministers having equivalent powers in devolved areas. We will ensure that the operation of these clauses relating to planning data are considered in the negotiations in respect of Part 5. As drafted in the Bill as introduced these provisions fall within the legislative competence of the Senedd to the extent they cover matters under Environmental Outcome reports. There is no effect on the legislative competence of the Senedd and no impact on the executive competence of the Welsh Ministers.

- 6.3 Clause 96 (Street Votes) is a placeholder clause which we anticipate will be replaced by substantive provisions during the passage of the Bill which will apply to England only. The clause provides very little information as to what the system would entail and we have not received any further information from the UK Government on this matter.
- 6.4 Clause 114 (Previously Clause 112) (regulations and orders under the Planning Acts) is merely a clarificatory amendment, providing an express power to make ancillary provision rather than having to rely on implied powers. There is therefore no substantive change. The provisions affect the executive competence of the Welsh Ministers to make regulations and orders under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990. However, as stated there is no change to the Welsh Ministers’ functions.

7. *Can the Minister explain the reasoning behind her statement at paragraph 58 of the LCM that “Two areas, on planning data and environmental outcome reports, have potential benefits for Wales, but their current drafting means this benefit cannot be realised.” What are the potential benefits that are referred to? Why does their current drafting mean that such benefits cannot be realised?*

- 7.1 In respect of planning data, as explained in paragraph 6.1 above, common data standards would enable developers to work more efficiently across different authorities and, make it easier for the public to compare data across different authority areas. It would also facilitate growth and competition in the planning data software market through the creation of a common standard which suppliers would work to.
- 7.2 The repeal of the European Communities Act 1972 means the Welsh Ministers no longer have regulation making powers in respect of strategic environmental assessment and environmental impact assessment. The only exception to this is section 71A of the Town and Country Planning Act 1990 which this Bill would repeal. We are therefore unable to improve the operation of these regimes, for example, in respect of electronic communications, or the types of projects which should be subject to assessment.
- 7.3 The drafting in the Bill as introduced for both the planning data provisions and environmental outcome reports does not provide the Welsh Minister with regulation making powers. We will therefore be unable to make any changes to improve how the provisions work and there would remain the risk that the Secretary of State makes regulations affecting Wales that undermine the current approach in these areas, which are specifically tailored to the circumstances and needs of Wales.

- 8. Can the Minister provide further information in relation to the statement at paragraph 59 of the LCM that “the current drafting of powers on digital data does not accord with our desire to legislate for Wales.” In what way does the current drafting have this effect? Is the reference to “digital data” a reference to planning data?**
- 8.1 The drafting in the Bill as introduced for the planning data provisions in Chapter 1 of Part 3 enables the Secretary of State to make regulations in respect of planning data requirements for environmental outcome reports. In line with our principles for consenting to UK Bills, I consider the Welsh Ministers should have equivalent powers to make regulations in respect of environmental outcome reports for devolved plans and projects, which would consequentially require similar powers in relation to planning data. The Bill, as introduced, does not give the Welsh Ministers those powers.
- 8.2 The reference to “digital data” should be a reference to “planning data” and I will correct this in the revised LCM.
- 9. The LCM does not clearly conclude whether it is appropriate for each of the clauses in Chapter 1 of Part 3, clause 96 or clause 112 to be included in the Bill, nor does it provide a clear recommendation as to whether or not consent should be given to these provisions. Can the Minister confirm the position in this regard?**
- 9.1 I recommend consent should be withheld to those clauses of Chapter 1 of Part 3 that are within the legislative competence of the Senedd (clauses 75, 76, 77, 79, 80 and 81) because they directly relate to the operation of environment outcome reports provided for in Part 5 of the Bill. I cannot support the current approach in Part 5 because of the risk of regulations affecting Wales that undermine the current approach in these areas, which are specifically tailored to the circumstances and needs of Wales.
- 9.2 I also recommend consent should be withheld to clause 96 as it is likely to introduce an unnecessarily bureaucratic approach to public engagement. We are committed to ensuring public involvement in shaping the places in which they live. This needs to be done in a strategic and coordinated manner, which reflects the plan-led system in Wales.
- 9.3 Finally, I recommend Senedd consent should be given to clause 114 (previously clause 112) as the provision only seeks to clarify the extent of general powers to make statutory instruments, which is an issue common to England and Wales. Paragraphs 22 and 23 of the LCM explain this technical legal amendment. While it is possible for the Senedd to make this change, the minor technical nature of the change to make the existing legal position clearer, means in my view the benefit of effecting the change through this Bill outweigh the policy presumption against doing so.
- 9.4 I will make this clear in the revised LCM.
- 10. Can the Minister confirm the specific clauses that are referred to in paragraphs 58 and 59 of the LCM?**

10.1 The reference to planning data refers to the clauses identified at paragraphs 14 to 19 of the LCM (Clauses 75, 76, 77, 79, 80 and 81 of the Bill). The reference to the area of environmental outcome reports refers to the clauses identified at 24 to 35 of the LCM (clauses 116 to 130 of the Bill). I will make this clear in the revised LCM.

11. Can the Minister confirm which clauses are referred to as “the clauses in relation to planning” in paragraph 64 of the LCM? Does this include clause 112?

11.1 The reference to the clauses relating to planning included those identified at paragraphs 14 to 38 of the LCM and include clause 112. I will make this clear in the revised LCM.

12. Can the Minister seek confirmation from the UK Government as to how the planning provisions will work in practice, to include providing an analysis of the clauses in relation to planning and explaining how Welsh authorities will be impacted by the provisions of the Bill in real terms? Can the Minister confirm who, in Wales, is considered a ‘relevant planning authority’ for the purposes of this Chapter?

12.1 The provisions in Chapter 1 of Part 3 of the Bill as introduced primarily apply in relation to England and only apply in Wales in two limited circumstances. Firstly, in relation to the Secretary of State acting in non-devolved areas, for example National Strategic Infrastructure Projects (NSIPs). Secondly, in respect of the Secretary of State’s functions under Part 5 of the Bill (Environmental Outcome Reports).

12.2 The provisions in Part 5 are currently being negotiated with UK Government. As such, we are unable to confirm who, in Wales, could be considered a ‘relevant planning authority’ for the purposes of this Chapter, as this will depend on the outcome of those negotiations.

12.3 Similarly, it is difficult at present to outline how the provisions will work in practice. This is dependent on the type of regulation the UK Government proposes to bring forward, by way of tabled amendment, of which we have no detail at this current time.

12.4 I will update this Committee and the other scrutiny Committees as appropriate once I have more information.

13. Can the Minister confirm which provisions in Part 5 of the Bill relate to reserved matters and which relate to devolved matters, as referred to in paragraph 49 of the LCM?

13.1 The provisions that could be included in EOR Regulations cover a wide range of areas, both in terms of defining ‘relevant consents’ and ‘relevant plans’. Examples of existing regulations relating to environmental impact assessments which apply solely in Wales include agriculture (e.g., the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017) and planning (e.g., the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017). Other examples of existing provisions are listed in clause 130 of the Bill as “existing environmental protection legislation”. We will work with the UK Government to ensure all relevant Wales only legislation is also included.

13.2 The reservations that may be relevant when considering the provision that could be made under Part 5 of the Bill include reservation 184 of Schedule 7A to Government of Wales Act 2006 (GOWA) (planning), although provision could be

made in relation to other planning matters and infrastructure projects that fall below the thresholds for nationally significant infrastructure projects NSIPs. Other examples of relevant reservations include reservation 97 (oil and gas) and reservation 99 (nuclear energy). Despite the existence of relevant reservations, substantive provision could still be made in devolved areas including planning, transport, water, agriculture, land drainage and others.

14. With reference to paragraph 58 of the Bill, can the Minister confirm the detail of the potential benefits that she envisages to an improved system of environmental planning reports and whether discussions have taken place with the UK Government with a view to realising these benefits in the Bill? Can the Minister also confirm what is meant by “planning outcome reports” in paragraph 58?

14.1 Planning outcome reports” should be a reference to “environmental outcome reports” and I will correct this in the revised LCM. Discussions have taken place between my Officials and their counterparts in the UK Government with a view to realising the benefits explained in my answer to your question seven.

15. Can the Minister explain how the current provisions mean that the Welsh Ministers have lost their ability to make Welsh regulations in relation to environmental outcome reports?

15.1 Clause 130 (2) omits section 71A of the Town and Country Planning Act which is the current executive power of the Welsh Ministers to make provision in respect of the consideration of the likely environmental impacts of proposed development.

16. Can the Minister state whether or not support is given to the provisions in Part 5 being included in the Bill, as is required by Standing Order 29.3(iii), and whether or not consent should be given?

16.1 I recommend consent is withheld for the provisions in Part 5 as introduced for the reasons set out in my answer to your question 7. I will update the LCM accordingly.

17. Can the Minister provide an update as to any discussions that have taken place with the UK Government regarding clauses 96 and 187?

17.1 No discussions have taken place with the UK Government regarding clause 96.

17.2 My officials have been proactively and regularly liaising with their counterparts in the UK Government to understand the UK Government’s intentions for Clause 187.

18. Has the Minister discussed clauses 80 and 121 of the Bill with the UK Government and sought to amend the provisions to require that, at the very least, the UK Government has to obtain the consent of the Welsh Ministers before making planning data regulations or environmental outcome report regulations containing provision which is within Welsh devolved competence? What has been the outcome of these discussions?

18.1 Discussions between officials are exploring the possibility of equivalent powers for the Welsh Ministers to make EOR Regulations in general for devolved plans and projects from the starting point the Bill as introduced is unacceptable in relation to the Secretary of State being able to make regulations in devolved areas. Discussion on possible alternative clauses for clauses 80 and 123 (previously 121) to overcome these objections has not taken place. I await sight of any proposed replacement

clauses that better reflect Welsh devolved competence. Unless and until such new clauses are produced, my recommendation remains that legislative consent should be withheld to the provisions on planning data regulations and environmental outcome reports.

19. Does the Minister have any views on the inclusion of the Henry VIII powers at clauses 129 and 191 of the Bill? Has the Minister discussed clause 129 and/or clause 191 with the UK Government to seek their amendment or removal? What has been the outcome to date of such discussions?

- 19.1 Clause 129 is unacceptable in my view, in that it is part of the environmental outcome report provisions on which I have provided my view above (see paragraph 9.1). There has been no ministerial discussion about these provisions to date. Now that the rearrangement of portfolios within UK Government has settled, I will be seeking to meet my counterpart at the earliest opportunity.
- 19.2 Consent should similarly be withheld in relation to clause 191 due to the lack of equivalent powers for the Welsh Ministers to make regulations in respect of devolved matters.

20. Can the Minister provide any view on the financial implications of this Bill for Wales?

Clause 1 - 6 (Levelling up missions)

- 20.1 The effect of the provisions is to place a duty on the UK Government to set, and report annually on progress towards achieving, levelling up missions to reduce geographical disparities across the UK. The requirement to report on the delivery of levelling up missions, and the parliamentary scrutiny of progress against these missions is a cost to the UK Government and will have no effect on Wales. The effect of the levelling up actions undertaken by the UK Government to deliver these missions is outside of the scope of the Bill.

Placeholder clauses:

Clause 96 (Street votes) and Clause 187 (Vagrancy and begging)

- 20.2 Where provisions are placeholder provisions the clause does not contain the necessary detail for me to identify whether there will be any financial implications on Wales. I will update the Senedd as appropriate once the substantive provisions are tabled.

Part 3 (Planning)

- 20.3 The changes to the planning system under Part 3 will all have familiarisation costs associated with the change. This one-off cost will be experienced by local authorities, businesses (including small and medium sized enterprises), and the Third Sector where they engage in the system.

Clause 75,76,77,79,80,81 (Planning data)

- 20.4 The changes to the provision, processing and requirements of planning data will have financial costs for Welsh local authorities and those engaged in specific parts of the planning system in Wales. The provision as currently drafted only has effect in Wales on two limited areas. Firstly, in relation to the Secretary of State acting in non-devolved areas, for example for NSIPs. Secondly, the provisions currently apply in respect of the Secretary of State's functions under Part 5 of the Bill (Environmental Outcome Reports).

20.5 Therefore, where a NSIP, or Environmental Outcome Report is triggered they will be subject to the requirements. In other areas the standards do not apply. This will create a potential dual system of planning data in Wales that will create inconsistency, increasing costs for users of the planning system. It would therefore not fully realise the benefits identified in the Bill through a transition to digital planning system as it will not apply to the whole system in Wales.

Clause 112 (Regulations and Orders under the Planning Acts)

20.6 This clause concerns technical legal amendments to the general powers to make statutory instruments contained in The Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and The Planning (Hazardous Substances) Act 1990. The amendment is a minor technical legal amendment aimed at making the legal position clear. There are no financial consequences as a result of the change.

Clause 116-130 (Environment outcomes report)

20.7 The provisions in the Bill currently provide for one overarching power to make provisions in respect of environmental outcome reports to accompany both strategic plans, and relevant project consents. The new system of environmental outcomes reporting has potential for efficiency savings through the simplification of consenting.

Clause 186 (Review of governance etc of Royal Institution of Chartered Surveyors (RICS))

20.8 This clause will enable the Secretary of State to commission periodic reviews of RICS that will give government information about the governance and performance of RICS, in order to satisfy itself that RICS performs in the public interest. There are no costs to Wales.

Julie James MS
Minister for Climate Change

2 November 2022

Dear Julie

Legislative Consent Memorandum: Levelling Up and Regeneration Bill

I am writing regarding the above Memorandum, which we considered at our meeting on 24 October 2022.

We note the Memorandum refers at paragraph 3 to the letter you wrote to the Llywydd and explains that:

"...due to the very limited engagement by the UK Government prior to the Bills' introduction and the complexity of the Bill, it has taken time to fully consider the devolution consequences of what is being proposed and consequently it has not been possible to lay this LCM within the normal two-week SO29 deadline."

We are disappointed with the lack of engagement by the UK Government to explain its proposals and acknowledge the difficult position for the Welsh Government as a result.

Nevertheless, we are concerned that some four months after the Bill's introduction into the UK Parliament, the content of the Memorandum laid before the Senedd is severely lacking in necessary detail that we do not believe it would enable the Senedd to reach an informed view on the matter of whether or not to give consent.

We highlight 20 questions in the Annex to this letter which seek clarification on a range of matters. In our view, the responses to most of these questions need to be addressed in a revised Memorandum.

I would be grateful to receive a response to this letter as soon as possible, together with confirmation that a revised Memorandum has been laid or will be laid before the Senedd as a matter of urgency.

The current deadline for reporting is 8 December 2022 but our ability to meet that deadline is constrained by the situation we and other Committees are now facing. In laying a revised Memorandum we believe therefore that the deadline should be re-visited. .

I am therefore copying this letter to the Llywydd as Chair of the Business Committee, as well as the Chairs of the Climate Change, Environment and Infrastructure Committee, the Local Government and Housing Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Annex 1 – Questions to the Minister for Climate Change

1. Can the Minister explain fully the divergence of opinion between the Welsh Government and the UK Government as to whether Part 1 of the Bill requires the consent of the Senedd? What discussions has the Minister had with the UK Government in this regard?
2. Is the Minister able to provide more information regarding the Welsh Government's policy regarding the content of clauses 1-6 and the substantive reasons for its recommendation that the Senedd does not consent to these provisions?
3. Can the Minister confirm why the LCM makes reference to clause 96 (street votes) requiring consent in the view of the UK Government, when this view is not reflected in the Explanatory Notes to the Bill?
4. Is the Minister in a position to seek clarity as to why the UK Government included clause 78 as requiring consent in the Explanatory Notes, when clause 78 is entitled "Power to require use of approved planning data software in England". Is clause 78 intended to apply in Wales or has the UK Government erroneously noted that it applies in Wales?
5. Has the Minister raised the inconsistency between the Explanatory Notes, immediately before paragraph 470, and the Bill at clause 77 regarding the title of clause 77, where the Explanatory Notes refers to England but the clause itself does not? Is the Minister confident that this clause applies in Wales?
6. Can the Minister provide further detail as to the new powers that are provided to the Secretary of State by Chapter 1 of Part 3, clause 96 and clause 112 and confirm what effect these powers would have in Wales, including any effect on the legislative competence of the Senedd and the executive competence of the Welsh Ministers?
7. Can the Minister explain the reasoning behind her statement at paragraph 58 of the LCM that "Two areas, on planning data and environmental outcome reports, have potential benefits for Wales, but their current drafting means this benefit cannot be realised." What are the potential benefits that are referred to? Why does their current drafting mean that such benefits cannot be realised?
8. Can the Minister provide further information in relation to the statement at paragraph 59 of the LCM that "the current drafting of powers on digital data does not accord with our desire to legislate for Wales." In what way does the current drafting have this effect? Is the reference to "digital data" a reference to planning data?
9. The LCM does not clearly conclude whether it is appropriate for each of the clauses in Chapter 1 of Part 3, clause 96 or clause 112 to be included in the Bill, nor does it provide a clear recommendation



as to whether or not consent should be given to these provisions. Can the Minister confirm the position in this regard?

10. Can the Minister confirm the specific clauses that are referred to in paragraphs 58 and 59 of the LCM?

11. Can the Minister confirm which clauses are referred to as “the clauses in relation to planning” in paragraph 64 of the LCM? Does this include clause 112?

12. Can the Minister seek confirmation from the UK Government as to how the planning provisions will work in practice, to include providing an analysis of the clauses in relation to planning and explaining how Welsh authorities will be impacted by the provisions of the Bill in real terms? Can the Minister confirm who, in Wales, is considered a ‘relevant planning authority’ for the purposes of this Chapter?

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18. Has the Minister discussed clauses 80 and 121 of the Bill with the UK Government and sought to amend the provisions to require that, at the very least, the UK Government has to obtain the consent of the Welsh Ministers before making planning data regulations or environmental outcome report regulations containing provision which is within Welsh devolved competence? What has been the outcome of these discussions?

19. Does the Minister have any views on the inclusion of the Henry VIII powers at clauses 129 and 191 of the Bill? Has the Minister discussed clause 129 and/or clause 191 with the UK Government to seek their amendment or removal? What has been the outcome to date of such discussions?

20. Can the Minister provide any view on the financial implications of this Bill for Wales?