

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 22 January 2024

Meeting time: 13.30

For further information contact:

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Committee Clerk

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Hybrid

1 Introductions, apologies, substitutions and declarations of interest

(13.30)

2 Residential Outdoor Education (Wales) Bill: Evidence Session

(13.30 – 14.30)

(To Follow)

Jeremy Miles MS, Minister for Education and Welsh Language

Ceri Planchant, Lawyer, Welsh Government

Emyr Harries, Deputy Director, Education Business & Governance, Welsh Government

[Residential Outdoor Education \(Wales\) Bill, as introduced](#)

[Explanatory Memorandum](#)

[Statement of Policy Intent](#)

Attached Documents:

LJC(6)–03–24 – Paper 1 – Briefing Paper

Break

(14.30 – 14.35)



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

(14.35 – 14.40)

(Page 1)

Attached Documents:

LJC(6)–03–24 – Paper 2 – Draft report

Affirmative Resolution Instruments

3.1 SL(6)438 – The Official Statistics (Wales) (Amendment) Order 2024

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

(14.40 – 14.45)

Made Negative Resolution Instruments

4.1 SL(6)437 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023

(Pages 2 – 4)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–24 – Paper 3 – Draft report

4.2 SL(6)439 – The Meat Preparations (Amendment and Transitory Modification) (Wales) (Amendment) Regulations 2024

(Pages 5 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–24 – Paper 4 – Draft report

5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7

(14.45 – 14.50)

5.1 SL(6)435 – Part 8 Code of Practice – Role of Director of Social Services

(Pages 7 – 10)

[Code of Practice](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–24 – Paper 5 – Draft report

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

(14.50 – 14.55)

Affirmative Resolution Instruments

6.1 SL(6)425 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Amendment) (Wales) Regulations 2024

(Pages 11 – 15)

Attached Documents:

LJC(6)–03–24 – Paper 6 – Report

LJC(6)–03–24 – Paper 7 – Welsh Government response

7 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7 – previously considered

(14.55 – 15.00)

7.1 SL(6)424 – Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

(Pages 16 – 20)

Attached Documents:

LJC(6)-03-24 – Paper 8 – Report

LJC(6)-03-24 – Paper 9 – Welsh Government response

8 Inter-Institutional Relations Agreement

(15.00 – 15.05)

8.1 Correspondence from the Minister for Finance and Local Government:

Finance: Interministerial Standing Committee

(Pages 21 – 22)

Attached Documents:

LJC(6)-03-24 – Paper 10 – Letter from the Minister for Finance and Local Government, 12 January 2024

8.2 Correspondence from the Deputy Minister for Climate Change: Transport Inter-Ministerial Standing Committee

(Page 23)

Attached Documents:

LJC(6)-03-24 – Paper 11 – Letter from the Deputy Minister for Climate Change, 15 January 2024

8.3 Correspondence from the Counsel General and Minister for the Constitution: Inter-Ministerial Group on Elections and Registration

(Page 24)

Attached Documents:

LJC(6)-03-24 – Paper 12 – Letter from the Counsel General and Minister for the Constitution, 17 January 2024

9 Papers to note

(15.05 – 15.10)

9.1 Correspondence from the Counsel General and Minister for the Constitution: The Committee's Annual Report 2022-23

(Pages 25 – 27)

Attached Documents:

LJC(6)-03-24 – Paper 13 – Letter from the Counsel General and Minister for the Constitution, 12 January 2024

LJC(6)-03-24 – Paper 14 – Letter to the Counsel General and Minister for the Constitution, 15 December 2023

9.2 Written Statement by the First Minister: Independent Commission on the Constitutional Future of Wales: Final Report

(Page 28)

Attached Documents:

LJC(6)-03-24 – Paper 15 – Written Statement by the First Minister, 18 January 2024

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

(15.10)

11 Residential Outdoor Education (Wales) Bill: Consideration of evidence

(15.10 – 15.25)

12 Supplementary Legislative Consent Memorandum on the Data Protection and Digital Information Bill: Draft report

(15.25 – 15.40)

(To Follow)

Attached Documents:

LJC(6)-03-24 – Paper 16 – Draft report

13 Elections and Elected Bodies (Wales) Bill: Draft report

(15.40 – 15.55)

(To Follow)

Attached Documents:

LJC(6)-03-24 – Paper 17 – Draft report

Statutory Instruments with Clear Reports 22 January 2024

SL(6)438 – [The Official Statistics \(Wales\) \(Amendment\) Order 2024](#)

Procedure: Affirmative

This Order amends the Official Statistics (Wales) Order 2017 (“the 2017 Order”). The 2017 Order provides that the statistics produced, or to be produced, by the persons listed in the Schedule are official statistics for the purpose of Part 1 of the Statistics and Registration Service Act 2007.

This Order provides for the addition of the Commission for Tertiary Education and Research (‘the Commission’) to the list of official statistics producers in Wales. The Commission was established as a body corporate by the Tertiary Education and Research (Wales) Act 2022, and will be responsible for the strategy, funding and oversight of the following sectors in Wales:

- further education, including colleges and school sixth-forms;
- higher education, including research and innovation;
- adult education and adult community learning; and
- apprenticeships.

Parent Act: Statistics and Registration Service Act 2007

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 01 April 2024



Agenda Item 4.1

SL(6)437 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023

Background and Purpose

The Regulations amend the National Health Service (General Medical Services Contracts) Regulations 2023 (“the Principal Regulations”). The Committee considered the Principal Regulations at its meeting of 25 September 2023. The Regulations have been made to correct errors of a technical nature, or which are related to drafting convention, which were identified by the Committee in its report on the Principal Regulations.

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 eight points are 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

Regulation 4(a) inserts a definition of “authorised person” into the Principal Regulations. The English text of the definition cross-refers to persons captured by regulation **62(a) to (d)** of the Pharmaceutical Regulations, while the Welsh text cross-refers to persons captured by regulation **62(a) to (c)** of the Pharmaceutical Regulations. It is unclear which version is correct, meaning that the definition of “authorised person” is unclear.

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

Regulation 4(a) inserts a definition of “the Health and Care Professions Council” into the Principal Regulations. This definition makes reference to “article 5(1) of the Health Professions Order 2001 (registration)”. The bracketed word should read “establishment and maintenance of register” as this is the title of article 5 of the Health Professions Order 2001. Article 9 is entitled “registration”.



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

Regulation 4(m)(i) amends the definition of “national disqualification” in the Principal Regulations by replacing the word “sections” with “section”. This is unnecessary as even as amended, the wording of the definition still refers to multiple sections.

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

Regulation 16(b)(viii) states that the “(c.14)” citation should be inserted after “Social Security Act 1998” in Schedule 1 to the Principal Regulations. The Social Security Act 1998 appears twice in Schedule 1, therefore regulation 16(b)(viii) should specify whether the citation is to be inserted on the first occasion or on each occasion that it occurs.

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

Regulation 16(b)(xii) inserts c.22 as the citation for the Reserve Forces (Safeguard of Employment) Act 1985. The correct citation is c.17. Similarly, regulation 16(b)(xv) inserts c.28 as the citation for the Local Government Finance Act 1992. The correct citation is c.14.

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

Regulation 18(r) substitutes the word “paragraph” with “sub-paragraph” in paragraph 66(1) of Schedule 3 to the Principal Regulations. However, the word “paragraph” appears three times in paragraph 66(1) and the amendment does not specify that it is only to apply to the first occasion upon which “paragraph” occurs. Although the other two uses of the word are in sub-paragraphs, they still form part of paragraph 66(1) and therefore it should have been made clear that the amendment only applies to the first occasion upon which “paragraph” appears. This would be consistent with the approach taken in regulation 18(ff).

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

Reporting point 40 in our report on the Principal Regulations drew attention to the fact that a Fitness to Practice Panel is now known as a Medical Practitioners Tribunal. Regulation 18(nn)(ii)(cc) amends paragraph 117(6)(a) of Schedule 3 to the Principal Regulations to reflect this change, however the term “Fitness to Practice” also appears in paragraph 117(6)(b) of the Principal Regulations and the Regulations do not amend this wording.

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

Regulation 18(oo)(iii)(aa) inserts wording into paragraph 119(3)(v) of Schedule 3 to the Principal Regulations. As amended, the wording of paragraph 119(3)(v) would read “in a case where the contract is with two or more individuals practising in partnership or with a company



and one or more of those individuals has refused to comply with a request by the Local Health Board to be medically examined" (added words shown in italics). It is not clear whether the added wording is intended to relate to the partnership, the company or both. If it is just intended to relate to the partnership then the new wording should have been added after the word "partnership" rather than "company". If it is intended to relate to the company or both the partnership and the company, then it would be necessary to clarify who in the company would constitute "the individuals".

Merits Scrutiny

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

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

In its response to our report on the Principal Regulations, the Welsh Government confirmed that it would make amendments to correct the issues raised in points 8 and 54 of our report. Point 8 related to a reference to a repealed provision in the definition of "optometrist independent prescriber" in the Principal Regulations and point 54 noted an incorrect reference to the National Health Service Act 2006 in the Explanatory Note to the Principal Regulations. The Regulations do not make these amendments.

10. 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 notes that no consultation took place in relation to these Regulations. The Explanatory Memorandum notes:

No consultation has been undertaken on the amendment Regulations as the amendments being made do not alter or have any impact on the policy or how it is applied.

Welsh Government response

A Welsh Government response is required to all but the final reporting point.

Legal Advisers

Legislation, Justice and Constitution Committee

15 January 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)439 – The Meat Preparations (Amendment and Transitory Modification) (Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations extend the temporary suspension of the requirement for meat preparations to be deep frozen (to a temperature of -18° C) where they are imported into Wales from EEA member States, the Faroe Islands, Greenland or Switzerland, until the end of 29 April 2024.

“Meat preparations” are foods made from fresh meat without changing the structure of the muscle fibre that characterises fresh meat. Other foods, seasonings and additives may have been added to them.

The temporary suspension has already been extended several times, and now it is being extended again as part of an evolving GB-wide approach to border controls. Without this further extension, it would be illegal to import chilled meat preparations after 31 January 2024.

The Explanatory Memorandum to these Regulations states that:

The temporary suspension of the prohibition is a proportionate measure, as these goods from those countries present a low biosecurity risk, whilst the long-term policy continues to be developed. These goods are currently imported and there are no immediate public health concerns over these products, as the UK and the EU traded these freely within the EU Single Market.

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

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

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



We note the following context to these Regulations, as set out in the Explanatory Memorandum:

Since the end of the implementation period following the UK's departure from the EU, businesses and competent authorities have had to meet extensive new EU and UK requirements when moving goods under the new trading relationship with the EU. Many such businesses and competent authorities face challenges and shortage of resources in preparing for such changes in a short period of time, whilst dealing with the response to the COVID-19 pandemic.

Without this instrument, attempting to comply with the requirement for deep freezing otherwise scheduled for 31 January 2024 would create a significant risk of sector confusion and disruption to the food supply chain into Great Britain.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

9 January 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)435 – Part 8 Code of Practice – Role of Director of Social Services

Background and Purpose

The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) Regulations 2017 (“the 2017 Regulations”) were enacted to set out the specific information to be included in the annual reports of local authorities relating to their social services functions, and headings under which the information required was to be included.

The Part 8 Code of Practice – Role of Director of Social Services (“the Part 8 Code”) issued under Part 8, section 145(1) of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) sets out the power to issue codes. Section 145(3) of the 2014 Act requires local authorities to act in accordance with any relevant requirements contained in a code issued under section 145(1) and to have regard to any guidelines contained in it.

The revision to the Part 8 Code allows the opportunity to issue new guidance to local authorities in preparing their annual reports to bring them in line with the corporate self-assessment report required under the Local Government and Elections (Wales) Act 2021.

The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) (Amendment and Transitional Provision) Regulations 2023 amend the 2017 Regulations to update the information that must be included in annual reports and headings under which the information required is to be provided. This will align with the requirements of the revised Part 8 Code.

Procedure

Draft Negative

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Code then the Welsh Ministers must not issue the Code.

If no such resolution is made, the Welsh Ministers must issue the Code (in the form of the draft) and the Code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

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

1. At the beginning of the Code, there is a statement stating that this Code revokes the Part 8 Code that was issued according to the English text “in March 2016”. However, in



the Welsh text, it states that the previous Code was issued “ym **16** mis Mawrth 2016” which includes an additional “16” but does not make grammatical sense. Therefore, there is a difference between the English and Welsh texts due to the additional “16” in the translation.

2. The Welsh Government’s website states that the published Code was first published and last updated on 24 May 2019, so there is some confusion when identifying the version of the Code for revocation. In this regard, it is the convention to include all the necessary details including the publication date, version and ISBN that will help identify publications such as a Code.
3. In the preamble, in paragraph 1, the Social Services and Well-being (Wales) Act 2014 is defined as “the Act”. However, in paragraphs 2 and 3 of the Code, and the heading of Chapter 3 of the Code, the definition is not always used but the title of that Act is repeated in full.
4. In the English text, the title of the Act is incorrect in paragraph 1 as there should be a hyphen in the spelling of “Wellbeing”. In both language texts, the title of the Act is also stated incorrectly in the first sentence of paragraph 2 as the year “2014” is missing (although the definition should be used in paragraph 2 on each occasion).
5. In paragraph 4, there is a reference to “Section 147” but it does not identify where that provision is found by using the words “of the Act” afterwards. Elsewhere, the references do include those words or the full title of an Act in the paragraph when identifying the specific act where a section is found, e.g., “section 8 **of the Act**” in paragraph 15, and “section 27 **of the Children Act 2004**” in paragraph 49.
6. In paragraph 9, the English text refers to “a code of practice **issued** under section 145 of the Act”. In the Welsh text, “issued” has been translated as “a gyflwynir” which suggests the meaning of “presented” or “submitted” rather than “issued”. Previously, in the revocation statement at the beginning of the Code and in paragraphs 1 and 6, the word “gyhoeddwyd” or a grammatical variant “Cyhoeddir” has been used as the translation of “issued” in the same context which does convey the meaning of “issue” (as would “dyroddir” which is used in the Act). Therefore, the translation of “issued” in paragraph 9 is also inconsistent with that found in those earlier paragraphs in the Welsh text of the Code or found in the Act. The same problem occurs later in paragraphs 15, 41, 43, 52 and 82 of the Code in similar contexts.
7. In paragraph 15 and elsewhere in the Code, in the Welsh text, “role” has been translated as “swyddogaeth” when referring to “the role of the director of social services”. However, “role” has previously been translated as “rôl” in the title of this Code and in the previous Code along with the associated Appointed Day Order for that Code– SI



2016/414 (W. 132). Therefore, the choice of word is inconsistent with that found in the Welsh text of the title of both the present and previous Codes. It is true that “swyddogaeth” can convey the meaning of “role” as noted in Geiriadur Prifysgol Cymru, but it is also used as the translation of “function(s)” in the Welsh text of the Code. As a result, it means that it is more difficult to distinguish between “role” and “function” in the Welsh text of the Code. Consequently, it would seem preferable if “rôl” was used as the translation of “role” in this context in the Code.

8. In paragraph 45(d), the English text states “experiencing abuse **of** neglect” but in the Welsh text it has been translated as meaning “experiencing abuse **or** neglect”. Therefore, there is a difference in meaning between the English and Welsh text. The drafting of other provisions in the English text such as paragraph 45(c) suggest that the Welsh text is correct.
9. In paragraphs 81, 85 and in Annex 2, the term “well-being” has been translated as “lles” in the Welsh text. However, “llesiant” is the word that is used as the translation for “well-being” in the Welsh text of the Social Services and Well-being (Wales) Act 2014, and elsewhere in this Code. Therefore, it is inconsistent with the terminology of the Act and of the rest of the Code. In addition, it is also potentially confusing for the reader of the Welsh text because “lles” is used as the translation of “welfare” in other places in this Code such as the entries in Annex 1 under the Mental Health Act 1983, the Mental Health (Scotland) Act 1984 and the Children Act 1989, and in Annex 2 in the entry for “Well-being”.
10. In Annex 1, in the first column under “Enactment”, specific provisions of the enactment are noted or the phrase “The whole Act” is used. However, in the entries for “Adoption Act 1976” and “Adoption and Children Act 2002” no specific sections are noted and the phrase “The whole Act” is not used, so it is unclear whether the functions are found in the whole of those Acts or any specific provisions in them.
11. In Annex 1, in the first or second column, the phrase “the Act” is used in the entries for the “Children Act 1989”, “Education Act 1996” and “Mental Capacity Act 2005” when appearing to refer to those particular Acts. However, the term “the Act” has previously been defined as meaning the Social Services and Well-being (Wales) Act 2014 in paragraph 1 of this Code. Therefore, the use of the phrase “the Act” could be the cause of potential confusion in these entries in Annex 1 as it is already a defined term for a different Act.
12. In Annex 1, in the first column, there is an entry noted as “**This** Act” which appears to be referring to the Social Services and Well-being (Wales) Act 2014. However, the Social Services and Well-being (Wales) Act 2014 has already been defined as “**the** Act” in paragraph 1 of this Code. Therefore, the defined term “**The** Act” should be used in the



first column of the entry rather than "**This** Act". In addition, "this Act" has also been used in the second column of the entry for "Public Health (Control of Disease) Act 1984" when appearing to refer to that Act rather than to the Social Services and Well-being (Wales) Act 2014 which adds to the confusion.

13. In Annex 1, in the second column for the entry "Mental Health Act 1983", there is a slight difference between the English and Welsh text. The English text refers to "approved mental health **professionals**" but the translation of that term does not include a word that corresponds to "professionals" in the Welsh text.
14. The Explanatory Memorandum states "*The Part 8 Code of Practice – Role of Director of Social Services ("the Part 8 Code") issued under Part 8, section 145(1) of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act") sets out the various requirements for the annual report.*" This may cause confusion for the reader as section 145 of the 2014 Act sets out the power to issue codes and it is section 144A of the 2014 Act that sets out the requirements for the annual report.

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

17 January 2024



SL(6)425 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Amendment) (Wales) Regulations 2024

Background and Purpose

'Council Tax Reduction Schemes' ("CTRS") are the mechanism by which local authorities in Wales provide support to low-income households in meeting their council tax liability.

The operation of CTRS in Wales is governed by the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (collectively, the "2013 CTRS Regulations").

These Regulations amend the 2013 CTRS Regulations to uprate certain figures used to calculate an applicant's entitlement to a reduction under a CTRS.

A Written Statement on 5 December 2023 by Minister for Finance and Local Government, Rebecca Evans MS stated that this will:

"ensure that the scheme in place for the 2024-25 financial year reflects increases in the cost-of-living. This helps to ensure that the scheme maintains entitlements for almost 261,000 low-income households across Wales who rely on this support."

In addition, the Regulations make provision to ensure that:

- applicants living in Wales are not negatively impacted because they have received a widowed parent's back payment or a retrospective bereavement support payment;
- applicants in Wales are treated in the same way for any compensation or support payment made in connection with the failings of the Post Office Horizon system;
- compensation payments relating to the Vaccine Damage Payment scheme, or the Infected Blood Inquiry will also be disregarded from the calculation of an applicant's capital under the scheme.

Procedure

Draft Affirmative.

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

Technical Scrutiny

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



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

In regulations 3(a) and 12(a), the new definitions are described as being inserted “at the appropriate places” in the interpretation provisions of both sets of Regulations. However, this approach is only appropriate if it is clear how the lists of definitions have been ordered in both language texts (which is usually alphabetical order). In the Welsh text of both sets of Regulations, the definitions are not ordered according to the Welsh alphabet as is usually the case in Welsh SIs but follow the same order as the list of the definitions in the English text. Therefore, it may not be obvious to the reader where to insert the new definitions in the Welsh text on this occasion, and it would provide greater certainty to specify after which entries the new definitions should be inserted – see Writing Laws for Wales, paragraph 7.17.

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

In regulation 8(d), the opening words state that the subsequent amendments numbered as sub-paragraphs (i) to (vii) are made to “the second column (amount) of the Table **in paragraph 17...**” in Schedule 7. However, the final amendments in sub-paragraphs (vi) and (vii) are not made to paragraph 17 but to figures found in paragraphs 23 and 24 of Schedule 7. Therefore, the structure of regulation 8(d) is incorrect and sub-paragraphs (vi) and (vii) should have been numbered as paragraphs (e) and (f) as done in a similar provision found later in regulation 16(d) to (f) of these Regulations.

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

In regulation 13(c)(i), in the English text, the description of the amendment should state “in the English language text” because this amendment is only made to the English text of paragraph (b) in sub-paragraph (9) of paragraph 28 of the default scheme. The Welsh translation does already include those words in regulation 13(c)(i) because there is no corresponding conjunction to be omitted at the end of paragraph (b) in sub-paragraph (9) of paragraph 28 in the Welsh text of the default scheme. Therefore, the drafting does not follow the guidelines found in Writing Laws for Wales, paragraph 7.9(2) when only amending one language text of an existing bilingual enactment. It also means that there is a difference between the descriptions given in the English and Welsh texts of regulation 13(c)(i).

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.



Committee Consideration

The Committee considered the instrument at its meeting on 8 January 2024 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

Legislation, Justice and Constitution Committee

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Government Response: *The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Amendment) (Wales) Regulations 2024*

Technical Scrutiny point 1: The point is noted. It is considered that the insertions in the Welsh text are legally effective and that the reader can ascertain where the definitions will be inserted.

Technical Scrutiny point 2: The point is noted. We will ensure that the Regulations are amended as set out below prior to making.

Technical Scrutiny point 3: The point is noted. We will ensure that the Regulations are amended as set out below prior to making.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Gofynion Rhagnodedig a'r Cynllun Diofyn) (Diwygio) (Cymru) 2024	The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Amendment) (Wales) Regulations 2024
Regulations 8(d)(vi) and (vii) will be renumbered 8(e) and (f) accordingly.	Regulations 8(d)(vi) and (vii) will be renumbered 8(e) and (f) accordingly.
	Regulation 13(c)(i) will be amended to insert, at the beginning, the words "in the English language text,".
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

Agenda Item 7.1

SL(6)424 – Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

Background and Purpose

The Waste Separation Requirements (Wales) Regulations 2023 (“the 2023 Regulations”) set out the separation requirements in Wales for the purposes of section 45AA of the Environmental Protection Act 1990 (“EPA 1990”). The 2023 Regulations apply to the presentation, collection and handling of waste in respect of non-domestic premises.

Section 45AB(1) of the EPA 1990 provides that the Welsh Ministers may issue codes of practice for the purpose of giving practical guidance about how to comply with requirements imposed by or under section 45AA.

Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales (“the Code”) is issued by the Welsh Ministers in exercise of this power and provides guidance on how to comply with the separation requirements contained in the 2023 Regulations.

Procedure

No procedure.

The Welsh Ministers have laid the Code before the Senedd as required by section 45AB(4)(b) of the EPA 1990.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7 in respect of the Code.

1. The Code may not provide sufficient practical guidance to occupiers of non-domestic premises to assist them in identifying waste excluded from the separation requirements. In particular:
 - Paragraph 4.17 of the Code sets out some information about the types of waste not within scope of the separation requirements, but there is other information about these types of waste in paragraphs 6.9 and 6.10, paragraphs 7.26 and 7.30 and in the Glossary. It may be of more practical utility to the reader if this information had been consolidated into a single, comprehensive section of the Code, rather than being presented piecemeal.
 - A reader of the Code attempting to identify whether waste is excluded from the separation requirements because it is hazardous, is signposted to regulation 6 of the Hazardous Waste (Wales) Regulations 2005 (“the 2005 Regulations”). Regulation 6 provides that waste is hazardous if it is listed as a hazardous waste in



"the List of Wastes". Regulation 4 of the 2005 Regulations defines "the List of Wastes" as "the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended from time to time". It may be challenging for the reader to locate the relevant Decisions/Directives, and thus find the List of Wastes, in order to identify whether a particular item of waste should be excluded from the separated waste streams. Paragraph 6.8 links to guidance on waste classification, but the gov.uk webpage suggests that, to fully utilise that guidance, the reader needs to "be competent in hazardous waste and have some knowledge of chemistry".

- Paragraph 6.9 of the Code defines the Animal By-Products (Enforcement) (Wales) Regulations 2014 as "the 2014 Regulations". Paragraph 7.30 refers to "the requirements of the Animal By-Products Regulations", rather than using the defined term. It may be unclear to the reader which legislation is being referred to here, as paragraph 7.26 refers to Regulation (EC) 1069/2009, which also relates to animal by-products.
 - There is an inconsistency between the description of animal by-products in paragraph 6.10 and the Glossary entry for "Animal By-Products (ABPs)", which could cause confusion to readers of the Code. Paragraph 6.10 provides that the 2014 Regulations include "meat, fish, milk and eggs **when they are not** intended for human consumption", whereas the Glossary entry states that ABPs include "meat, fish, milk and eggs **often where not** intended for human consumption" (emphasis added).
2. There is an inaccuracy in paragraph 7.31 of the Code, which states that the Prohibition on Disposal of Food Waste to Sewer (Civil Sanction) (Wales) Order 2023 provides that an occupier of non-domestic premises in Wales must not discharge food waste to the public sewer. However the prohibition and associated criminal offence are set out in section 34D of the EPA 1990. The 2023 Order establishes the civil sanctions regime for an offence under section 34D(3) of the EPA 1990.
3. We note the following inconsistencies between the English and Welsh versions of the Code.
- The English version makes many references to duties and requirements "applying" to specified persons. The Welsh version says that the duties and requirements are "perthnasol", which to us means they are "relevant". It would appear to us that the use of "applying" in the English is correct, and that the use of "cymwys" in the Welsh would be more appropriate.
 - In paragraph 5.10, the English version refers to the scenario of "Bus, coach, train stations", which we understand to mean bus stations, coach stations and train



stations. The Welsh version refers to the scenario of “Bws, bws moethus, gorsafoedd trên”. We believe the Welsh should read “Gorsafoedd bysiau, bysiau moethus a threnau”.

- In paragraph 8.2, the English version refers to “articles” while the Welsh version refers to “nwyddau”. We believe that “eitemau” would be a clearer equivalent to “articles” (“eitemau” is used in paragraph 8.11).
- In paragraph 8.21, there is an additional sentence at the beginning of the Welsh version that does not appear in the English version. The Welsh version appears to be the correct version.
- In the Welsh version of the Glossary, part of the definition of “Llygryddion Organig Parhaus (POPs)” has found its way into the definition of “Gwastraff masnachol”. Also, there is no definition of “Is-ffracsiwn” in the Welsh version.

Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 8 January 2024 and reports to the Senedd in line with the reporting points above.



Government Response: *Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales*

Scrutiny point 1.1:

The Code was drafted mindful of how it may be utilised by people in practice. It is recognised that there will be people for whom only a particular section of the Code may be relevant, and who may therefore not read the Code in its entirety. In order to increase the accessibility of the Code it is considered helpful to include information about types of waste in different sections of the Code, where the information is relevant, rather than consolidate this into a single, comprehensive section of the Code. The LJCC's comments are noted, however we do not consider a change to be necessary.

Scrutiny point 1.2:

The definition of 'hazardous waste' under the hazardous waste regime is complex, but we do not think it is possible – for the purposes of the Code – to distil or simplify it without the risk of simplifying it to the risk of inaccuracy. The majority of waste produced by the premises covered by the 2023 Regulations will not be hazardous, and those occupiers who handle or produce hazardous waste on a regular basis should already be familiar with the hazardous waste regime. The LJCC's comments are noted, however we do not consider a change to be necessary.

Scrutiny point 1.3

We agree that the references at paragraphs 6.9 and 7.30 should mirror each other, so each of these paragraphs will be amended to refer to both the 2014 Regulations and Regulation (EC) No 1069/2009. In considering this, amendments will also be made to the references to the 2014 Regulations in paragraph 6.10. In respect of paragraph 7.26, this reference is intended to only be in respect of Regulation (EC) No 1069/2009 as this reflects the 2023 Regulations so no change will be made."

Scrutiny point 1.4:

We agree that the references should mirror each other. The reference in the glossary will be amended to reflect the text in the main body of the Code: "*meat, fish, milk and eggs when they are not intended for human consumption.*"

Scrutiny point 2:

We accept that the legislative reference is incorrect. The text in paragraph 7.31 of the Code will be amended to reflect that the prohibition and associated offence are set out in section 34D of the EPA 1990.

Scrutiny point 3.1:

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.2

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.3

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.4

We note the LJCC's comments and confirm that this sentence was omitted in error. The missing sentence will be inserted into the English text of the Code.

Scrutiny point 3.5

We note the LJCC's comments and confirm that this is an error. The Code will be updated to correct this.

Additional change

In addition to the changes made in response to the report, the Committee will wish to note there is also an additional revision that will be made in respect of the translation of 'unsold'. This has been translated as 'heb ei werthu' or 'heb eu gwerthu' in the Code. In the 2023 Regulations 'unsold' is translated as 'nas gwerthwyd'. The 22 references to 'unsold' in the Welsh text will be updated to 'nas gwerthwyd' in order to align with the 2023 Regulations.

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

12 January 2024

Dear Huw,

I am writing to inform you that a meeting of the Finance: Interministerial Standing Committee (F:ISC) will take place on 25 January in Edinburgh, although we are awaiting final agreement of the arrangements.

The focus of the meeting will be on economic and fiscal priorities. I will be providing an update on the Welsh Government Draft budget 2024-25 and outlining the difficult decisions we have taken to ensure our spending plans support critical public services.

I will also be pressing the Chief Secretary to the Treasury (CST) for clarity on the changes we can expect to our 2023-24 budget settlement in the UK Supplementary Estimates in February, including confirmation of whether we will receive consequential funding as a result of public sector pay awards in England.

Looking ahead, it is likely this will be the last F:ISC before the UK Spring Budget. I will be making the case for investment in Welsh Government priorities, as well as continuing to press for UK Government support to protect public services. There will also be a discussion on the UK Government preparations for the next UK Spending Review. I will be seeking assurances that my officials will be engaged in this work which is due to conclude in the Autumn.

The meeting will also have a focus on tackling poverty. This is an opportunity to discuss the economic and fiscal actions being taken across nations as well as consideration for joint-working.

I will be meeting separately with the CST to discuss Wales-specific spending pressures and the economic outlook.

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

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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.

Yours sincerely,

Rebecca Evans.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol

Minister for Finance and Local Government

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

Agenda Item 8.2

Llywodraeth Cymru
Welsh Government

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

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15 January 2024

Inter-Institutional Relations Agreement: Transport Inter-Ministerial Standing Committee

Further to my letter of 6 September ahead of the Transport Inter-Ministerial Standing Committee on 13 September, a joint communique has now been issued summarising the discussions on the Zero-emission vehicle mandate, rail reform and minimum service levels for rail at the meeting. It has been published at: [Interministerial Group for Transport Matters Communiqué: 13 September 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/communique/interministerial-group-for-transport-matters-communique-13-september-2023).

I am also copying this letter to Mick Antoniw MS, the Counsel General and Minister for the Constitution; the Rt Hon Elin Jones MS, the Llywydd; the Climate Change, Environment, and Infrastructure Committee.



Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

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Agenda Item 8.3

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CG/PO/16/2024
Ein cyf/Our ref DC/CG/00007/24

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

SeneddLJC@senedd.wales

17th January 2024

Dear Huw,

I am writing in accordance with the inter-institutional relations agreement to let you know that I will be representing the Welsh Government at an Inter-Ministerial Group for Elections and Registration on 23 January 2024. I will give an update on behalf of the Welsh Government, as will Scotland and UK Governments. Further discussion is likely to focus on online absent voting and managing divergence and mitigating risks.

The meeting will be held virtually and on this occasion the meeting will be chaired by George Adam MSP, Minister for Parliamentary Business, Scottish Government. Other attendees will be Steve Baker MP, Minister of State, Northern Ireland Office, and Simon Hoare MP, The Department for Levelling Up, Housing and Communities.

I will write again following the meeting.

Yours sincerely,

Mick Antoniw AS/MS

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

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

Agenda Item 9.1



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CG/PO/12/2024
Ein cyf/Our ref CG/PO/12/2024

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

12th January 2024

Legislation, Justice and Constitution Committee's Annual Report 2022/23

Thank you for your letter of 15 December 2023 and for bringing the Committee's Annual Report to my attention.

With regards to paragraph 62 to 64 of your report, I can confirm that the Welsh Government's dedicated webpage for finalised domestic intergovernmental agreements is kept under continuous review and was last updated on 5th June 2023 with the publication of the [MoU: Welsh Ministers and Home Department](#). This memorandum of understanding sets out the process for agreeing the commencement date for clauses 1 and 3 of the Protection from Sex-based Harassment in Public Bill (now Act); this partially addresses paragraphs 63 and 64 of the annual report.

In relation to the other two agreements referenced within those paragraphs of the report:

- Negotiation of the Shark Fins Bill (now Act) MoU is ongoing.
- The Welsh Government will not be a party to the referenced MoU relating to the Social Housing (Regulation) Bill (now Act). This is an MoU between the Regulator of Social Housing in England and the housing ombudsman, again in England.

I trust this update clarifies the latest position.

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

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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.

Mick Antoniw MS

Counsel General and Minister for the Constitution

15 December 2023

Dear Mick

Legislation, Justice and Constitution Committee's Annual Report 2022/23

I am writing to draw your attention to the Committee's [Annual Report for 2022/23](#) which has now been published.

Paragraphs 62 to 64, which relate to intergovernmental agreements, note that the [relevant webpage](#) does not appear to have been updated – a commitment given in your [letter](#) of 5 September 2022.

I would be grateful if you could confirm if this page will be reviewed and updated.

I am copying this letter to the Llywydd, as Chair of the Business Committee.

Yours sincerely,



Huw Irranca-Davies

Chair



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Independent Commission on the Constitutional Future of Wales: Final Report
DATE	18 January 2024
BY	Mark Drakeford MS, First Minister

Just over two years ago, we set up the Independent Commission on the Constitutional Future of Wales to consider and develop options for fundamental reform of the constitutional structures of the United Kingdom, in which Wales remains an integral part, and to consider and develop all progressive options to strengthen Welsh democracy and deliver improvements for the people of Wales.

The commission, which is jointly chaired by Professor Laura McAllister and Dr Rowan Williams, is a commitment in our Programme for Government and in the Cooperation Agreement between the Welsh Government and Plaid Cymru.

The commission has today published its final report. It is available here: [Independent Commission on the Constitutional Future of Wales: final report](#)

This represents an important moment in the constitutional journey of Wales. I want to thank the co-chairs and members of the commission for all their work, which has led to the production of this comprehensive report. I also want to thank everyone who has supported and participated in the commission's work, including the members of the expert panel, and the many people and organisations who took part in the public engagement activities.

The commission's final report deserves careful and serious consideration. I will make an oral statement to the Senedd on 30 January and, once we have had time to consider our response, we will table a government debate in the Senedd.