

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 19 February 2024

Committee Clerk

Meeting time: 13.30

0300 200 6565

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

## Remote

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### 1 Introductions, apologies, substitutions and declarations of interest

(13.30)

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

(13.30 – 13.35)

(Page 1)

Attached Documents:

LJC(6)–06–24 – Paper 1 – Draft report

**Made Negative Resolution Instruments**

#### 2.1 SL(6)451 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024

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

(13.35 – 13.40)

**Made Negative Resolution Instruments**



**3.1 SL(6)450 – The Education Workforce Council (Main Functions) (Wales)  
(Amendment) Regulations 2024**

(Pages 2 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–06–24 – Paper 2 – Draft report

**3.2 SL(6)453 – The Official Controls (Import of High–Risk Food and Feed of Non–  
Animal Origin) (Amendment of Commission Implementing Regulation (EU)  
2019/1793) (Wales) Regulations 2024**

(Pages 4 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–06–24 – Paper 3 – Draft report

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

(13.40 – 13.45)

**4.1 SL(6)452 – Separate Collection of Waste Materials for Recycling – A Code of  
Practice for Wales**

(Pages 7 – 8)

[Code](#)

Attached Documents:

LJC(6)–06–24 – Paper 4 – Draft report

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

(13.45 – 13.50)

**5.1 SL(6)447 – The Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2024**

(Pages 9 – 12)

Attached Documents:

LJC(6)–06–24 – Paper 5 – Report

LJC(6)–06–24 – Paper 6 – Welsh Government response

**5.2 SL(6)448 – The Non–Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024**

(Pages 13 – 16)

Attached Documents:

LJC(6)–06–24 – Paper 7 – Report

LJC(6)–06–24 – Paper 8 – Welsh Government response

**6 Inter–Institutional Relations Agreement**

(13.50 – 13.55)

**6.1 Correspondence from the Minister for Social Justice and Chief Whip: Safety, Security and Migration Interministerial Group**

(Page 17)

Attached Documents:

LJC(6)–06–24 – Paper 9 – Correspondence from the Minister for Social Justice and Chief Whip, 2 February 2024 [received on 5 February 2024]

**6.2 Correspondence from the Deputy Minister for Arts, Sport and Tourism: Culture and Creative Industries Inter–Ministerial Group**

(Page 18)

Attached Documents:

LJC(6)–06–24 – Paper 10 – Correspondence from the Deputy Minister for Arts, Sport and Tourism, 5 February 2024

**6.3 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024**

(Pages 19 – 20)

Attached Documents:

LJC(6)-06-24 – Paper 11 – Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd, 5 February 2024

**6.4 Correspondence from the Minister for Climate Change: Interministerial Group on Net Zero, Energy and Climate Change**

(Page 21)

Attached Documents:

LJC(6)-06-24 – Paper 12 – Correspondence from the Minister for Climate Change, 6 February 2024

**6.5 Correspondence from the Minister for Finance and Local Government: Finance: Interministerial Standing Committee Meeting**

(Pages 22 – 23)

Attached Documents:

LJC(6)-06-24 – Paper 13 – Correspondence from the Minister for Finance and Local Government, 7 February 2024

**6.6 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024**

(Pages 24 – 25)

Attached Documents:

LJC(6)-06-24 – Paper 14 – Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd, 12 February 2024

**7 Papers to note**

(13.55 – 14.00)

**7.1 Correspondence from the Llywydd: Inquiry into UK–EU governance**

(Pages 26 – 29)

Attached Documents:

LJC(6)–06–24 – Paper 15 – Correspondence from the Llywydd, 6 February 2024

**7.2 Correspondence from the First Minister of Wales: Inquiry into UK–EU governance**

(Pages 30 – 37)

Attached Documents:

LJC(6)–06–24 – Paper 16 – Correspondence from the First Minister of Wales, 14 February 2024

**7.3 Correspondence from the Counsel General and Minister for the Constitution to the Reform Bill Committee: Senedd Cymru (Members and Elections) Bill**

(Pages 38 – 40)

Attached Documents:

LJC(6)–06–24 – Paper 17 – Correspondence from the Counsel General and Minister for the Constitution to the Reform Bill Committee, 6 February 2024

**7.4 Correspondence from the Deputy Minister for Mental Health and Wellbeing to the Health and Social Services Committee: The Welsh Government's substance misuse funding**

(Pages 41 – 43)

Attached Documents:

LJC(6)–06–24 – Paper 18 – Correspondence from the Deputy Minister for Mental Health and Wellbeing to the Health and Social Services Committee, 7 February 2024

**7.5 Correspondence from the Culture, Communications, Welsh Language, Sport, and International Relations Committee: The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage**

(Pages 44 – 48)

Attached Documents:

LJC(6)-06-24 – Paper 19 – Correspondence from the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the Secretary of State for Culture, Media and Sport, 9 February 2024

LJC(6)-06-24 – Paper 20 – Correspondence from the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the First Minister of Wales, 9 February 2024

**7.6 Correspondence with the First Minister of Wales: The Data Protection and Digital Information Bill**

(Pages 49 – 52)

Attached Documents:

LJC(6)-06-24 – Paper 21 – Correspondence from the First Minister of Wales, 12 February 2024

LJC(6)-06-24 – Paper 22 – Correspondence to the First Minister of Wales, 31 January 2024

**7.7 Correspondence from the Counsel General and Minister for the Constitution: Elections and Elected Bodies (Wales) Bill**

(Pages 53 – 54)

Attached Documents:

LJC(6)-06-24 – Paper 23 – Correspondence from the Counsel General and Minister for the Constitution, 6 February 2024

**7.8 Correspondence from the Counsel General and Minister for the Constitution: Elections and Elected Bodies (Wales) Bill**

(Pages 55 – 58)

Attached Documents:

LJC(6)-06-24 – Paper 24 – Correspondence from the Counsel General and Minister for the Constitution, 12 February 2024

**7.9 Correspondence from the Counsel General and Minister for the Constitution to the Finance Committee: Elections and Elected Bodies (Wales) Bill**

(Pages 59 – 60)

Attached Documents:

LJC(6)-06-24 – Paper 25 – Correspondence from the Counsel General and Minister for the Constitution to the Finance Committee, 1 February 2024  
[received 12 February 2024]

**7.10 Correspondence from the Counsel General and Minister for the Constitution to the Local Government and Housing Committee: Elections and Elected Bodies (Wales) Bill**

(Pages 61 – 68)

Attached Documents:

LJC(6)-06-24 – Paper 26 – Correspondence from the Counsel General and Minister for the Constitution to the Local Government and Housing Committee, 12 February 2024

**7.11 Written Statement and correspondence from the Minister for Health and Social Services: Consultation on changes to the Putting Things Right process and amendments to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011**

(Pages 69 – 71)

Attached Documents:

LJC(6)-06-24 – Paper 27 – Written Statement from the Minister for Health and Social Services, 12 February 2024

LJC(6)-06-24 – Paper 28 – Correspondence from the Minister for Health and Social Services, 12 February 2024

**7.12 Written Statement from the Counsel General and Minister for the Constitution: Retained EU Law (REUL) Parliamentary Report June to December 2023**

(Pages 72 – 73)

Attached Documents:

LJC(6)-06-24 – Paper 29 – Written Statement from the Counsel General and Minister for the Constitution, 12 February 2024

**7.13 Correspondence from Sam Rowlands MS: Residential Outdoor Education  
(Wales) Bill**

(Pages 74 – 76)

Attached Documents:

LJC(6)-06-24 – Paper 30 – Correspondence from Sam Rowlands MS, 12  
February 2024

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

(14.00)

**9 Statutory Instrument Consent Memorandum on the Social Housing  
(Regulation) Act 2023 (Consequential and Miscellaneous  
Amendments) Regulations 2024: Draft report**

(14.00 – 14.10)

(Pages 77 – 80)

Attached Documents:

LJC(6)-06-24 – Paper 31 – Draft report

**10 International Agreements: Draft report**

(14.10 – 14.20)

(Pages 81 – 89)

Attached Documents:

LJC(6)-06-24 – Paper 32 – Draft report

**11 Legislative Consent Memoranda on the Leasehold and Freehold  
Reform Bill**

(14.20 – 14.35)

(Page 90)

Attached Documents:

LJC(6)-06-24 – Paper 33 – Legal Advice Note

**12 Legislative Consent Memorandum on the Automated Vehicles Bill:  
Draft report**

(14.35 – 14.45)

(Pages 91 – 100)

Attached Documents:

LJC(6)-06-24 – Paper 34 – Draft report

**13 Legislative Consent Memoranda on the Trade (Comprehensive and  
Progressive Agreement for Trans-Pacific Partnership) Bill: Draft  
report**

(14.45 – 14.55)

(Pages 101 – 110)

Attached Documents:

LJC(6)-06-24 – Paper 35 – Draft report

**14 Legislative Consent Memorandum on the Renters (Reform) Bill**

(14.55 – 15.10)

(Page 111)

Attached Documents:

LJC(6)-06-24 – Paper 36 – Legal Advice Note

**15 Subordinate legislation laid in English only: Consideration of  
written evidence**

(15.10 – 15.20)

(Pages 112 – 128)

Attached Documents:

LJC(6)-06-24 – Paper 37 – Paper

LJC(6)-06-24 – Paper 38 – Legal Advice Note

LJC(6)-06-24 – Paper 39 – Letter from the House of Commons Procedure  
Committee, 17 January 2024

LJC(6)-06-24 – Paper 40 – Letter to the House of Commons Procedure  
Committee, 13 December 2023

LJC(6)-06-24 – Paper 41 – Letter from the House of Lords Secondary  
Legislation Scrutiny Committee, 17 January 2024

LJC(6)-06-24 – Paper 42 – Letter to the House of Lords Secondary Legislation  
Scrutiny Committee, 13 December 2023

LJC(6)-06-24 – Paper 43 – Letter from the House of Lords Procedure and Privileges Committee, 17 January 2024

LJC(6)-06-24 – Paper 44 – Letter to the House of Lords Procedure and Privileges Committee, 13 December 2023

LJC(6)-06-24 – Paper 45 – Letter from the UK Parliament Joint Committee on Statutory Instruments, 17 January 2024

LJC(6)-06-24 – Paper 46 – Letter to the UK Parliament Joint Committee on Statutory Instruments, 13 December 2023

## **16 Tracking and reporting the Welsh Government's correction of statutory instruments with reported errors: Discussion**

(15.20 – 15.30)

(Pages 129 – 133)

Attached Documents:

LJC(6)-06-24 – Paper 47 – Discussion Paper

## Statutory Instruments with Clear Reports 19 February 2024

### **SL(6)451 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024**

**Procedure: Made Negative**

The Welsh Ministers make regulations to provide the basis for the system of financial support for students ordinarily resident in Wales, and certain other students studying in Wales, who are taking designated courses of higher education in the UK.

These Regulations amend existing student support regulations to adjust the amounts of undergraduate and postgraduate doctoral student support in line with established policy. Student support rates are adjusted in line with the forecast value of the National Living Wage and the forecast rate of inflation.

**Parent Act:** Teaching and Higher Education Act 1998

**Date Made:** 24 January 2024

**Date Laid:** 26 January 2024

**Coming into force date:** 22 February 2024



# Agenda Item 3.1

## **SL(6)450 – The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024**

### **Background and Purpose**

The Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“the Council”). Sections 26 to 32 of the 2014 Act confer disciplinary functions on the Council in relation to persons registered in the register maintained by the Council (“a registered person”).

Part 5 of the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the Principal Regulations”) makes further provision in relation to the disciplinary functions of the Council. In particular regulation 26 of Part 5 of the Principal Regulations makes provision in relation to the membership and procedure of the Investigating Committee and the Fitness to Practice Committee established by the Council. In particular paragraph (1) of regulation 26 requires the Council to appoint to each of those committees a member who is a registered person (“a registered person member”). A registered person member is defined in paragraph (6)(b) of regulation 26 to the Principal Regulations.

Regulation 2(2) of these Regulations amends the English language text of the Principal Regulations so as to correct a grammatical error in the name of the Fitness to Practice Committee. The name of the Fitness to Practice Committee is amended to the Fitness to Practise Committee. Regulation 2(3) of these Regulations corrects the same grammatical error in the one reference to the Fitness to Practice Committee in English in the Welsh language text of the Principal Regulations.

Regulation 2(4) of these Regulations substitutes a new definition of registered person member in paragraph (6)(b) of regulation 26 of the Principal Regulations. The effect of that substitution is that it will no longer be a requirement for the registered person member to be registered in the same category as the registered person who is the subject of the disciplinary proceedings. Instead the registered person member need only be registered in at least one of the categories of registration set out in Table 1 of Schedule 2 to the 2014 Act.

Regulation 2(5) of these Regulations corrects a mistake in a cross reference in regulation 45(3)(b) of the Principal Regulations.

Regulation 2(6) of these Regulations amends paragraph 21 of Part 1 of Schedule 2 to the Principal Regulations to include a reference to section 167A of the Education Act 2002 (prohibition on participation in management of independent schools).

### **Procedure**

Negative



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

## Technical Scrutiny

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

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

In regulation 2(4), an amendment is made to the definition of “registered person member” by substituting paragraphs (i) and (ii) in regulation 26(6)(b) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

However, in the new paragraph (i), it refers to “**a person registered**...” whereas the existing text of paragraph (i) refers to “**a registered person**...”.

This is a significant difference as “registered person” is a defined term in regulation 3(1) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

Therefore, it does appear that the term “registered person” should also have been used in the new paragraph (i) when amending the meaning of “registered person member”.

## Merits Scrutiny

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

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

Legislation, Justice and Constitution Committee

13 February 2024



# Agenda Item 3.2

## **SL(6)453 – The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2024**

### **Background and Purpose**

Retained Regulation 2019/1793<sup>1</sup> requires the Welsh Ministers to review, in relation to Wales, the lists set out in Annexes 1 and 2 of retained Regulation 2019/1793 on a regular basis not exceeding a period of six months, in order to take into account new information related to risks and non-compliance.

That review has been undertaken by the Food Standards Agency (FSA) and Food Standard Scotland to ensure that higher risk commodities remain subject to enhanced controls on entry to Great Britain (GB) through Border Control Posts (BCPs). Such controls include documentary, identity and physical examinations including sampling at designated border control posts.

The Annexes to retained Regulation 2019/1793 contain lists of food and feed commodities which are either subjected to a temporary increase in official control, subject to emergency measures or subject to suspension of entry to GB. Following the review, these Regulations make changes to the Annexes which can broadly be summarised as follows:

- 2 commodities have been removed from the scope of the controls;
- 4 commodities will be subjected to a reduced level of controls;
- 3 commodities will be subjected to an increased level of control;
- 20 new commodities will be subjected to controls for the first time; and
- 10 new commodities have had their CN Codes amended.

The instrument also amends Articles 4 and 10 of, and inserts a new Annex 3a into, retained Regulation 2019/1793 to specify the prescribed sampling and analysis method for control of the presence of *Listeria* in food.

These Regulations apply in relation to Wales and corresponding regulations will be made in England and Scotland, meaning legislation will be in place to ensure that GB consumers are

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<sup>1</sup> Retained Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries.



protected from the highest risk food and feed not of animal origin through controls on entry at the GB border.

High risk commodities can only be imported through already established BCPs in GB. There are currently no BCPs in Wales so these commodities, as it stands, cannot be directly imported into Wales from third countries.

In line with the UK's international obligations, a notification of the proposed amendments was sent to the World Trade Organisation. Two comments were received. The Turkish government requested clarification on hazelnuts and the United States of America government requested further evidence relating to groundnut paste.

## 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

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

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

In Schedule 2 to these Regulations, in the new Annex 2 to retained Regulation 2019/1793, in Table 1, in the entry for Sudan (SD), in the second column, in the Welsh text, the English words "Groundnut flours and meals" have been translated into Welsh as "*Blawd a phrydau bwyd cnadaear*". However, these words should not have been translated into Welsh because retained Regulation 2019/1793 was not made in Welsh (as it is not an official language of the European Union). Therefore, those words should appear in English in both language versions of this entry for Sudan in the new Annex 2, as set out in Schedule 2 to the Regulations.

## Merits Scrutiny

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

## Welsh Government response

A Welsh Government response is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**14 February 2024**



## **SL(6)452 – 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.

The Welsh Ministers first laid a version of this Code on 4 December 2023, which was considered by the Legislation, Justice and Constitution Committee at its meeting on 8 January 2024. The Committee’s [report](#) raised a number of reporting points under Standing Order 21.7.

It appears that the Code laid on 30 January 2024 replaces the version laid on 4 December 2023 to address the issues identified in the Committee’s report.

### **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 point is identified for reporting under Standing Order 21.7 in respect of this Code.

1. It is assumed that the Code laid on 30 January 2024 replaces the Code of the same name laid on 4 December 2023, however this is not:
  - explained to the Senedd in any documentation laid alongside the Code,
  - stated on the face of the Code itself,
  - noted on [the Welsh Government website](#) from which the Code is accessed (although the website does state that it was “last updated” on 30 January 2024).



The Welsh Government is therefore asked to confirm that the Code laid on 30 January 2024 replaces the version that was laid on 4 December 2023.

The Welsh Government is also asked how those who may have already downloaded or printed the 4 December 2023 version of the Code, in preparation for the coming into force of the new separation requirements, will be made aware that the Code has been updated.

## Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**9 February 2024**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

Welsh Parliament

**Pack Page 8**

**Legislation, Justice and Constitution Committee**

## **SL(6)447 – The Government of Wales Act 2006** **(Budget Motions and Designated Bodies)** **(Amendment) Order 2024**

### **Background and Purpose**

This Order amends the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018 (“the **2018 Order**”), which designates bodies in relation to the Welsh Ministers. The purpose of such designation is so that information relating to the resources expected to be used by those bodies can be included within a Budget motion of the Senedd.

The effect of this Order, according to its Explanatory Note, is that 4 additional bodies are designated, the names of some designated bodies are changed, and the company numbers for 10 previously designated bodies are now included.

### **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 two 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.**

While the Explanatory Note indicates that the effect of this Order is to designate an additional 4 bodies, it appears to designate the following 5 new bodies:

1. Children’s Commissioner for Wales;
2. FWC IFW Debt GP Limited;
3. FWC SWIF Debt GP Limited;
4. NE Commercial Property (GP) Limited; and
5. The Citizens Voice Body for Health and Social Care, Wales.



The Government is therefore asked to clarify whether the above bodies are additional designations in relation to the Welsh Ministers for the purposes of section 126A of the Government of Wales Act 2006.

**2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

In the Schedule to this Order, in the Welsh text, the body “Transport for Wales” is referred to as “Trafnidiaeth Cymru” followed by the same company number as found in the English text. This is in contrast to the reference in that Schedule to “Transport for Wales Rail Ltd”, which is referred to by the English name alone in both language texts followed by the same company number.

However, the details found for “Transport for Wales” on the register of Companies House do not include a Welsh language name for the company. In this regard, it does not appear that the Welsh language name “Trafnidiaeth Cymru” was formally registered with Companies House when the name of this company was changed in April 2016, even though it is known by that trading name in Welsh.

The Government is therefore asked to confirm whether the designated body should have been listed as “Transport for Wales” in the Welsh text of the Schedule in the same manner as “Transport for Wales Rail Ltd” (which also only has an English language name on the register of Companies House) given that this is the general approach when referring to registered company names in the Welsh text of legislation.

## Merits Scrutiny

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

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

In the new Schedule to this Order, the list of designated bodies includes “**Her** Majesty’s Chief Inspector of Education and Training in Wales”, with the associated footnote stating that the reference to this body is construed as “**His** Majesty’s Chief Inspector of Education and Training in Wales” due to the effect of sections 10 and 23 of the Interpretation Act 1978.

The Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2023 (“the **2023 Order**”) inserted a reference to “Her Majesty’s Chief Inspection of Education and Training in Wales” into the 2018 Order. In its [report](#) on the 2023 Order, the Committee expressed its view that, following the death of Her Late Majesty The Queen and her succession by King Charles III, it appears that “**His** Majesty’s Chief Inspector of Education and Training in Wales should be inserted instead. In response to that report, the Government stated that the reference was “correctly inserted”.



The Committee notes that the “His Majesty” formulation when referring to this body has since been used in other Welsh legislation, specifically in a list of contracting authorities found in Schedule 1 to the Social Partnership and Public Procurement (Wales) Act 2023, and in other references found in the Explanatory Notes of S.I. 2024/27 (W. 10) and S.I. 2023/919 (W. 144).

The Government is therefore asked to explain the continued reference to “Her Majesty” in the Schedule to this Order.

### **Welsh Government response**

A Welsh Government response is required.

### **Committee Consideration**

The Committee considered the instrument at its meeting on 5 February 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2024**

### Technical Scrutiny point 1:

The Children's Commissioner for Wales was added to the Schedule of designated bodies within the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018 by article 2 of [the Government of Wales Act 2006 \(Budget Motions and Designated Bodies\) \(Amendment\) Order 2021](#). As such, the Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2024 had the effect of designating only 4 new bodies: FWC IFW Debt GP Limited, FWC SWIF Debt GP Limited, NE Commercial Property (GP) Limited and the Citizens Voice Body for Health and Social Care, Wales.

### Technical Scrutiny point 2:

The Government notes the minor inconsistency identified but considers there is no room for misunderstanding as a result.

### Merit Scrutiny point 3:

The Government notes the minor inconsistency between reference to "Her Majesty's Chief Inspector of Education and Training in Wales" in both this Order and the Government of Wales Act 2006 (Budget Motions and Designated Bodies) (Amendment) Order 2023 and reference to "His Majesty's Chief Inspector of Education and Training in Wales" in other recent legislation.

Having recently considered the technical issue of whether the names of offices or bodies formally established by reference to "Her Majesty", such as "Her Majesty's Chief Inspector of Education and Training in Wales" should now be changed when referring to them in new legislation (or whether a formal change of name is required), the Government have arrived at the position that references to such offices should refer to "His Majesty" rather than "Her Majesty" and that this can be done without the need for any formal change of name.

The Government is not concerned in this instance that there can be any doubt about what is being referred to in this Order, however it notes the inconsistency.

## **SL(6)448 – The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024**

### **Background and Purpose**

The Non-Domestic Rating Act 2023 (“the 2023 Act”) implements a number of changes to the system of non-domestic rating in England and Wales.

The Non-Domestic Rating Act 2023 (Consequential Amendments to Secondary Legislation) (Wales) Regulations 2023 (“the 2023 Regulations”) came into force on 27 October 2023 and made technical amendments to secondary legislation in relation to Wales consequential on the 2023 Act.

The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024 (“the Regulations”) address matters raised in the three technical reporting points in the Legislation, Justice and Constitution Committee’s [report on the 2023 Regulations](#).

Certain amendments made by the 2023 Regulations should have been expressed as having effect for financial years beginning on or after 1 April 2024. Instead these provisions took effect from the date that the 2023 Regulations came into force, 27 October 2023.

The Regulations resolve this issue by:

- restating the law as it applied before 27 October 2023 with immediate effect (Part 2), and
- re-making the amendments in the 2023 Regulations to take effect from 1 April 2024 (Part 3).

### **Procedure**

Negative

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

### **Technical Scrutiny**

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



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

In accordance with regulation 1(3) and (4), Parts 1 and 2 of the Regulations come into force on 19 January 2024 and Part 3 comes into force on 1 April 2024.

The italic date information set out below the title of the Regulations refers only to 19 January 2024 as the coming into force date. The Welsh Government is asked why this does not follow the usual format for instruments that have more than one coming into force date, either by providing that the Regulations come into force “in accordance with regulation 1(3) and (4)” or by specifying the two separate coming into force dates (see Statutory Instrument Practice at paragraph 3.10.4).

## Merits Scrutiny

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

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

It is noted that, in light of the premature commencement of the amendments in the 2023 Regulations, the law was incorrect from 27 October 2023 until 19 January 2024 (the date that the Regulations come into force).

Paragraph 18 of the Explanatory Memorandum provides that:

*Copies of the 2024 Regulations will be issued free of charge to all known recipients of the 2023 Regulations to ensure that users who require a copy are not unnecessarily disadvantaged by having to pay for it. The Welsh Government is not aware of any adverse effects arising from the omissions in the 2023 Regulations. Any such impacts would have been brought to the attention of the Welsh Government by stakeholders, particularly local billing authorities.*

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

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by the Minister for Finance and Local Government in a [letter to the Llywydd](#) dated 17 January 2024.

In particular, we note what the letter says regarding the need to bring the Regulations into force as soon as possible to address the issues raised by this Committee in its report on the 2023 Regulations, and to ensure the intended policy effect of the relevant secondary legislation is preserved.



This urgency is also cited in paragraph 19 of the Explanatory Memorandum as a reason why no consultation has been carried out in relation to the Regulations.

### **Welsh Government response**

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

### **Committee Consideration**

The Committee considered the instrument at its meeting on 29 January 2024 and reports to the Senedd in line with the reporting points above.



**Government Response: The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024**

Technical Scrutiny point 1: The Welsh Government do not consider it necessary to correct the italic cross-reference as it is an inert provision. The coming into force provision in regulation 1 of the instrument is correct therefore the instrument is legally effective.

Nonetheless, we have explored with the SI Registrar the possibility of correcting the cross-reference by way of a correction slip, to achieve optimum clarity of law. The SI Registrar has agreed to this approach and the instrument will be corrected.

Jane Hutt AS/MS  
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip  
Minister for Social Justice and Chief Whip

Agenda Item 6.1

Llywodraeth Cymru  
Welsh Government

Our ref: Safety, Security and Migration IMG

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

02 February 2024

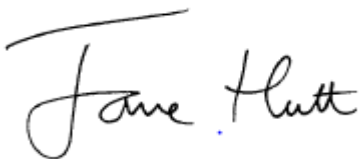
### **Inter-Institutional Relations Agreement: Safety, Security and Migration Interministerial Group**

I wrote to you on Friday 26 January informing you that a meeting of the Interministerial Group for Safety, Security and Migration was scheduled for Monday 5<sup>th</sup> February from 10am to 11.15 am. Unfortunately, on Monday 29 January we were notified by our counterparts in UK Government that the meeting will now be postponed following a request by UK Ministers to have additional time to consider the proposed agenda.

Welsh Government officials have requested that the meeting be re-scheduled as soon as possible and that Official level conversations continue in the interim.

Unfortunately, no future dates have been proposed but I will of course update the Committee in due course, once a rescheduled date has been agreed.

I am copying this letter to Jenny Rathbone MS, Chair of the Equality and Social Justice Committee.



**Jane Hutt AS/MS**  
**Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip**  
**Minister for Social Justice and Chief Whip**

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[Correspondence.Jane.Hutt@gov.wales](mailto:Correspondence.Jane.Hutt@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.

# Agenda Item 6.2

Dawn Bowden AS/MS  
Dirprwy Weinidog y Celfyddydau, Chwaraeon a Thwristiaeth  
Deputy Minister for Arts, Sport and Tourism



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref DC/DB/00072/24

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

5 February 2024

Dear Huw,

I am writing in accordance with the inter-institutional relations agreement to notify you of a meeting of the Culture and Creative Industries Inter-Ministerial Group (IMG), which will take place on 8 February 2024 and will be held virtually.

This is the first Culture and Creative Industries IMG and will be chaired by the UK Governments Department for Digital, Culture, Media and Sport. The meeting will likely cover, the Creative Industries Sector Vision and current creative & cultural sector issues.

I will provide an update after the meeting.

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; and, the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,

**Dawn Bowden AS/MS**  
**Dirprwy Weinidog y Celfyddydau, Chwaraeon a Thwristiaeth**  
**Deputy Minister for Arts, Sport and Tourism**

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[Correspondence.Dawn.Bowden@gov.wales](mailto:Correspondence.Dawn.Bowden@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth Gymraeg sy'n dod i law 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.

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

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

5<sup>th</sup> February 2024

Dear Huw,

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024 by 5 March.

I received a letter from Viscount Younger of Leckie, Parliamentary Under Secretary of State for Work and Pensions asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers delegated to the Secretary of State in Article 85 and Article 83A(2) of Great Britain Biocidal Products Regulation (EU) No 528/2012 (GB BPR) (adaptation to scientific and technical progress).

Biocidal products must be authorised by the Health and Safety Executive who act as the competent authority on behalf of Welsh Ministers.

HSE is proposing to introduce technical updates to the Annexes II and III of the GB BPR which will enable:

- A reduction in animal testing
- Alignment with current guidance, and Organisation for Economic Co-operation and Development (OECD) validated tests
- HSE to ensure scientific progress is monitored and developments are reflected.

The proposed reduction in animal testing will not reduce the quality of testing or safety of products, as reliable non-animal-based tests are now available to provide information which was previously only available through testing using live animals. The Statutory Instrument is subject to the negative procedure and is due to be laid before Parliament on 5<sup>th</sup> March 2024 with a commencement date of 6 April 2024.

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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.

Currently legislation provides a power for the Secretary of State only to make regulations but there is a consent requirement and although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as the Regulations are technical in nature and contain no change of policy. There is no policy divergence between the Welsh and UK Government in this matter. Under the current legislation, there is no provision allowing me to legislate separately for Wales.

Welsh Government are core members of the Biocides Delivery Board (BDB) which is part of the governance structures for the Chemicals and Pesticides Common Framework. The proposed legislative amendments have been discussed and approved by the BDB.

These Regulations do not have implications for the Programme for Government. Authorising biocidal products supports many well-being goals of "a healthier Wales" and a 'resilient Wales' together with associated impacts on the goal of "a globally responsible Wales" where products harmful to human or nonhuman life are properly regulated. I am also heartened to see the proposed application of technology for testing biocidal products which reduces the need for animal testing.

I have written similarly to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee

Yours sincerely,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a dark ink and is positioned below the "Yours sincerely," text.

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

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

Agenda Item 6.4



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: JJ/PO/0042/24

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

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee

Welsh Parliament  
Cardiff Bay  
Cardiff  
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6 February 2024

Dear Huw, Llŷr,

The Interministerial Group on Net Zero, Energy and Climate Change, which was scheduled to take place on 6 February 2024, has been postponed by agreement following the welcome news of the restoration of the Northern Ireland Executive. This postponement will allow full and meaningful engagement from all four governments. The Interministerial Group is now expected to take place on 21 February 2024.

Yours sincerely,

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

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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.

# Agenda Item 6.5

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



Llywodraeth Cymru  
Welsh Government

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

7 February 2024

Dear Huw,

Further to my recent letter advising you of the Finance: Interministerial Standing Committee Meeting (F:ISC) on 25 January in Edinburgh, I would like to briefly report on the discussions. A communique was also published following the meeting: [Finance: Interministerial Standing Committee – 25 January 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/finance-interministerial-standing-committee-25-january-2024)

Joining me in attendance were Rt Hon Laura Trott MBE MP, Chief Secretary to the Treasury, and Shona Robison MSP, Deputy First Minister of Scotland and Cabinet Secretary for Finance. Officials from the Northern Ireland Executive also attended virtually, to observe.

During our discussions on the current economic and fiscal context, I raised the significant public spending pressures, in particular those reported by the NHS and Local Authorities.

As with prior meetings of the F:ISC, I reiterated the case for additional budget flexibility, including an agreed process for capital to revenue switches to offer more certainty in the future. I also highlighted some of the financial recommendations from the Independent Commission on the Constitutional Future for Wales final report, which argued that the flexibilities that we are seeking from HM Treasury are reasonable. We discussed the reported funding support package for Northern Ireland, and I emphasised the point that support is needed throughout the UK for all the public spending pressures that we are facing.

The Deputy First Minister and I provided an update on devolved government budgets. I highlighted the challenges we have faced this year in terms of the uncertainty of our budget settlement, and the difficult decisions we have taken to reprioritise funding. I emphasised the need for early indication of any changes to our budget to support planning, including urgent clarity of whether Agenda for Change NHS funding will be baselined into future years.

During a discussion on the UK Spring Budget, I raised the challenges that the timing of the UK Spring Budget presents, given it falls the day after the Senedd votes on the Welsh Government's spending plans for 2024-25. I made the case for any extra resources available to the Chancellor to be used to provide the critical investment required for public services

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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.

Back Page 22

including public sector pay and pensions, as well as further cost-of-living support and additional investment to improve productivity and growth.

We concluded the meeting by exchanging information and ideas on measures to tackle poverty. I provided an overview of the action taken by the Welsh Government, and I highlighted the Joseph Rowntree Foundation and Trussell Trust's calls for the UK Government to fundamentally reform how benefit rates are determined and implement an Essentials Guarantee to ensure people are able to meet their basic costs.

The next meeting will take place in the Spring.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a large initial 'R' and a long tail on the 's'.

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS Chair,  
Legislation, Justice and Constitution Committee  
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12 February 2024

Dear Huw

I am writing to inform the Committee of the intention to consent to the UK Government making and laying the draft Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024.

I received a letter from the Minister of State for Biosecurity, Marine and Rural Affairs, Rt Hon Lord Benyon on 16 October 2023, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, Wales and Northern Ireland (NI) and a similar request for consent has been sent to Scottish Ministers.

The 2024 Regulations relate to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023 and are being made under Section 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Currently under the Northern Ireland Protocol, all non-commercial movement of pets from GB to NI became subject to full EU third country requirements on 1 January 2021 following the end of the Transition Period. These requirements are established by Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals ("The EU Pets scheme").

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[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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

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

The Windsor Framework amends the Northern Ireland Protocol and puts in place a new, sustainable, and durable framework for the movement of pets for non-commercial reasons. The 2024 Regulations set out the terms for pets to be able to move via the Northern Ireland Pet Travel Scheme. They also set out that the pet owner will need to apply for a pet travel document which is valid for the lifetime of the pet animal. When applying for the document, pet owners will need to supply specific information to the relevant competent authority, including a requirement that all dogs, cats and ferrets (including those based in NI) must be microchipped. Pet owners (or those travelling with a pet animal) will be required to make a declaration that the pet animal will not subsequently be moved into the EU.

No requirements beyond the need for a microchip will be placed on NI pet owners, who will be able to travel to and from GB without the need for a pet travel document or any other process.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for this instrument to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment and Infrastructure Committee .

Yours sincerely,

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

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

Senedd Cymru  
Welsh Parliament

# Agenda Item 7.1

Welsh Parliament  
**Senedd Commission**

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

6 February 2024

Dear Huw,

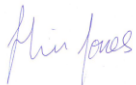
## **Report of Inquiry into UK-EU governance**

Thank you for your letter regarding Legislation, Justice and Constitution Committee's Report on their inquiry into UK-EU governance. The report addresses important issues about the role of the Senedd and devolved nations in the structures that have emerged to manage UK-EU relations post-Brexit. Senedd Members from all parties have demonstrated their interest in engaging with these new structures and the Senedd Commission has supported this international and EU engagement work via our International Framework for the Sixth Senedd. The evidence presented in your report demonstrates the value of the work that Members have undertaken in this area.

The Commission's response to recommendations 18 and 20 is detailed in Annex 1.

I look forward to the debate on the Committee's report. If there is any further information your Committee would like to have, at this time or where the Commission can usefully provide information to inform an inquiry being undertaken, please do not hesitate to let me know.

Kind regards,





Elin Jones MS  
Llywydd and Chair of the Senedd Commission



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



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## Annex 1

*Recommendation 18. The Senedd Commission and the Remuneration Board should continue to provide appropriate and sufficient support to Members of the Senedd and the Senedd Committees to enable them to directly engage with EU institutions and stakeholders in order to ensure that key issues of importance to Wales are raised directly in Brussels.*

### European Engagement supported by the Senedd Commission

Support for the Senedd's EU engagement work and activity sits within the Commission's International Framework for the Sixth Senedd. The purpose of the framework is to provide accountability, clarity and direction to the international parliamentary activity resourced by the Senedd Commission.

The framework recognises the significance for the Senedd of engaging directly on the international stage. It reflects the view expressed by the External Affairs and Additional Legislation Committee of the Fifth Senedd looking ahead to the needs of the Sixth Senedd that:

*"Being a respected international actor is an important part of being a national legislature, contributing to and benefiting from knowledge exchanges, finding allies and enhancing the influence that the Senedd can have through scrutiny and representation."*

The Framework aims to assist in identifying opportunities to exchange knowledge and collaborate on an inter-institutional basis in the interests of the people of Wales. It recognises the value and importance of building the institutional and international reputation of the Senedd through engagement and collaboration, whether it be Member or committee led.

To this end, the Commission has continued to maintain a presence in Wales House in Brussels. Our presence is used to facilitate Member engagement with the EU institutions and to promote the important and high-quality work of Senedd committees and Members on relevant policy areas. It also facilitates evidence gathering and stakeholder engagement by Senedd committees as part of their work.

The Commission continues to support the work of Senedd committees and Members in the UK-EU Parliamentary Partnership Assembly and have supported their calls for Senedd Members to play as full a role as possible in the body.

We continue to provide Commission staff and financial support for Members of the Senedd to engage in the Committee of the Regions-UK Contact Group including being the first UK institution to host a meeting of the Group in March 2022.

Resource to support Members and committees in these activities will continue to be provided during the Sixth Senedd and, recognising that this is demand-led, will be kept under review. The Commission's intention in the next financial year (2024-25) is to protect the funding levels provided to support Members' International and EU engagement.

The main sources of funding provided by the Commission to support engagement with EU institutions are the committees' travel and subsistence budget, and funding and resources used to support the Senedd's ongoing presence in Wales House, Brussels. This funded two major visits to Brussels in September (by the LJC Committee) and November (by the Economy, Trade and Rural



Affairs Committee) with significant support provided by officials.

Whilst the committee budget, in common with others held by the Commission, was affected this year by the Commission's decision to fund a cost-of-living payment for staff from in-year savings, efforts were made to ensure that all planned committee activity was funded.

There have since been two discussions at the Chairs' Forum on resourcing committee activity of this type, through which the views of Committee Chairs have been clearly articulated. These views have been taken into account in developing the Commission budget for 2024-25.

## Independent Remuneration Board provision in relation to travel

The Independent Remuneration Board of the Senedd is responsible for ensuring Members of the Senedd have the appropriate remuneration and resources available to them to undertake their role. This includes making provision in relation to travel, which is set out in the Board's Determination on Members' Pay and Allowances. The Senedd Commission is responsible for administering the Determination.

The Determination makes separate provisions for international travel by individual Members where the proposed visit meets the identified criteria set by the Remuneration Board.

Before travelling, Members must send a business case to the Members' Business Support Team for approval explaining the rationale for the visit, the number of overnight stays, and how the visit would meet the requirement to be necessarily undertaken to enable the performance of the Member's duties.

Although the Commission must consider each application on its own merits, travel to Brussels, or elsewhere, which enables Members to engage with EU institutions and stakeholders in order to ensure that key issues of importance to Wales are raised, would be anticipated to be within the scope of the international travel provisions set by the Independent Remuneration Board of the Senedd.

The Commission recognises that the provisions for EU travel set by the Independent Remuneration Board of the Senedd have changed since the UK left the EU. Although EU travel was expressly, and separately, provided for under previous Determinations, the current framework set by the Remuneration Board enables Members to undertake EU travel, without numerical 'caps'.

During this Senedd term, 13 international visits by Members have been funded under the Determination, of which 9 were to EU Member states, including one to Brussels.

*Recommendation 20. The Senedd Commission should facilitate regular engagement with civil society organisations in Wales on UK-EU issues. For example, in respect of regular meetings involving Members of the Senedd on relevant external networks, UK-EU bodies, relevant Committee Chairs and civil society organisations engaged in work on these issues.*

The Senedd Commission, through its support for the Members appointed to key UK-EU bodies, has sought to facilitate Member engagement with civil society organisation in Wales on these topics.

For example, as you will be aware, Senedd Commission officials supported Members attending the



last meeting of the UK-EU Parliamentary Partnership Assembly (PPA) to work with the Wales Civil Society Forum on Brexit to identify key areas of interest to Welsh organisations ahead of the last meeting of the PPA. The Senedd Commission has also facilitated Senedd Member and committee engagement with the European Union's civil society organisation, the European Economic and Society Committee, hosting two visits from the EESC to the Senedd in the last 18 months.

The work of your Committee and that of other relevant Senedd committees also undoubtedly plays a key role in providing opportunities for civil society organisations in Wales to raise issues of importance to them on this subject.

Senedd Commission officials are happy to explore this recommendation further with the Committee, other relevant Committee Chairs and Senedd Members with relevant roles to understand what additional facilitation of engagement might be possible and beneficial. Account would need to be taken of the resource implications of any additional activities as part of the Commission's business and budget planning and in light of other commitments in the International Framework and European engagement budgets.





Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: 12-12-2023

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
[SeneddLJC@Senedd.Wales](mailto:SeneddLJC@Senedd.Wales)

14 February 2024

Dear Huw,

I am writing in response to your letter of 12 December covering the Legislation, Justice and Constitution Committee's Report on its Inquiry into UK-EU Governance.

I welcome the Committee's response in general and can broadly support the spirit of many of the conclusions it sets out. I have set out response to each of the Recommendations in the attached Annex.

This is a timely report as we begin to look forward to elections in both the EU and UK and the establishment of new EU institutional appointments over the next 12 months. Because of this, and as I set out my letter to the Committee of 18 October 2023, it is difficult to envisage significant changes in the UK-EU relationship during 2024. While there will be opportunities to build on improvements in relations between the UK and the EU over the last year or so, we need to be realistic on the scope for change in the short-term, given the UK's status as a third country to the EU and the inevitable focus of the EU on other priorities.

Yours sincerely,

**MARK DRAKEFORD**

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

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

## Welsh Government response to recommendations from the Legislation, Justice and Constitution Committee's Report: Inquiry into UK-EU governance (November 2023)

*Recommendation 1. The Welsh Government should inform the Senedd by written statement of any decisions taken within the governance structures in areas of devolved legislative competence. It should set out its view on these decisions and any discussions that took place, with the UK and/or other devolved governments in advance of these decisions being taken.*

**Accept in principle.** However, the decisions themselves are not always quickly and clearly communicated publicly. In addition, the timing is generally not in the hands of the Welsh Government so it may not always be possible practically to offer views in advance of decisions; and there may be occasions where it is unhelpful to comment publicly in advance of a decision. We will provide written statements about decisions made when we can. We will consider what other information it might be useful to provide in advance of any such decisions.

### **Financial Implications:**

*Recommendation 2. The Welsh Government should set out in its response to this report how it monitors EU policy and legislative developments across government to assess their potential impact on Wales and how it shares this information with stakeholders. It should also clarify where ministerial responsibility lies in the Welsh Government for coordination on input into the governance structures of the Withdrawal Agreement and Trade and Cooperation Agreement, and UK-EU issues more broadly.*

**Accept.** As the UK is no longer a Member State of the EU, the Welsh Government does not systematically monitor EU policy and legislative developments in the way that it used to given the direct impact on Wales is much less significant. Nevertheless, across Welsh Government, individual policy teams and our Brussels Office monitor key developments and identify where they might have an impact on our Welsh Government policy and legislative responsibilities and choices. This light-touch monitoring is focussed on ensuring compliance with our obligations under the Withdrawal Agreement or the Trade and Co-operation Agreement (TCA); in particular where there may be impacts on maintaining a Level Playing Field, as specified in Article 355 of the TCA.

As First Minister I am responsible for International Relations and for Wales in Europe. The Minister for Economy is responsible for international trade policy, including coordination of matters relating to the TCA, and is the Welsh Government representative on the Inter-Ministerial Group (IMG) on UK-EU Relations.

### **Financial implications: N/A**

*Recommendation 3. The Welsh Government should continue to make the case for it to be provided with a full role at the Partnership Council and observer status at relevant meetings of the Joint Committee and other Withdrawal Agreement committees, as relevant.*

**Accept.** The Welsh Government believes that it should have the opportunity to be an active part of the UK delegation at all UK-EU meetings held under the TCA, at all levels, including the Partnership Council; and that the UK Government should fully engage with the Devolved Governments in the preparation of positions to be taken at such meetings. This is very largely the case at present.

The Welsh Government also believes that it should have the chance to participate as part of the UK delegation at any relevant meetings held under the Withdrawal Agreement, and to participate in the preparation of UK positions for such meetings. This is currently not the case, with the Northern Ireland Executive currently being the only devolved Government so invited. The Welsh Government has made clear its position to the UK Government.

**Financial implications:** None. Participation and engagement will continue to be met from existing budgets.

*Recommendation 4. The governments of the UK should urgently undertake a review of the principles and terms upon which the devolved governments are engaged in UK-EU relations. This should result in the adoption of new terms of reference for the Interministerial Group on UK-EU Relations.*

*Recommendation 5. The Interministerial Group on UK-EU relations should adopt a new Memorandum of Understanding on the role of devolved governments in UK-EU relations in order to ensure a clear understanding, and consistent engagement, by different UK and devolved government departments.*

**Accept in principle.** While I am sympathetic to these suggestions, I do not expect to see any progress on them with the current UK Government. We hope for a more engaging and consensual approach from the next UK Government.

**Financial implications:** None. Support for the Interministerial Group will continue to be met from existing budgets.

*Recommendation 6. The Interministerial Group on UK-EU Relations should provide for more meaningful engagement by ensuring that meetings take place sufficiently in advance of meetings of the Joint Committee of the Withdrawal Agreement and the Partnership Council of the Trade and Cooperation Agreement, to allow for full devolved input. This should include providing devolved governments with sufficient opportunity to suggest agenda items for inclusion in governance meetings between the UK and the EU.*

**Accept in principle.** These issues have been raised with the UK Government. While I do not expect to see substantive changes in practice this side of a UK General Election, I note there has been a gradual improvement over the last year or so in how the IMG on UK-EU Relations has been run. Despite this, some meetings have been held at very short notice in response to urgent high-level UK-EU meetings.

**Financial implications:** None. Support for the Interministerial Group will continue to be met from existing budgets.

*Recommendation 7. Our work on Common Frameworks and the United Kingdom Internal Market Act 2020 supports the view outlined above, that governance structures in the UK*

*post-Brexit on UK-EU matters are complex. The governments of the UK through the Interministerial Standing Committee should set out an agreed position for how these new bodies interact and work together, which includes the roles of different governments and organisations within them.*

**Accept.** We welcome this suggestion and agree with the rationale for it. We will look to work with the other governments on this and press for the UK Government to do so.

**Financial implications:** None. Support for the Interministerial Group and common frameworks programmes will continue to be met from existing budgets.

*Recommendation 8. The Welsh Government should raise the issues we identify in recommendations 4, 5, 6 and 7 with other governments of the UK in the appropriate fora and report the outcome within 3 months of this report being published.*

**Accept.** The Welsh Government will raise these issues and keep the Senedd informed of any progress. However, it may not be realistic to expect much progress on these issues before a change of UK Government.

**Financial implications:** N/A

*Recommendation 9. Strategic priorities and a clear vision for the future of the relationship between Wales and the EU should be clearly articulated by the Welsh Government either in a dedicated strategy or within a refreshed International Strategy.*

**Accept in part.** The relationship between Wales and the EU is one of our most important and long-standing. As I mentioned to this Committee in September 2023, and reiterated via letter to the Culture, Communications, Welsh Language, Sport and International Relations Committee in my response to its report on international relations, I do not believe that a separate EU strategy is needed at this time.

Our International Strategy sets out our relationship with Europe and many of our identified priority relationships are with European countries or regions. The retention of our office in Brussels, and the creation of a dedicated representative for the EU, affirm the commitment that Wales places on relations with Europe and the European Union.

**Financial Implications:** None. Costs of a refreshed international strategy will be drawn from existing programme budgets.

*Recommendation 10. The Welsh Government should begin consulting civil society and stakeholders in Wales on these priorities and its vision immediately.*

*Recommendation 11. The Welsh Government's direct participation in European networks and its support for Welsh civil society to engage with them should continue, and their importance should be reflected in the refresh of its International Strategy.*

*Recommendation 12. In refreshing the International Strategy and development of strategic priorities for its future relationship with the EU, the Welsh Government should work with civil*

*society to consider opportunities for further engagement in European networks that can help deliver on strategic priorities for Wales.*

**Accept in part.** Our office in Brussels leads on the Welsh Government's relationship with European Institutions. It plays a key role in delivering our activity with European networks such as the Vanguard Initiative, CPMR and NPLD (Network to Promote Linguistic Diversity). In addition, the Brussels office works closely with the Senedd and the WCVA to share information, identify and highlight opportunities to engage with civil society and other stakeholders. This work will continue and will help to shape the future of our relationship with the EU and across Europe more widely. The wider European overseas office network in Ireland, Germany and France also supports the delivery of our International Strategy, building relationships with their host countries. Most recently, a Shared Statement of Cooperation was signed with the German state of Baden-Württemberg which set out our shared objectives for engagement in European networks as well as our approach to working together to support delivery in areas such as education, science, economy, culture and the environment.

**Financial Implications:** None. Any additional costs will be drawn from existing programme budgets.

*Recommendation 13. The appointment of a Welsh Government Representative to Europe has been an important part of the relationship with the EU institutions post-Brexit. We recommend that the Welsh Government continues this role after January 2024. The work of a future post-holder should align to the Welsh Government's strategic priorities for its relationship with the EU and regular updates on work delivered by the post-holder should be provided to the Senedd.*

**Accept in principle.** The post of Welsh Government Representative to Europe was initially a two-year fixed term contract from January 2022, but was extended for a further 11 months in November 2023 taking the contract to the end of 2024. The role has been significant in strengthening the Welsh Government's connections and visibility with EU institutions, in the period immediately following EU Transition, including enabling greater engagement on our relationship with the EU and European Parliament.

Notable outcomes include securing invitations for Welsh Government Ministers to speak at the European Parliament on our policies and securing meetings with European Commissioners.

**Financial Implications:** None. Any additional costs will be drawn from existing programme budgets.

*Recommendation 14. The Welsh Government should aid transparency in Wales by routinely informing the Senedd of governance meetings attended and the Welsh Government's priorities for these meetings, and, following these meetings when possible, the outcomes and implications for Wales. We will pursue the previous offer made by the First Minister for officials to discuss how this could be achieved.*

**Accept in principle.** The Welsh Government remains open to finding an efficient and effective way of doing this, including through appropriate information flows between officials and Senedd clerks.

**Financial implications:** None at present. Different options could incur additional costs and would need to be considered accordingly.

*Recommendation 15. The Welsh Government should make representations to the UK Government seeking improvements to its webpages on intergovernmental relations to ensure all agendas and Communiqués are accessible for every Interministerial Group meeting undertaken to date and that future updates are undertaken in a timely manner.*

**Accept.** Officials will engage with UK Government on this issue and the Welsh Government will continue to publish written statements where appropriate.

**Financial implications:** N/A

*Recommendation 16. The Welsh Government should seek to publish and share as much information as possible with the Senedd on the issues discussed at Interministerial Group meetings and the outcome of discussions. It should make representations to the other government to ensure Communiqués published provide stakeholders and parliamentarians with as much information as possible on the outcome of meetings.*

**Accept in principle.** The Welsh Government already publishes a report from the attending Welsh Government Minister on the issues and outcomes on the Interministerial Group (IMG) on UK-EU relations.

**Financial implications:** None. Support for the Interministerial Group will continue to be met from existing budgets.

*Recommendation 17. Given the importance of the UK-EU governance structures and the need for better parliamentary scrutiny, it is incumbent on parliaments and legislatures in the UK to themselves improve oversight of these structures and to better work together to improve transparency and hold governments to account. UK parliamentary committees working on these issues should seek to work more closely together both through direct engagement and through the Interparliamentary Forum. As set out in conclusion 1, we will engage with our sister-committees to consider how this could be achieved.*

**N/A.** The Welsh Government notes this as a matter for the Senedd to lead on, and will be happy to be kept informed and to support where appropriate.

**Financial implications:** N/A

*Recommendation 18. The Senedd Commission and the Remuneration Board should continue to provide appropriate and sufficient support to Members of the Senedd and the Senedd Committees to enable them to directly engage with EU institutions and stakeholders in order to ensure that key issues of importance to Wales are raised directly in Brussels.*

**N/A.** This is not a matter for the Welsh Government.

**Financial implications:** N/A

*Recommendation 19. The Welsh Government should convene a new advisory group on UK-EU relations to share information, evidence and coordinate input into UK-EU governance groups and structures. Given the Senedd's role in UK-EU governance structures, it would be appropriate for Members of the Senedd representing the Senedd on these groups to be invited to take part.*

**Further consideration required.** I do not intend to progress this as a priority. It will be for the incoming First Minister to consider, in the context of the evolving UK-EU relationship from the latter part of 2024 onwards and taking into account how the Welsh Government and the Senedd engage with civil society and stakeholders as per Recommendations 10 and 20.

**Financial implications:** None at this stage. If taken forward in the future there may be new costs associated with establishing and servicing a new group.

*Recommendation 20. The Senedd Commission should facilitate regular engagement with civil society organisations in Wales on UK-EU issues. For example, in respect of regular meetings involving Members of the Senedd on Inquiry into UK-EU governance 48 relevant external networks, UK-EU bodies, relevant Committee Chairs and civil society organisations engaged in work on these issues.*

**N/A.** This is not a recommendation for the Welsh Government. However, the Welsh Government is open to consider how best to work with any structures the Senedd establishes so as to make it efficient for organisations to engage and to avoid any unnecessary duplication, and to factor this into its future reflections on Recommendation 19.

**Financial implications:** N/A

*Recommendation 21. The Welsh Government should make representations to the UK Government seeking assurances that proper financial support and resourcing is made available for organisations to participate in the UK Domestic Advisory Group and the Civil Society Forum.*

**Accept in principle.** The Welsh Government note this issue has been raised by the House of Lords European Affairs Committee and the UK Government responded in June 2023 to confirm no funding would be provided. We will raise all the issues relevant to UK Government responsibilities set out in this report with the UK Government.

**Financial implications:** None for Welsh Government.

*Recommendation 22. In the absence of direct support from UK Government, the Welsh Government must ensure that sufficient resource is provided to Welsh organisations to ensure the continuation of a unique Welsh voice in these groups.*

**Further consideration required.** The proper funding of this support should be for the UK Government, as recognised in Recommendation 21. The Welsh Government will consider engagement of Welsh stakeholders in the round in the context of the evolving relationships

expected with an incoming UK Government, EU institutional changes, and developments in the UK-EU relationship.

**Financial implications:** None at present. There is no budget or provision to support engagement in UK Government groups and costs would be expected to be borne by the UK Government.

*Recommendation 23. The Welsh Government should be prepared for a number of key milestones for implementation and reviews of the UK-EU Trade and Cooperation Agreement during the Sixth Senedd. This should include engaging with Welsh stakeholders in discussions about their implications. The development of Welsh positions ahead of these milestones will be crucial, particularly as the next review cycle of the Agreement could stretch into, or beyond, 2031.*

**Accept in principle.** The Welsh Government is open to explore this recommendation in more detail in order to identify specific outcomes, and with a view to possible wider civil society and stakeholder engagement. The exact nature and timing of the review(s) of the TCA are not yet clear and will also be shaped by the evolving UK-EU relationship from the latter part of 2024 onwards. These changes will also shape how Welsh Government might best respond to this Recommendation in due course.

**Financial implications:** None at present. Existing resources are in place for engagement with the existing structures of the TCA and intergovernmental groups. A substantively broader approach involving extensive engagement and additional activities could require additional resource to be identified and will need to be considered in due course.



Llywodraeth Cymru  
Welsh Government

David Rees MS  
Chair, Reform Bill Committee

6 February 2024

Dear David,

I wrote to you on 26 January, setting out my response to the Reform Bill Committee's Stage 1 report on the Senedd Cymru (Members and Elections) Bill. In response to recommendation 25, I agreed to write to you setting out views on each of the recommendations for technical changes to Schedule 1 and 2 made by the Local Democracy and Boundary Commission for Wales in its written evidence to the Committee.

I have detailed my response to the technical changes proposed in an annex to this letter.

Yours sincerely,

**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.

**Annex: Response to the technical changes proposed by the Local Democracy and Boundary Commission for Wales in the written evidence submitted to the Reform Bill Committee**

LDBCW Observations on Bill	Welsh Government Response
<p><b>1. Schedule 1 – publication of representations following the second period for representations.</b></p> <p>(Amendments sought to paragraph 7(5)(a) of Schedule 1 to make it clear that the publication of representations relate to the second period of representations)</p>	<p><b>Accept</b> - I intend to bring forward the proposed amendment.</p>
<p><b>2. Schedule 1 – linkage with final report stage</b></p> <p>(Amendments sought to paragraphs 7(5) and 8 of Schedule 1 to create a more obvious link between the end of the second period for representations and the preparation and publication of the final report)</p>	<p><b>Reject</b> - Following detailed consideration, I am minded not to bring forward the amendments proposed. The sequencing of the various processes that need to take place ahead of the final report being published is clear. The Bill states that the final report must specify details of any change to the proposals set out in the second report and the reasons why. In addition, as a public body, the Democracy and Boundary Commission Cymru (DBCC) will be bound by public law principles. In order to comply with the Gunning principles for consultation, the DBCC will need to run the second period in which representations can be made, and take those representations into account when forming its determinations included in the final report.</p>
<p><b>3. Schedule 2 – principle of minimum change to Senedd constituencies</b></p> <p>(Amendments sought so that the obligation to seek to minimise the amount of change to Senedd constituencies be removed from the Bill or that section 49C(2)(b) is amended so that the desirability of minimising change is a relevant factor for the Commission)</p>	<p><b>Noted</b> – I am continuing to give consideration to the LDBCW’s views and comments on these provisions, as well as the specific drafting amendments proposed.</p>
<p><b>4. Schedule 2 – time management in public hearings</b></p> <p>(Amendments sought to section 49G to make it clear when reading subsection (8) that the Chair of the hearings has the power (in subsection (9)) to restrict the representations to be made during the proceedings if time is short)</p>	<p><b>Accept (in principle)</b> - I intend to bring forward amendments seeking to address the issue identified by LDBCW, and will consider the most appropriate way of amending the legislation.</p>

<p><b>5. Schedule 2 – contents of the second report</b></p> <p>(Amendments sought to section 49H so that records of public hearings and the representations received during the second period for representations are published separately to the second report. Amendment is also sought to make it clearer that the publication of representations relates to the second period of representations)</p>	<p><b>Accept (in principle)</b> - I note the LDBCW's concern about the potential size of the second report, therefore I intend to bring forward amendments seeking to address the issues identified, and will consider the most appropriate way of amending the legislation. I will also consider how any amendments can clarify that the requirement to publish at this stage of the process relates to the second period of representation.</p>
<p><b>6. Schedule 2 – publication of representations following the final period for representations</b></p> <p>(Amendments sought to section 49H to make it clear that the publication of representations relate to the final period of representations)</p>	<p><b>Accept</b> - I intend to bring forward this proposed amendment.</p>
<p><b>7. Schedule 2 – linkage with the final report stage</b></p> <p>(Amendments sought to sections 49H and 49I to create a more obvious link between the end of the final period for representations and the preparation and publication of the final report)</p>	<p><b>Reject</b> – in line with my response to the proposed amendment number 2 for provisions in Schedule 1, I am also not minded to bring forward the corresponding proposed amendments to Schedule 2, for the same reasons set out above.</p>
<p><b>8. Schedule 2 – contents of the final report</b></p> <p>(Amendments sought to section 49I (given how it interacts with section 49J) so that the final report must set out all 16 constituencies into which Wales should be divided rather than only setting out the changes proposed).</p>	<p><b>Accept (in principle)</b> - I intend to bring forward amendments seeking to address the issue identified by LDBCW, and will consider the most appropriate way of amending the legislation.</p>

Lynne Neagle AS/MS  
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant  
Deputy Minister for Mental Health and Wellbeing

Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref  
Russell George MS  
Chair  
Health and Social Services Committee

Cc:  
Equality and Social Justice Committee  
Children, Young People and Education Committee  
Legislation, Justice and Constitution Committee

07 February 2024

Dear Russell,

During my appearance at the Health and Social Services Committee on the 17<sup>th</sup> January, I agreed to supply details of the Welsh Government's substance misuse funding.

This has been the most challenging budget since devolution but I have prioritised our substance misuse investment to vital frontline services to ensure some of the most vulnerable people in our society continue to have access to services and support. However, this has required some difficult decisions.

In spite of the challenging budget, I have continued to protect our substance misuse funding and this has now, overall, risen to just over £67m. Substance Misuse Action Funding (SMAF) is provided directly to our Area Planning Boards (APBs) and this will rise by £2m in 2024/25 to £41m. This £2m increase in our funding will be allocated to the ring-fenced allocations for children and young people and complex needs funding both increasing by £1m, to £6.25m and £4.5m respectively. In addition, within the £41m we will continue to support the highly successful use of injectable buprenorphine (Buvidal) with £3m, over half of which supports criminal justice prescribers in the community. Health Boards receive funding for their substance misuse treatment services through their allocation letters and this will increase by £812k to just over £22.9m in 2024-25. Details of these funding decisions are at Annex A.

The committee asked for details of any support we provide for Brynawel. We do not fund Brynawel directly from Welsh Government with any revenue funding as placements are

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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.

funded either by local authorities or through the ring fenced £2m for residential treatment provided to APBs. Placements are made, led by service user choice, through our Rehab Cymru framework. However, I'm pleased to say that in February 2023 we awarded Brynawel £795,000 of capital funding for the expansion of their service through the purchase and refurbishment of a neighbouring property.

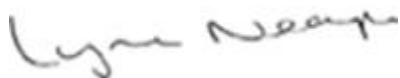
In addition to our funding for substance misuse services, we also continue to support our Out of Work Peer Mentoring Service. The service helps people recovering from substance misuse and/or mental ill-health through peer support and will be funded with £5.4million in 2024-25. The service aims to support up to 10,000 people including 3,000 young people across Wales between its start in October 2022 and March 2025. This service is a successor to the previous European funded service between 2016-2022.

I referred to the Wales Police Schools Programme (WPSP) at Committee. The programme is currently funded through the substance misuse budget but faced with potential cuts to frontline services I have decided to prioritise our substance misuse investment to ensure access to vital services and support. Therefore, I have had to withdraw the Welsh Government's funding contribution of £1.98m per financial year to the programme from the 31st March this year. The landscape around wellbeing for learners on a range of important issues has changed significantly since the introduction of the programme. Many areas are now subject matter that would be considered in mandatory health and well-being learning in Welsh schools. Relationships and Sexuality Education (RSE) covers a number of areas, including substance misuse, online safety and domestic violence. There are further plans to develop more resources for schools to inform learning about a range of health and wellbeing issues and my officials are working with colleagues in education to maximise learning from the programme

My officials will continue to work with the Police to work through the implications of the withdrawal of the Welsh Government's match funding for the programme. The Welsh Government will continue our close relationship with the four Police and Crime Commissioners and forces in Wales and they are valued partners.

I am copying in the chairs of the Equality and Social Justice Committee, Legislation, Justice and Constitution Committee and the Children, Young People and Education Committee.

Yours sincerely



**Lynne Neagle AS/MS**

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant  
Deputy Minister for Mental Health and Wellbeing

Annex A.

	2023-24	2024-25	Change
Substance Misuse Action Fund	£39.063m	£41.063m	+£2m
Wales Police Schools Programme	£1.980m	£0	-£1.980m
Drug & Alcohol*	£1.542m	£1.022m	-£520k
Capital	£2.5m	£2.5m	£0
Health Board ring fence	£22.102m	£22.912m	+£812k
<b>Overall total</b>	<b>£67.187m</b>	<b>£67.497m</b>	<b>+£312k</b>

\*The Drug and Alcohol Budget supports key central services and activity. These include Public Health Wales, WEDINOS, Naloxone and evaluations of both MUP and Buvidal.

Rt Hon Lucy Frazer KC MP  
Secretary of State for Culture, Media and Sport  
UK Government

09 February 2024

## **The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage**

Dear Lucy,

At our meeting on 24 January 2024, the Culture, Communications, Welsh Language, Sport, and International Relations Committee discussed the UK Government's plans to ratify the UNESCO Convention for Safeguarding of the Intangible Cultural Heritage.

To support our further consideration of this matter, the Committee would be grateful to receive the following information:

1. What benefits can be expected from inclusion on the national inventory, such as access to funding or initiatives to support intangible heritage?
2. When it comes to the approval panels that will be allocated to each nation, how will the panel for Wales be established, and with which government will responsibility lie? For example, will the Welsh Government be determining the membership for the panel in Wales?
3. How does the UK Government envision a 'compatible inventory' operating, and how will the UK and Welsh governments work together to maintain the Convention's arrangements?
4. How will the UK Government work with the devolved governments to ensure the inventory is maintained?

I look forward to hearing from you in due course. I am copying this letter to the Chair of the Senedd's Legislation, Justice and Constitution Committee for information.



Yours sincerely,



**Delyth Jewell MS**  
**Committee Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Mark Drakeford MS  
First Minister  
Welsh Government

09 February 2024

## **The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage**

Dear Mark,

At our meeting on 24 January 2024, we considered the first of our International Relations quarterly monitoring reports, and discussed the UK Government's plans to ratify the UNESCO Convention for Safeguarding of the Intangible Cultural Heritage.

To assist our further consideration of this matter, the Committee would be grateful to receive the following information:

1. The Welsh Government's view on:
  - a) the UK's ratification of the Convention;
  - b) the value and benefits of UK membership to Wales; and
  - c) intangible cultural heritage it would like to see included in the inventory, and why.
2. What plans are in place for the Welsh Government to collate its own inventory.
3. Whether the Welsh Government has suggested intangible cultural heritage for inclusion, and the rationale for their inclusion.

4. Whether the Welsh Government supports the inclusion of the examples listed in the [UK Government press release](#), such as the Nos Galan road races, 3am carol singing, Mari Lwyd, St David's Day, the Royal Welsh Show, St Dwynwen's Day and Eisteddfodau.
5. Whether existing inventories could be used, such as the one maintained by Museums Galleries Scotland.
6. How the Welsh Government has worked with the UK Government to prepare for ratification and the frequency of this joint working.
7. The Welsh Government's involvement to date on the UK's international obligations in this area, including international cultural agreements such as this Convention.
8. How the Welsh Government has contributed to the design of the public survey that forms part of the UK Government's consultation.
9. Whether additional resources will be required to collate and maintain a Welsh inventory, and what these are.
10. What arrangements are in place to ensure monitoring and compliance of the Convention's obligations.
11. How the Welsh Government will ensure that the provenance of intangible cultural heritage is unique to Wales as much of our cultural heritage and traditions have shared roots with Celtic peoples from across Europe.

Finally, and in the context of this discussion, we would be grateful to understand what the Welsh Government's view is relating to calls for St. David's Day to be designated a national public holiday.

I would be grateful for your response by 08 March 2024. I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee for information.

Yours sincerely,



**Delyth Jewell MS**  
**Committee Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Huw Irranca-Davies MS  
Chair of the Legislation, Justice and Constitution Committee  
[huw.Irranca-Davies@senedd.wales](mailto:huw.Irranca-Davies@senedd.wales)

12 February 2024

Dear Huw,

I am writing in response to your letter regarding the Data Protection and Digital Information Bill (the Bill) dated 31 January.

Your letter refers to discussions held by the Legislation, Justice & Constitution Committee with regards to clause 114 of the Bill (Direct marketing for the purposes of democratic engagement) and asks my views and further details on a number of matters.

In relation to your question about the Welsh Government's assessment of clause 114's engagement with Standing Order 29. Clauses 108 to 119 of the Bill make amendments to, and in relation to, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (the PEC Regulations). These PEC Regulations concern the protection of data subjects' privacy in relation to electronic communications. Therefore, to the extent that the PEC Regulations apply to the processing of personal data, clause 114 relates to the reserved matter of protection of personal data (paragraph 170 of Schedule 7A to the Government of Wales Act 2006). Therefore, Standing Order 29 is not engaged.

Welsh Government was not consulted by UK Government Ministers in the preparation of this clause, and neither its substance nor policy intent has been raised with us. We note the comments made in the Commons debate on this provision.

My officials have spoken to their UK Government counterparts who have advised that there are currently no plans to prepare regulations using this new power for devolved elections. Should this position change I will inform the Committee.

I trust that this letter provides the Committee with the information they require.

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[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)

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

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

I am copying this letter to the Culture, Communications, Welsh Language, Sport, and International Relations Committee, and to the Local Government and Housing Committee.

Yours sincerely,

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

**MARK DRAKEFORD**

Rt Hon Mark Drakeford MS

First Minister of Wales

31 January 2024

Dear Mark,

## Data Protection and Digital Information Bill

As you are aware, the Legislation, Justice and Constitution Committee has been considering and reporting on Welsh Government legislative consent memoranda laid before the Senedd relating to the UK Government's Data Protection and Digital Information Bill (the Bill).

At our meeting on 22 January 2024, during which we agreed our report on Memorandum No. 3 on the Bill, we discussed the provisions in the Bill relating to direct marketing for the purposes of democratic engagement (clause 114 in the Bill as brought from the Commons). As we understand it, the UK Government does not consider that this clause engages the legislative consent process in Wales, and legislative consent memoranda laid before the Senedd to date have not included reference to this clause as a relevant provision.

We also discussed a report in the Financial Times which referenced a letter sent by the then Minister for Data and Digital Infrastructure, Sir John Whittingdale, to a Member of the UK Parliament reportedly confirming that the UK Government in future may temporarily 'switch off' some direct marketing rules in the run-up to an election.

Given our consideration of the legislative consent memoranda and our broader interest in constitutional matters, we would welcome your views and further details on a number of matters:

1. What is the Welsh Government's assessment on clause 114's engagement with Standing Order 29 (if any)?
2. Has the Welsh Government made any assessment on the provision's potential impact on devolved Welsh elections?

3. Clause 114(5) of the Bill provides that, before making regulations under this power, the Secretary of State must consult the Information Commissioner and any other persons the Secretary of State considers appropriate. Has the Welsh Government had any discussions with the UK Government about whether the Welsh Ministers would be consulted in relation to any impact on data use relating to devolved Welsh elections by regulations made under clause 114?
4. Is the Welsh Government aware of any UK Government plan to 'switch off' direct marketing rules in advance of a UK General election?

I would be grateful to receive a response by Wednesday 14 February 2024.

I am copying this letter to the Culture, Communications, Welsh Language, Sport, and International Relations Committee, and to the Local Government and Housing Committee.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

Eich cyf/Your ref: CG/PO/40/2024  
Ein cyf/Our ref: qA1762325

Llywodraeth Cymru  
Welsh Government

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

6 February 2024

Dear Huw,

Thank you for your report on the Elections and Elected Bodies (Wales) Bill. I will respond to the report in full in due course. In the meantime, you asked in the report under recommendations 13 and 14 for Welsh Government to provide a statement of policy intent in advance of Stage 2. This letter includes those statements below.

First, in relation to the functions which may be conferred on persons or categories of person specified in regulations made under section 27 of the Bill (recommendation 13), the intention of this policy is to ensure the delivery of a platform that provides accessible, trustworthy, independent and reliable information that supports voters to take part in our democratic system. We want all voters to be able to access information that supports them to understand (for example) what elections are taking place, options around how to cast their ballot, the type of voting system being used, where they can vote and who they can vote for.

We will work closely with stakeholders to determine content principles, accessibility criteria and language requirements, and determine how regulations will best set out how these functions should be delivered. Part of achieving this will be conferring functions on a host to deliver, operate and maintain the platform. Our work with stakeholders will help us refine and determine the most appropriate way for regulations to enable the delivery of the platform, setting out detail and ensuring transparency.

The balance between what is on the face of the Bill and what will be in regulations ensures flexibility to take account of the fast-moving legal and technological context, with the appropriate scrutiny in place.

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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.

Secondly, in relation to the functions which may be conferred on persons within regulations made under section 29 of the Bill (recommendation 14), depending on the nature of the financial scheme it is anticipated the functions that may be conferred under section 29(8) could be such to enable, amongst others, the following:

- establishing eligibility criteria for the specific scheme and enabling mechanisms to ensure that the criteria is met prior to allocation of funding.
- the production of guidance for those interested in accessing a scheme and how it will operate.
- arrangements for payments of funding which meet best practice in financial management and audit.
- promotion of the schemes and advice about what a scheme will support and what it will not.
- administrative arrangements for a scheme including reporting mechanisms in terms of how public monies are being utilised within each scheme. While it will be necessary for any organisation operating a financial assistance scheme to have full details of applicants and recipients of support, it will not be a requirement that this personal information is shared outside of the scheme.

In operating a scheme, we would expect organisations to operate to high standards of governance and act in an open and transparent way.

I trust that this information will satisfy your request for statements of policy intent prior to Stage 2 and I look forward to continuing to work with you as the Elections and Elected Bodies (Wales) Bill progresses through the scrutiny process.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style and is positioned above a short horizontal line.

**Mick Antoniw AS/MS**

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

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

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

CC: John Griffiths, Chair, Local Government and Housing Committee  
Peredur Owen Griffiths, Chair, Finance Committee

12<sup>th</sup> February 2024

Dear Huw,

I would like to thank the Legislation, Justice and Constitution Committee for their scrutiny of the Elections and Elected Bodies (Wales) Bill during Stage 1 and for the report which was published on 26 January 2024.

I have set out responses to the Committee's recommendations at Annex 1. It has not been possible for me to accept all of the committee's recommendations in full. However, I have carried the principles and underpinning reasoning for my decision through as far as possible.

I hope this letter is helpful in setting out responses to the Committee's Report. I have written to the Chairs of the Finance Committee and the Local Government and Housing Committee with respect to their Stage 1 Reports and have copied the letters to all three Committee Chairs.

I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

Yours sincerely,



**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.

## Annex 1: Response to Legislation, Justice and Constitution Committee's report on the Elections and Elected Bodies (Wales) Bill

<p><b>Recommendation 1.</b> The Counsel General should state whether the Welsh Government's current programme of engagement and collaboration with stakeholders in respect of the Bill is likely to result in the Welsh Government tabling substantive policy amendments at stages 2 and/or 3</p>
<p><b>Accept.</b> We do not anticipate bringing forward substantive policy amendments at stage 2 nor 3 as a result of our ongoing collaboration with stakeholders.</p>
<p><b>Recommendation 2.</b> The Counsel General should provide an indication of when the Welsh Government intends to introduce a consolidation Bill in respect of Welsh electoral law.</p>
<p><b>Accept.</b> As I said in my evidence to the Committee this area of the law is ripe for consolidation. The Committee will be aware I have just laid before the Senedd a revised programme under section 2 of the Legislation (Wales) Act 2019. This makes clear that we will continue to work with the Law Commission on potential projects, and informal discussions on the possibility of consolidating electoral law have already taken place with them. This would be a project requiring significant resource, and therefore we will develop this work with a view to the next Government making decisions on the priorities for their programme to improve the accessibility of Welsh law.</p>
<p><b>Recommendation 3.</b> The Bill should be amended to provide further details about the types of functions which may be conferred on the Electoral Management Board by the Welsh Ministers using the powers within section 1 of the Bill.</p>
<p><b>Reject.</b> The proposed functions of the EMB set out in the Bill are consistent with the approach taken in Scotland. The power in section 20E (3) (c) of the Bill is required as Welsh Ministers may need to confer further functions related to electoral administration on the Electoral Management Board in the future and it is important to have this flexibility. An example of where provisions specified in regulations may add to the functions of the Commission is that it is envisaged the Electoral Management Board would take forward the Welsh Elections Information Platform and regulations could confer functions on the Electoral Management Board in relation to that platform.</p> <p>This power does not authorise the creation of new Commission functions, it allows the delegation to the EMB of Commission functions created by other means (whether in primary or secondary legislation).</p>
<p><b>Recommendation 4.</b> The Bill should be amended to provide that section 3 may only be brought into force following the completion of a pilot under section 5(4) of the Bill</p>
<p><b>Accept.</b> The Government will table an amendment.</p>
<p><b>Recommendation 5.</b> The Bill should be amended to provide that the Welsh Ministers, at the time of laying pilot regulations in the Senedd which are to be made without a principal council's consent, must also lay a statement to explain the decision to proceed without that consent being obtained.</p>
<p><b>Accept.</b> The Government will table an amendment.</p>
<p><b>Recommendation 6.</b> The Bill should be amended to provide that regulations made under section 5 which amend primary legislation will be subject to the affirmative procedure</p>
<p><b>Reject.</b> The framework established by the Bill will require the Welsh Ministers to involve external stakeholders in the development of the pilots. These factors, coupled with the time-limited nature of pilots and the broader electoral timetable, mean that it is often necessary to legislate for pilots swiftly. Any permanent changes to primary legislation arising out of a successful pilot will be subject to the affirmative procedure.</p>
<p><b>Recommendation 7.</b> The Bill should be amended to leave out section 8.</p>
<p><b>Accept.</b> This section was intended to ensure the pilots regime can adapt to reflect the changing nature of electoral practice. On the basis that section 5 provides a rounded</p>

description of potential pilot areas, the Government will table an amendment to remove this section.
<b>Recommendation 8.</b> The Bill should be amended to provide that electoral reform regulations made using the power in section 19 may not create, remove or modify any criminal offences.
<b>Reject.</b> In some circumstances it may be necessary to create, remove or modify criminal offences when making electoral reform regulations. In these cases, the Regulations would be subject to the affirmative procedure (see section 20(3) and (4)), but the Senedd would, in addition, be able to seek enhanced affirmative procedures around the regulations ensuring stringent scrutiny for any proposed amendments.
<b>Recommendation 9.</b> The Bill should be amended to provide that electoral reform regulations may not confer, remove or modify power to make subordinate legislation.
<b>Reject.</b> In some circumstances it may be necessary to confer, remove or modify power to make subordinate legislation when making electoral reform regulations. In these cases, the Regulations would be subject to the affirmative procedure (see section 20(3) and (4)), but the Senedd would, in addition, be able to seek enhanced affirmative procedures around the regulations ensuring stringent scrutiny for any proposed amendments.
<b>Recommendation 10.</b> The Bill should be amended to require the Welsh Ministers, where they decide not to accept in full or in part a Senedd committee’s recommendation in respect of draft electoral reform regulations, to lay a statement to explain their decision.
<b>Accept.</b> The Government will table an amendment.
<b>Recommendation 11.</b> The Bill should be amended to specify which body will be responsible for maintaining the Welsh elections information platform.
<b>Reject.</b> The existence of the Elections Information Platform should not be tied to the establishment and ongoing existence of the EMB. To tie the platform to the EMB reduces flexibility to respond to ongoing developments in this area.
<b>Recommendation 12.</b> The Bill should be amended to specify the functions which may be conferred on persons or categories of person specified in regulations made under section 27 of the Bill.
<b>Reject.</b> Putting the detail in regulations rather than on the face of the bill is a balanced approach to enable greater flexibility to ensure the operational needs of the platform, its users and the host are met and developed with time. It takes account of the fast-moving legal and technological context, with the appropriate scrutiny in place.
<b>Recommendation 13.</b> If recommendation 12 is not accepted, the Welsh Government should, in advance of the first day of Stage 2 of the Bill, publish a statement of policy intent to outline the functions which may be conferred on persons or categories of person specified in regulations made under section 27 of the Bill.
<b>Accept.</b> I have written to the Committee stating the policy intent.
<b>Recommendation 14.</b> The Welsh Government should, in advance of the first day of Stage 2 of the Bill, publish a statement of policy intent to outline the functions which may be conferred on persons within regulations made under section 29 of the Bill.
<b>Accept.</b> I have written to the Committee stating the policy intent.
<b>Recommendation 15.</b> The Bill should be amended to replace references to the Legislation, Justice and Constitution Committee with references to “appropriate Senedd committees”, or similar such wording, to provide certainty in law.
<b>Accept.</b> The Government will table an amendment.
<b>Recommendation 16.</b> The Bill should be amended to provide that regulations made under sections 41 and 51 of the Bill are to be subject to the affirmative procedure.
<b>Reject.</b> Welsh Government guidelines set out that a factor that may tend to suggest the application of the affirmative procedure is that the power may be used to substantially affect provisions of primary legislation. These narrow powers to amend primary legislation are limited to amending the review period in each case which is a relatively minor detail in the overall legislative scheme. Welsh Ministers already have power to alter the review period by making regulations which are subject to the negative procedure – see sections 138(6) and 174(6) of the Local Government (Wales) Act 2021 – the use of

the negative procedure is considered both appropriate and proportionate and in accordance with Welsh Government guidelines.

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

Peredur Owen Griffiths MS  
Chair  
Finance Committee  
Senedd Cymru  
Cardiff  
CF99 1SN

1 February 2024

Dear Peredur

Thank you for your Report on the Financial implications of the Elections and Elected Bodies (Wales) Bill published on 26 January.

I am grateful to the Committee for its considered Stage 1 scrutiny. I have carefully considered the Committee's report and I am happy to accept all of the recommendations. Please see my response in Annex 1 to the set of recommendations in advance of the Stage 1 General Principles Debate.

Yours sincerely



**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.

## Annex 1: Response to Finance Committee's report on the Elections and Elected Bodies (Wales) Bill

<p><b>Recommendation 1.</b> The Committee recommends that the Welsh Government commits to providing full and robust Regulatory Impact Assessments to accompany any relevant subordinate legislation made under this Bill.</p>
<p><b>Accepted.</b> We have committed to this within the Regulatory Impact Assessment for the Bill.</p>
<p><b>Recommendation 2.</b> The Committee recommends that the Minister provides further information on costs relating to changes to the Electoral Management Systems as they become clear; including details on how the cost effectiveness of individual pilots will be assessed.</p>
<p><b>Accepted.</b> We will provide further information on costs as it becomes clear. A full and robust evaluation of all pilots will take place including the financial implications and the implications for EMS services. This will be a requirement of any pilot proposals presented to the Electoral Management Board and it will be required to report on the financial implications of proposed pilots in its evaluation.</p>
<p><b>Recommendation 3.</b> The Committee recommends that the Minister updates the Committee on costs associated with work being undertaken to increase the accessibility of elections to disabled voters.</p>
<p><b>Accepted.</b> We will set out further information in the Regulatory Impact Assessments accompanying the secondary legislation.</p>
<p><b>Recommendation 4.</b> The Committee recommends that the Minister provides information on the outcomes of the research it intends to commission to promote diversity in persons seeking elected office including how that information is captured and collated; and how the Welsh Government intends using that information to make targeted interventions.</p>
<p><b>Accepted.</b> We will provide the outcome of the research undertaken when it is completed. This will primarily focus on barriers to participation in local democracy because of socio-economic circumstances. In broader terms we will continue to work with others to identify barriers to participation for individuals within under-represented groups through engagement, lessons learned from existing initiatives and feedback through wider reports and studies. This approach will inform future interventions and initiatives targeted at barriers identified through this work.</p>
<p><b>Recommendation 5.</b> The Committee believes that the introduction of an affordability assessment, such as the one provided in this Bill, serves as a good practice model for future legislation and we recommend that the Welsh Government continues with this new approach</p>
<p><b>Accepted.</b> We are grateful for the Committee's comments.</p>

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

Agenda Item 7.10

Llywodraeth Cymru  
Welsh Government

John Griffiths  
Chair  
Local Government and Housing Committee  
Senedd Cymru  
Cardiff  
CF99 1SN

CC: Peredur Owen Griffiths, Chair, Finance Committee  
Huw Irranca Davies, Chair, Legislation, Justice and Constitution Committee

12<sup>th</sup> February 2024

Dear John,

I would like to thank the Local Government and Housing Committee for their scrutiny of the Elections and Elected Bodies (Wales) Bill during Stage 1 and for the report which was published on 26 January 2024.

I have set out responses to the Committee's recommendations at Annex 1. It has not been possible for me to accept all of the Committee's recommendations in full. However, I have carried the principles and underpinning reasoning for my decision through as far as possible.

I hope this letter is helpful in setting out responses to the Committee's Report. I have written to the Chairs of the Finance Committee and the Legislation, Justice and Constitution Committee with respect to their Stage 1 Reports and copied the letters to all three Committee Chairs.

I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

Yours sincerely,



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

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## Annex 1: Response to Local Government and Housing Committee's report on the Elections and Elected Bodies (Wales) Bill

Committee Recommendation	WG Response
Recommendation 1. We recommend that the Senedd agrees to the general principles of the Elections and Elected Bodies (Wales) Bill.	Noted.
Recommendation 2. We recommend that the Welsh Government should specify on the face of this Bill that returning officers will be subject to Welsh Language Standards	Reject. The Welsh Ministers are committed to ensuring everyone can participate fully in our democracy using our country's two official languages. Given the detailed rules about the operation of Welsh elections is set out in secondary legislation, the Welsh Government intends to achieve this objective by making changes to those detailed rules. We will continue to work with stakeholders and the EMB to determine the best approach to improving bilingual delivery of elections.
Recommendation 3. We recommend that the Welsh Government publishes the equality impact assessment it conducted on the Bill and that updated versions should published to take account of changes made to the Bill during the amending stages	Accept. We have now published the Equality Impact Assessment. <a href="https://www.gov.wales/elections-and-elected-bodies-wales-bill-equality-impact-assessment">https://www.gov.wales/elections-and-elected-bodies-wales-bill-equality-impact-assessment</a>
Recommendation 4. We recommend that the Welsh Government should amend the Senedd Cymru (Members and Elections) Bill to strengthen the accountability of the Democracy and Boundary Commission Cymru to the Senedd. We would like to see that Bill amended to include a requirement for the Commission's annual reports to be debated by the Senedd	Accept in principle.  We are conscious of arguments presented by the Reform Bill and Legislation, Justice and Constitution Committees in relation to sections 7 and 19 of the Senedd Cymru (Members and Elections) Bill placing duties upon the Llywydd. While we do not agree that this approach is constitutionally problematic, given other examples of statutory duties placed on the Llywydd and that those duties will not constrain a future Senedd to a particular course of action, we are reluctant to bring forward amendments that would place formal duties on the Senedd as recommended.
Recommendation 5. We recommend that the Welsh Government should amend the Senedd Cymru (Members and Elections) Bill to include a provision to require pre-appointment hearings by the Senedd to be included in the recruitment process for the position of Chair to the Democracy and Boundary Commission Cymru	The Senedd would not require a legislative requirement to scrutinise the DBCC's annual report but we would welcome the additional attention on the DBCC's broader remit. We would also be content to inform the Senedd of the preferred candidate for DBCC Chair that emerges from the public appointments process to enable a pre-appointment hearing.  In its scrutiny of the Senedd Cymru (Members and Elections) Bill, the Reform Bill Committee

	<p>recommended the Business Committee consider the DBCC's accountability as part of its procedural review prior to the 2026 election (recommendation 25). We would not wish to anticipate that review and would therefore not seek to amend the Senedd Cymru (Members and Elections) Bill at this time. We would of course consider carefully the Committee's recommendations and look to implement relevant recommendations.</p>
<p>Recommendation 6. We recommend that, in addition to stipulating that the Chair of the Electoral Management Board should be a former elections officer, the Bill should also specify that the Chair must have relevant and recent experience, such as having been an elections officer within a certain time frame prior to being appointed</p>	<p>Reject. The Bill already ensures members of EMB have electoral experience. Our preferred approach, which is supported by stakeholders, is to not be overly prescriptive in legislation. The public appointments process will ensure sufficient relevant experience.</p>
<p>Recommendation 7. We recommend that the Welsh Government should consult relevant parties, including the Electoral Commission, and take their views into consideration in deciding when the provisions relating to the Electoral Management Board should commence</p>	<p>Accept. Timings of the commencement power for the EMB are not specified in Section 70 so we can bring them into force by Order at the appropriate time. We will continue to work with stakeholders to inform this.</p>
<p>Recommendation 8. We recommend that the Welsh Government, when considering where in Wales to hold pilots relating to electoral registration without application, should ensure a variety of areas are involved. We believe that the chosen areas should include, but not be restricted to, a mix of urban and rural areas, affluent and less affluent areas and areas where there are high proportions of non-first language English or Welsh speakers</p>	<p>Accept. This approach will be taken into consideration when assessing expressions of interest in the pilots work. Where there are demonstrable gaps, we will work with local authorities to recruit additional authorities ensure the pilots take place across a range of demographics.</p>
<p>Recommendation 9. We recommend that the process of applying for anonymous registration should be as simple and as flexible as possible. We believe that the</p>	<p>Reject. The anonymous registration application process currently allows electors to be on both the Parliamentary and local government registers anonymously through one application. If changes relating to the local government register only were made, this would mean that someone wishing to</p>

<p>Welsh Government should consider not imposing a requirement to provide evidence in support of an application</p>	<p>remain anonymous on the parliamentary register would have to make another application, with different conditions. We do not believe this level of complexity is appropriate for electors and could lead to someone appearing on an electoral register without their knowledge.</p>
<p>Recommendation 10. We recommend that once a person has been registered anonymously, they should not be required to re-new their anonymous registration annually. Instead, the anonymous registration should stay in place until a person actively opts to change that arrangement</p>	<p>Reject. The anonymous registration application process currently allows electors to be on both the Parliamentary and local government registers anonymously through one application. If we were to make changes relating to the local government register only, this would mean that someone wishing to remain anonymous on the parliamentary register would have to make another application, with different conditions. In this instance a person making an indefinite application to be anonymously registered would still need to make an annual application to be anonymous on the parliamentary register. We do not believe this complexity is acceptable for electors. Similarly, being on an electoral register anonymously can have knock-on effects for an elector e.g. they would not appear on any financial services checks and therefore not benefit from being a registered elector.</p>
<p>Recommendation 11. We recommend that the Welsh Government amends the Bill to include a duty to remove the open register for Welsh elections prior to undertaking pilots relating to electoral registration without application.</p>	<p>Accept. We will table an amendment to insert a prohibition on the commencement of the provisions in Chapter 2 of the Bill until regulations have been made by the Welsh Ministers to remove the provisions currently set out in regulations relating to the open register. To prevent the Welsh Ministers from subsequently reviving the open register, we will also amend section 53 of the Representation of the People Act 1983.</p>
<p>Recommendation 12. We recommend that the Welsh Government commits to ensuring that stakeholder organisations representing vulnerable groups be involved in planning pilots relating to electoral registration without application</p>	<p>Accept. We are in the process of seeking expressions of interest from local authorities around automatic registration pilots. Once this process has been completed, we will be establishing a working group to develop individualised pilots. A part of this work will involve behavioural insights work to support effective communication with electors, and we will bring in representatives of our extensive network of organisations that work with electors, particularly focusing on those representing vulnerable electors, to feed into communication plans.</p>
<p>Recommendation 13. We recommend that, prior to undertaking pilots relating to electoral registration without application, the Welsh Government should set out how the pilots will assess</p>	<p>Accept. We are in the process of seeking expressions of interest from local authorities around automatic registration pilots. Once this process has been completed, we will be establishing a working group to develop individualised pilots. The Electoral Commission will be invited to be part of the group, and a</p>

<p>whether the 45 day timeframe an individual has to respond to the notification is sufficient</p>	<p>significant stream of work will develop the specific evaluation criteria of the pilots. This will include whether or not the 45-day timeframe for responding to a notice of registration is sufficient or effective.</p>
<p>Recommendation 14. We recommend that, should the Welsh Government decide to implement the provisions on electoral registration without application, this should be accompanied by a campaign to raise public awareness of the changes. Such a campaign should include, but not be restricted to, making information available in accessible formats, online and in hard copy and in a wide range of languages</p>	<p>Accept. This has been agreed with external partners and is being taken forward through the pilots working group.</p>
<p>Recommendation 15. We recommend that pilots relating to electoral registration without application include an evaluation of the robustness of data sources used to identify eligible voters. Should the pilots demonstrate that other sources of data would be more effective, the Welsh Government should seek data sharing agreements with the UK Government, as necessary. .</p>	<p>Partially accept. This has been agreed with external partners and is being taken forward through the pilots working group. However, the Bill makes clear that any data used as part of the automatic registration process must be held by Welsh authorities (local or national) and that regulations relating to automatic registration cannot require UK Government departments to provide data.</p>
<p>Recommendation 16. We recommend that future pilots should take place across a range of different geographical areas and across both urban and rural areas. Pilots should also consider the ability of different age groups to participate.</p>	<p>Accept. This will be a fundamental principle of any future piloting programme.</p>
<p>Recommendation 17. We recommend that the Welsh Government continues to work with local government to provide further assurances that the power to compel electoral pilots would only be used in exceptional circumstances and that pilots would be sufficiently resourced financially and in terms of staff capacity</p>	<p>Accept. These powers will only be used in exceptional circumstances.</p>

<p>Recommendation 18. We recommend that the Bill be amended to include a requirement for the Electoral Commission to provide guidance setting out how returning officers should provide such equipment as is reasonable for the purposes of enabling, or making it easier for, disabled people to vote independently and subject to the identified needs of disabled voters. The Bill should also specify that returning officers would be required to have due regard to such guidance</p>	<p>Reject. Similar provisions in the Elections Act 2022 made amendments to primary legislation which contain the parliamentary elections rules.</p> <p>However, the election rules framework in place in Wales means that the provisions with respect to the provision of equipment at polling stations can be amended via secondary legislation by changes to the appropriate election rules set out in the National Assembly for Wales (Representation of the People) Order 2007 and the Local Elections Rules 2021. To ensure the accessibility of the law, the requirement for guidance should sit with these provisions.</p> <p>For Senedd Elections we have made a commitment to consolidate and re-state the law as part of an accessible, bilingual framework for the first time ahead of the 2026 election. We intend to consult on a bi-lingual consolidated draft Order so stakeholders will have an opportunity to consider proposed changes in detail.</p>
<p>Recommendation 19. We recommend that returning officers and relevant stakeholders should be involved in the preparation of guidance relating to providing equipment to enable or make it easier for disabled people to vote independently. The guidance should set out that returning officers should make every effort to understand the needs of disabled voters and suggestions as to how this could be undertaken.</p>	<p>Noted. This recommendation would be for the Electoral Commission to consider and respond to.</p>
<p>Recommendation 20. We recommend that the Welsh Government should take into account the importance of the protected characteristics set out in the Equality Act 2010 being included when setting its core questions for the Local Government Candidate Survey</p>	<p>Accept in principle. The scope of what can be included in the survey is not changed through the Bill. Changes to the survey focus on the mechanics of agreeing the questions and enabling two-part approach, which results in a core set of questions which apply to all councils and more targeted questions which can be determined locally depending on initiatives / work being undertaken locally.</p>
<p>Recommendation 21. We recommend that the Local Government Candidate Survey should include a question relating to candidates' caring responsibilities among the core questions.</p>	<p>Accept. We will explore how the candidate survey could include questions that relate to candidates' caring responsibilities.</p>
<p>Recommendation 22. We recommend that the Local</p>	<p>Accept. We will explore how the candidate survey could include questions that relate to candidates'</p>

<p>Government Candidate Survey should include core questions in relation to candidates' experience of abuse and harassment</p>	<p>experience of bullying and harassment and how analysis of data collected could inform future approaches to combatting this unacceptable behaviour</p>
<p>Recommendation 23. We recommend that the Welsh Government commits to ensuring that a collaborative approach is taken in the designing of the voter information platform. This should include the participation of relevant stakeholders to ensure that the information is available bilingually in English and Welsh and all accessible formats</p>	<p>Accept. We will engage and work collaboratively with stakeholders throughout the development process to consider accessibility requirements and ensure that information is available to everyone who needs to access it. We will set out accessibility and language requirements as well as content principles developed in collaboration with stakeholders in the regulations and remit letter.</p>
<p>Recommendation 24. We recommend that the Welsh Government urgently undertakes further work to consider the legal liability of political parties, candidates and the platform host in relation to statements published on the voter information platform. This must be clarified ahead of the platform's inception</p>	<p>Accept in principle. Guidance and/or Regulations will clearly set out what information can and cannot be placed in statements so candidates and those checking the statements are aware of such rules before upload. They will also set out who is responsible for such information and the likely consequences if such rules and laws are breached.</p>
<p>Recommendation 25. We recommend that specific training to assist underrepresented groups in dealing with abuse and harassment should be included in the services listed in section 28(5).</p>	<p>Reject. Training is already included in section 28 (5) and there is no need to amend the Bill to specify a particular type of training. We would be happy to refer to training on abuse and harassment as an example in the Bill's accompanying material.</p>
<p>Recommendation 26. The Welsh Government should progress the implementation of the recommendations in our report on Diversity in local government in relation to raising awareness of a scheme of financial assistance for disabled candidates and ensuring that the scheme commences in sufficient time ahead of the next Senedd election</p>	<p>Accept. We will continue to work with stakeholders to build on the current scheme in sufficient time to support candidates in advance of future elections.</p>
<p>Recommendation 27. The Welsh Government should commit to developing and piloting a financial assistance</p>	<p>Accept in principle. The Bill allows for such approaches to be taken, but any schemes will need to be evidence based and targeted appropriately. A flexible approach is required to</p>

<p>fund to support unpaid carers in standing for election. We acknowledge that this would need to consider how to define unpaid carers and how a scheme could target those most in need of financial support.</p>	<p>ensure the rationale for any scheme is robust and the measures put in place address the barriers in a way that does not advantage any particular group of individuals over others.</p>
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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Consultation on changes to the Putting Things Right process and amendments to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011</b>
<b>DATE</b>	<b>12 February 2024</b>
<b>BY</b>	<b>Eluned Morgan, Minister for Health and Social Services</b>

[I am announcing the start of a 12-week public consultation exercise on 12 February to:](#)

- listen to the citizens of Wales and other stakeholders about their experience in raising complaints about NHS care and
- to ask for their feedback on some changes we are proposing to the current process.

The “Putting Things Right” process was set up under the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. It gives people a single process for raising a concern or complaint about NHS services. It also sets out the process for considering and offering redress where harm, associated with that care, has been caused.

We have been listening carefully over the past few years to the experiences of those who have experienced care in the NHS; those responsible for its provision; those who have raised concerns about their care and how they were treated, and those who provide legal advice and settle these cases.

The regulations, which have been in place for over a decade, require some review and modernisation to bring them up to date with current practice. The detailed guidance originally published in 2011 to help embed the system, is lengthy and would also benefit from being refreshed, simplified, and made more accessible to the public.

This consultation brings together a number of key lessons from listening to the public and care providers. It sets out proposed policy changes which aim to:

- Place people at the heart of the process
- Provide an improved focus on compassionate patient-centred communication
- Improve the Putting Things Right process to be more inclusive
- The inclusion of escalation processes for urgent concerns of deliberate abuse or harm from care, or after someone dies

- Refresh the arrangements to provide free legal advice and medical expert reports

These changes build on the Duties of Candour and Quality implemented in 2023, and the Speaking Up Safely Framework, all of which support our commitment to a culture of openness, transparency, and greater accountability in the Welsh NHS. The proposed changes focus on ensuring those responsible for the provision of healthcare are actively listening to and learning from patients and their families to improve the quality and safety of care.

The consultation will run from 12 February until 6 May 2024.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

Eluned Morgan AS/MS  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair of Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF10 4PH

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

12 February 2024

Dear Huw,

I am writing to you to draw your attention, and that of the committee's, to the launch of the consultation on amendments to the 'Putting Things Right' process and National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011.

The consultation is launched 12 February 2024 and closes on the 6<sup>th</sup> May 2024.

<https://www.gov.wales/proposed-changes-putting-things-right-process>

Your sincerely,

**Eluned Morgan AS/MS**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

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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.



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Retained EU Law (REUL) Parliamentary Report June to December 2023</b>
<b>DATE</b>	<b>12 February 2024</b>
<b>BY</b>	<b>Mick Antoniw MS, Counsel General for Wales and Minister for the Constitution</b>

I am writing to draw the Senedd's attention to the UK Government's first statutory report to the UK Parliament under the Retained EU Law (Revocation and Reform) Act 2023, published on 22 January 2024: [Retained EU Law Parliamentary Report June 2023 – December 2023](#).

The report summarises changes the UK Government has made using REUL Act powers between June and December 2023. The UK Government states it is on track to reform or revoke more than half of the stock of retained EU law by June 2026. It uses the retained EU law dashboard to provide the public with information about how much legislation is derived from the EU, and the progress the government is making. The dashboard now notes it only covers UK legislation which is reserved, and which has mixed competence or falls under devolved competence; it does not include any legislation made by the devolved institutions.

The report notes the dashboard currently holds a total of 6,757 instruments of retained EU law spanning approximately 400 policy areas. Since the previous update to the dashboard on 22 January 2024, more than 1,000 retained EU law instruments have either been revoked or reformed, meaning that more than 2,000 instruments have already been revoked or reformed in total.

The UK Government intends to continue using REUL Act powers in 2024 and is proposing to reform up to 197 pieces of assimilated law in 2024-25 and 785 in 2025-26.

The report notes that forthcoming reforms of assimilated law will deliver the UK Government's smarter regulation objectives for regulation to only be used where necessary, be implemented well, used proportionately, and to be future proof. The UK Government has indicated REUL Act powers of revoke and reform will be used to advance this programme.

The Senedd withheld consent to the REUL Bill and we are not convinced of the necessity, desirability and wisdom of embarking on significant change to the body of what is now

assimilated law at this time and more generally. We believe regulatory change must be thought through in a measured and objective way.

We will make use of REUL Act powers in a proportionate and judicious manner where there are benefits to Wales of doing so. We will not rush to change the law simply because we can. We will work with the UK Government when doing so is good for Wales.

We regret that the UK Government declined to include a statutory requirement in the REUL Act for Welsh Ministers' consent before UK Ministers make regulations in devolved areas under powers in the REUL Act.

Notwithstanding this, we welcome non-statutory commitments UK Ministers have made to seek agreement from Welsh Ministers to use of REUL Act powers where they have an impact in devolved areas. We hope commitments to not take further powers or override devolved competences are respected throughout the time the powers in the Act are available to the UK Government.

We welcome the report acknowledging it is for the devolved legislatures to decide whether, how and to what extent, domestic law and policy should diverge from that of the EU. This principle is equally applicable to the whole range of changes which REUL Act powers can be used to achieve.

We will continue to focus on issues that improve the lives of people in Wales. We will continue to use the levers at our disposal to ensure that environmental, social and economic rights and standards are safeguarded. It is essential that regulations applying in Wales, which are made by the UK Government, respect the priorities of the people of Wales, and are made in devolved areas only where the consent of the Welsh Ministers has been obtained.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

-  
Aelod Senedd dros  
Gogledd Cymru

**Tel | Ffôn:** 0300 200 7267  
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Huw Irranca-Davies, MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru,  
Cardiff Bay,  
CF99 1SN

12 February 2024

Dear Huw,

**Residential Outdoor Education (Wales) Bill**

I would like to take the opportunity to again thank the Committee for the time it has taken to consider the detail of the Residential Outdoor Education (Wales) Bill.

I am writing in response to Adam Price MS' request that I provide examples of legislative provisions that compel certain elements to be included in guidance. I have included in the Annex to this letter a selection of recent examples that address this point, from Acts of both Senedd Cymru and the UK Parliament.

I am copying this letter to the Chair of the Children, Young People and Education Committee, and the Chair of Finance Committee.

Yours Sincerely,



Sam Rowlands MS  
**Member of the Welsh Parliament for North Wales**

## Annex

Act	Section	Explanatory note
Historic Environment (Wales) Act 2023	196(1) The Welsh Ministers must issue guidance to the bodies listed in subsection (2) on— (a) how the bodies may contribute to the compilation of historic environment records and assist in maintaining the records, and (b) the use of historic environment records in the exercise of the bodies' functions.	Section 196 requires the Welsh Ministers to issue guidance to local authorities, National Park authorities and Natural Resources Wales on how they may contribute to the compilation and maintenance of the historic environment records and on the use of the historic environment records in the exercise of their functions.
The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023	2(3) The Welsh Ministers must prepare and publish guidance about— (a) the single-use plastic products that are prohibited under this Act; (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule.	This section also requires Welsh Ministers to prepare and publish guidance about the single-use plastic products prohibited under the Act, and how any exemptions listed under column 2 of the Table should be applied.
Social Partnership and Public Procurement (Wales) Act 2023	9(5) The Welsh Ministers must issue guidance about the composition of the public procurement subgroup (including for the purpose of achieving an appropriately representative membership), and the SPC must have regard to that guidance.	<p>This section requires the SPC to take all reasonable steps to establish a specific subgroup concerned with public procurement within six months of section 9(1) coming into force.</p> <p>It further requires that the Welsh Ministers specify and publish the quorum for the public procurement subgroup meetings, produce guidance to which the SPC must have regard when appointing members including guidance for the purpose of ensuring its membership is appropriately representative and the procedures to be followed during meetings.</p> <p>The section also sets out specific matters which the procedures to be published by the Welsh Ministers must deal with, these are the</p>

		same as those covered in the procedures which are specified and published in relation to the full SPC.
Tertiary Education and Research (Wales) Act 2022	Section 134(5) The Welsh Ministers must publish guidance regarding factors to be taken into account in deciding whether to approve a body or individual for the purposes of this section.	The Welsh Ministers must publish guidance setting out the factors that will be taken into account when approving a body or individual with whom the information may be shared.
Data Protection Act 2018	12(2) The Secretary of State may by regulations...specify what the guidance must include.	The Secretary of State is able to specify what the guidance must include.



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# Agenda Item 11

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

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# Agenda Item 15

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

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## Procedure Committee

**Huw Irranca-Davies MS**

**Chair, Legislation, Justice and Constitution Committee,  
Welsh Parliament**

By email only

17 January 2024

Dear Huw,

Thank you for your letter of 13 December in relation to House of Commons procedures in respect of the laying of Welsh language statutory instruments (SI).

The advice I have received from officials in the House of Commons matches that contained in my predecessor's letter of October 2018 which you quote.

There is no procedural or other bar to a statutory instrument that contains text in Welsh, including bilingual instruments, being laid before the House of Commons if the relevant Act requires it to be. As you know, this already regularly happens.

The determining factor of how SIs are drafted, including in what language(s), is the relevant enabling legislation and wider law on statutory instruments. From the House of Commons' point of view the content and form of SIs is in essence a legal rather than a procedural question.

It might also be helpful to note that if Ministers wanted to, they could lay a command paper alongside a SI that was in English only containing a translation into Welsh (or any other language). The practice of the House is not to accept for laying standalone documents in languages other than English. However, it does accept documents in multiple languages, if they include the full text in English, or separate documents containing a translation of another laid alongside it.

You indicated that you were writing in similar terms to the Chair of the House of Lords' Committee on Procedure and Privileges, who I understand has received similar advice in relation to House of Lords procedure from his officials.

I also understand that the Chair of the Joint Committee on Statutory Instruments is writing to you separately on the question of how her committee scrutinises SIs that contain Welsh. I am copying my letter to her, and Lord Gardiner of Kimble.



## Procedure Committee

I expect my Committee will decide to publish our letters in due course.

Best regards,

*Karen Bradley*

**Rt Hon Dame Karen Bradley MP**  
Chair of the Procedure Committee

Rt Hon Karen Bradley MP  
Chair, Procedure Committee  
House of Commons

13 December 2023

Dear Karen

## House of Commons procedures in respect of the laying of Welsh language statutory instruments

I am writing regarding a long-standing issue which my Committee has recently decided to consider in detail, and would be grateful if you could help inform our consideration.

You will be aware that some types of statutory instruments – including joint statutory instruments and Orders in Council – are required to be laid for scrutiny in more than one legislature.

My Committee, and its predecessors, have been told by the Welsh Government that a Welsh and English language version of such a statutory instrument cannot be laid in both the Senedd and the UK Parliament. The Welsh Government's reasoning is that no routine parliamentary processes exist by which to lay bilingual instruments before the UK Parliament, and that the UK Parliament will not scrutinise general statutory instruments in languages other than English.

However, in October 2018 the then Chair of the Procedure Committee told the then Chair of the Constitutional and Legislative Affairs ("CLA") Committee as follows:

*"House of Commons officials have considered the matter in detail and advise me that there is no bar in the standing orders, resolutions or practice of the House to prohibit the laying of general statutory instruments before the House in a bilingual form. Whether there is a statutory requirement to lay material before the House in both languages, or where the Welsh is required in part of the material, it seems odd to assert, as the Welsh Government seems to, that the House of Commons will not scrutinise such material: the principal purpose of requiring such material to be*



*laid is surely to allow it to be examined by parliamentarians as well as to make it available to the general public."*

The Chair of the CLA Committee drew this statement to the attention of the then First Minister, Carwyn Jones AM. The First Minister made the following observations in response:

*"There is an important distinction to make between two types of legislation:*

*1. Legislation which consists of two distinct texts in English and Welsh, where both texts have equal status in law.*

*2. Legislation that consists of a single English text, but within which provisions contain amendments to texts of legislation in the first category above; i.e. to an instrument, Act or Measure which has both English and Welsh versions, and thus contains some Welsh language text.*

*Both categories have been described by some as "bilingual" however, the Welsh Government considers only the first category to be bilingual. I believe the National Assembly shares this view [...]*

*However, we have always understood it was not possible to lay a statutory instrument before Parliament when the primary language was not English – i.e. it would not be possible to lay the Welsh version of a bilingual statutory instrument. Thus, if a joint or composite statutory instrument was drafted bilingually, the Welsh text could not be laid and would not then be scrutinised. [...]*

*Mr Walker's letter refers to the possibility of laying bilingual legislation in the Houses of Commons, however it is not clear what definition of "bilingual" is being applied or the status that would be accorded to the document."*

It is of profound importance to my Committee that legislation which includes provision in devolved areas, and especially legislation made by the Welsh Ministers for scrutiny in the Senedd, is accessible to both parliamentarians and future users of the legislation in both Welsh and English.

Therefore, in light of the above comments, I would be grateful if you could share your understanding of whether any procedural barriers exist which prevent the laying of statutory instruments before the House which take the form of two distinct texts in English and Welsh, where both texts have equal status in law. If such barriers do exist, I would also be grateful to receive your observations on how such barriers may be overcome.

I have written in similar terms to the Chair of the House of Lords Procedure and Privileges Committee. I have also written on this matter to the Chair of the House of Lords Secondary Legislation Scrutiny Committee and the Chair of the Joint Committee on Statutory Instruments.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair





17 January 2024

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

by email

**Scrutiny of statutory instruments which contain Welsh text**

Thank you for your letter of 13 December 2023 enquiring how the House of Lords Secondary Legislation Scrutiny Committee approaches the scrutiny of secondary legislation containing Welsh text that has been laid before the UK Parliament.

As with the example you cite in your letter, the Government includes such material on the basis that it is equivalent to the English text and we accept it as such. We understand it is for each Government department to provide the translation of any material: there is no central Government resource, although use of an accredited translator is recommended.

Our focus is solely on the policy content of the instrument and does not extend to legal or drafting issues such as the accuracy of the Welsh translation. Questions about the drafting of the instrument itself are the purview of the Joint Committee on Statutory Instruments, who, I understand, will send their own response. Our remit is to draw to the attention of the House of Lords any matters of policy interest in the secondary legislation put before it, and their operating language is English.

That said, may I take this opportunity to reassure you that, when considering the policy objectives and proposed implementation of any secondary legislation, we are vigilant about asking the sponsoring department whether the Devolved Governments have been consulted and what views they expressed. Our reports highlight any issues we find which might suggest inconsistencies between the jurisdictions, for example in our recent report on *the Draft Wine (Revocation and Consequential Provision) Regulations 2023* ([2nd Report of this session](#)).

I am copying this letter to the Procedure Committees and the Joint Committee on Statutory Instruments.

**Rt Hon. the Lord Hunt of Wirral, MBE**  
Chair of the Secondary Legislation Scrutiny Committee

The Rt Hon. the Lord Hunt of Wirral MBE  
Chair, Secondary Legislation Scrutiny Committee  
House of Lords

13 December 2023

Dear Lord Hunt

### Scrutiny of statutory instruments which contain text in languages other than English

I am writing regarding a long-standing issue which my Committee has recently decided to consider in detail, and would be grateful if you could help inform our consideration.

You will be aware that some types of statutory instruments – including joint statutory instruments and Orders in Council – are required to be laid for scrutiny in more than one legislature.

My Committee, and its predecessors, have been told by the Welsh Government that a Welsh and English language version of such a statutory instrument cannot be laid in both the Senedd and the UK Parliament. The Welsh Government's reasoning is that no routine parliamentary processes exist by which to lay bilingual instruments before the UK Parliament, and that the UK Parliament will not scrutinise general statutory instruments in languages other than English.

I have written to the chairs of both the Procedure and Privileges Committee and the House of Commons Procedure Committee to seek their assessment of whether the UK Parliament's procedures prevent such instruments to be laid.

However, it would also be helpful for my Committee to understand your Committee's approach to scrutiny of statutory instruments which contain text drafted in languages other than English. A recent example of such an instrument was the draft version of the Windsor Framework (Enforcement etc.) Regulations 2023; consideration of which was included in your [51<sup>st</sup> Report of Session 2022-23](#). As you

will be aware the instrument, which has now been made, includes substantial amendments to the Welsh language text of regulations made in both Welsh and English by the Welsh Ministers.

I would be grateful if you could summarise your Committee's approach to the scrutiny of legislation containing Welsh language text; including whether, assisted by its staff, it assesses and validates the accuracy of Welsh language text contained within statutory instruments, and the degree to which corresponding English and Welsh texts match. Please could you also confirm whether your Committee is provided with any other information, such as specific assurances from the relevant Government department on the accuracy of the drafting of Welsh language text contained within an instrument.

I have written in similar terms to the Chair of the Joint Committee on Statutory Instruments.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair



# HOUSE OF LORDS

Senior Deputy Speaker  
Chairman of the Procedure and Privileges  
Committee

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

17 January 2024

*Dear Huw,*

Thank you for your letter of 13 December in relation to House of Lords procedures in respect of the laying of Welsh language statutory instruments.

I can confirm that no procedural barriers exist in the House of Lords that would prevent the laying of a statutory instrument before the House in the form of two distinct texts in English and Welsh, where both texts have equal status in law. Your letter indicated that you were writing in similar terms to the Chair of the House of Commons Procedure Committee and I understand that she has received similar advice from her officials.

I note that you also wrote on this matter to the Chair of the Secondary Legislation Scrutiny Committee and the Chair of the Joint Committee on Statutory Instruments. I am therefore copying my letter to the Chairs of those Committees, as well as to the Chair of the House of Commons Procedure Committee.

Yours sincerely,

Lord Gardiner of Kimble

Chair, House of Lords Procedure and Privileges Committee

The Lord Gardiner of Kimble  
Chair, Procedure and Privileges Committee  
House of Lords

13 December 2023

Dear Lord Gardiner

### House of Lords procedures in respect of the laying of Welsh language statutory instruments

I am writing regarding a long-standing issue which my Committee has recently decided to consider in detail, and would be grateful if you could help inform our consideration.

You will be aware that some types of statutory instruments – including joint statutory instruments and Orders in Council – are required to be laid for scrutiny in more than one legislature.

My Committee, and its predecessors, have been told by the Welsh Government that a Welsh and English language version of such a statutory instrument cannot be laid in both the Senedd and the UK Parliament. The Welsh Government's reasoning is that no routine parliamentary processes exist by which to lay bilingual instruments before the UK Parliament, and that the UK Parliament will not scrutinise general statutory instruments in languages other than English.

However, in October 2018 the then Chair of the House of Commons Procedure Committee told the then Chair of the Constitutional and Legislative Affairs ("CLA") Committee as follows:

*"House of Commons officials have considered the matter in detail and advise me that there is no bar in the standing orders, resolutions or practice of the House to prohibit the laying of general statutory instruments before the House in a bilingual form. Whether there is a statutory requirement to lay material before the House in both languages, or where the Welsh is required in part of the material, it seems odd to assert, as the Welsh Government seems to, that the House of Commons will*

*not scrutinise such material: the principal purpose of requiring such material to be laid is surely to allow it to be examined by parliamentarians as well as to make it available to the general public."*

The Chair of the CLA Committee drew this statement to the attention of the then First Minister, Carwyn Jones AM. The First Minister made the following observations **in response**:

*"There is an important distinction to make between two types of legislation:*

*1. Legislation which consists of two distinct texts in English and Welsh, where both texts have equal status in law.*

*2. Legislation that consists of a single English text, but within which provisions contain amendments to texts of legislation in the first category above; i.e. to an instrument, Act or Measure which has both English and Welsh versions, and thus contains some Welsh language text.*

*Both categories have been described by some as "bilingual" however, the Welsh Government considers only the first category to be bilingual. I believe the National Assembly shares this view [...]*

*However, we have always understood it was not possible to lay a statutory instrument before Parliament when the primary language was not English – i.e. it would not be possible to lay the Welsh version of a bilingual statutory instrument. Thus, if a joint or composite statutory instrument was drafted bilingually, the Welsh text could not be laid and would not then be scrutinised. [...]*

*Mr Walker's letter refers to the possibility of laying bilingual legislation in the Houses of Commons, however it is not clear what definition of "bilingual" is being applied or the status that would be accorded to the document."*

It is of profound importance to my Committee that legislation which includes provision in devolved areas, and especially legislation made by the Welsh Ministers for scrutiny in the Senedd, is accessible to both parliamentarians and future users of the legislation in both Welsh and English.

Therefore, in light of the above comments, I would be grateful if you could share your understanding of whether any procedural barriers exist which prevent the laying of statutory instruments before the House which take the form of two distinct texts in English and Welsh, where both texts have equal status in law. If such barriers do exist, I would also be grateful to receive your observations on how such barriers may be overcome.

I have written in similar terms to the Chair of the House of Commons Procedure Committee. I have also written on this matter to the Chair of the Secondary Legislation Scrutiny Committee and the Chair of the Joint Committee on Statutory Instruments.



Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair





# Joint Committee on Statutory Instruments

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From Jessica Morden MP

Huw Irranca-Davies,  
Chair, Legislation, Justice and Constitution Committee,  
Welsh Parliament  
By email only

17 January 2024

Thank you for your letter of 13 December 2023 on the scrutiny of the Welsh language in UK statutory instruments.

The Committee has in the past identified discrepancies between English and Welsh texts in terms of whether the same units of text exist in both versions. See as examples the Committee's [Tenth Report of Session 2022-23](#) (on S.I. 2022/634, *the Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022*) and the [Committee's Twenty Sixth Report of Session 2022-23](#) (on S.I. 2022/1402, *the Parliamentary Elections (Welsh Forms) (Amendment) Order 2022*).

The Committee has in the past received assurances from the Government specifically on the quality of Welsh translation in statutory instruments, such as in the Committee's [Seventeenth Report of Session 2015-16](#) (see appendix 5, in relation to the Draft National Assembly for Wales (Representation of the People) (Amendment) Order 2016) and is able to request similar assurances in future if similar problems arise again. In response to your letter, the Committee will write to the Government to update that assurance.

I am copying this letter to the House of Commons Procedure Committee and the House of Lords Secondary Legislation Scrutiny Committee.

Yours sincerely,

Chair of the Joint Committee on Statutory Instruments

Jessica Morden MP

Chair, Joint Committee on Statutory Instruments

UK Parliament

13 December 2023

Dear Jessica

### Scrutiny of statutory instruments which contain text in languages other than English

I am writing regarding a long-standing issue which my Committee has recently decided to consider in detail, and would be grateful if you could help inform our consideration.

You will be aware that some types of statutory instruments – including joint statutory instruments and Orders in Council – are required to be laid for scrutiny in more than one legislature.

My Committee, and its predecessors, have been told by the Welsh Government that a Welsh and English language version of such a statutory instrument cannot be laid in both the Senedd and the UK Parliament. The Welsh Government's reasoning is that no routine parliamentary processes exist by which to lay bilingual instruments before the UK Parliament, and that the UK Parliament will not scrutinise general statutory instruments in languages other than English.

I have written to the chairs of both the Procedure and Privileges Committee and the House of Commons Procedure Committee to seek their assessment of whether the UK Parliament's procedures prevent such instruments to be laid.

However, it would also be helpful for my Committee to understand your Committee's approach to scrutiny of statutory instruments which contain text drafted in languages other than English.

Therefore, I would be grateful if you could summarise your Committee's approach to the scrutiny of legislation containing Welsh language text; including whether, assisted by its staff, it assesses and validates the accuracy of Welsh language text contained within statutory instruments, and the degree

to which corresponding English and Welsh texts match. Please could you also confirm whether your Committee is provided with any other information, such as specific assurances from the relevant Government department on the accuracy of the drafting of Welsh language text contained within an instrument.

I have written in similar terms to the Chair of the House of Lords Secondary Legislation Scrutiny Committee.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair



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