

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

Committee Room 2, Senedd

Meeting date: 21 October 2024

Meeting time: 12.00

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

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

## Hybrid

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### Public meeting

(12.00 – 12.30)

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

(12.00)

#### 2 Legislative Consent Memorandum on the Water (Special Measures)

##### Bill: Evidence Session

(12.00 – 12.30)

(To Follow)

Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for  
Climate Change and Rural Affairs

Clare Fernandes, Deputy Director, Water and Flood – Welsh Government

James Mogleston, Legal Services, Welsh Government

Attached Documents:

LJC(6)-30-24 – Paper 1 – Legal Advice Note

LJC(6)-30-24 – Paper 2 – Briefing paper

### Break

(12.30 – 13.30)

### Public meeting

(13.30 – 14.45)



### **3 The Welsh Language and Education (Wales) Bill: Evidence Session**

(13.30 – 14.30)

(To Follow)

Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

Bethan Webb, Deputy Director, Cymraeg 2050, Welsh Government

Iwan Roberts, Senior Lawyer, Welsh Government

[Welsh Language and Education \(Wales\) Bill, as introduced](#)

[Explanatory Memorandum](#)

[Statement of Policy Intent for Subordinate Legislation to be made under the Bill](#)

Attached Documents:

LJC(6)-30-24 – Paper 3 – Legal Advice Note

### **Break**

(14.30 – 14.35)

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

#### **Made Negative Resolution Instruments**

#### **4.1 SL(6)535 – The Local Government Finance (Consequential and Miscellaneous Amendments and Revocations) (Secondary Legislation) (Wales) Regulations 2024**

(Pages 1 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-30-24 – Paper 4 – Draft report

#### **4.2 SL(6)536 – The Education (Amendments Relating to the Co-ordination of School Admission Arrangements) (Wales) Regulations 2024**

(Pages 4 – 5)

## [Regulations](#)

### [Explanatory Memorandum](#)

Attached Documents:

LJC(6)-30-24 – Paper 5 – Draft report

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

### **Made Negative Resolution Instruments**

#### **5.1 SL(6)521 – The Applications for Scheduled Monument Consent (Wales) Regulations 2024**

(Pages 6 – 9)

Attached Documents:

LJC(6)-30-24 – Paper 6 – Report

LJC(6)-30-24 – Paper 7 – Welsh Government response

#### **5.2 SL(6)529 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024**

(Pages 10 – 12)

Attached Documents:

LJC(6)-30-24 – Paper 8 – Report

LJC(6)-30-24 – Paper 9 – Welsh Government response

## **6 Inter-Institutional Relations Agreement**

### **6.1 Correspondence from the Welsh Government: Inter-Ministerial Group meetings**

(Pages 13 – 15)

Attached Documents:

LJC(6)-30-24 – Paper 10 – Letter from the Cabinet Secretary for Education:

The Education Ministers Council, 15 October 2024

LJC(6)-30-24 – Paper 11 – Letter from the Cabinet Secretary for Finance and Welsh Language: The Finance: Interministerial Standing Committee, 16 October 2024

## **7 Papers to note**

### **7.1 Correspondence with the Secretary of State for Wales: Subordinate legislation laid in English only**

(Pages 16 – 18)

Attached Documents:

LJC(6)-30-24 – Paper 12 – Letter from the Secretary of State for Wales, 15 October 2024

LJC(6)-30-24 – Paper 13 – Letter to the Secretary of State for Wales, 20 September 2024

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

(14.45)

### **Private meeting**

(14.45 – 16.10)

## **9 Legislative Consent Memorandum on the Water (Special Measures)**

**Bill: Consideration of evidence**

(14.45 – 14.55)

## **10 The Welsh Language and Education (Wales) Bill: Consideration of evidence**

(14.55 – 15.10)

**11 The Scottish Parliament's Delegated Powers and Law Reform Committee's inquiry on framework legislation and Henry VIII powers: Draft submission**

(15.10 – 15.20)

(Pages 19 – 27)

Attached Documents:

LJC(6)–30–24 – Paper 14 – Draft submission

**12 The Legislation (Procedure, Publication and Repeals) (Wales) Bill: Approach to scrutiny (subject to the Bill's introduction)**

(15.20 – 15.35)

(Pages 28 – 36)

Attached Documents:

LJC(6)–30–24 – Paper 15 – Paper

**13 Legislative Consent Memorandum on the Renters' Rights Bill**

(15.35 – 15.50)

(Pages 37 – 49)

Attached Documents:

LJC(6)–30–24 – Paper 16 – Legal Advice Note

**14 The Inter-Parliamentary Forum: Update**

(15.50 – 16.00)

**15 Update in relation to HM Prison Parc**

(16.00 – 16.10)

## **SL(6)535 – The Local Government Finance (Consequential and Miscellaneous Amendments and Revocations) (Secondary Legislation) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations make amendments to secondary legislation in consequence to amendments made by the Local Government Finance (Wales) Act 2024 (**the 2024 Act**) to the Local Government Finance Act 1988 (**the 1988 Act**) and the Local Government Finance Act 1992 (**the 1992 Act**).

For example, the Regulations amend:

- various statutory instruments to ensure that those instruments refer to new sections 41ZA and 52ZA of the 1988 Act, which deal with the compilation and maintenance of non-domestic rating lists in relation to Wales;
- the Council Tax (Demand Notices) (Wales) Regulations 1993 to ensure that they refer to the appropriate provisions of the 1992 Act.

The Regulations also make other amendments which are not consequential to the 2024 Act and revoke statutory instruments or omit provisions which no longer have effect.

### **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**

Three points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(i) – that there appears to be doubt as to whether it is intra vires**

The preamble to the Regulations says that section 54(1) of the Local Government (Wales) Act 1994 is one of the powers that the Welsh Ministers used to make the Regulations.



A footnote to the preamble says that the power in section 54(1) was, in relation to Wales, transferred from the Secretary of State to the original National Assembly for Wales via a Transfer of Functions Order in 1999<sup>1</sup> and then from the National Assembly for Wales to the Welsh Ministers via the Government of Wales Act 2006.

However, having looked at the Transfer of Functions Order, it does not appear that the power in section 54(1) was transferred to the original National Assembly for Wales. While the Transfer of Functions Order transferred many of the powers contained in the Local Government (Wales) Act 1994, the power in section 54(1) was not one of them.

Therefore, to the extent that the Regulations are made under section 54(1), there appears to be doubt as to whether they are *intra vires*.

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

In regulation 6(4) and (5), “sub-paragraph (ii)” should read “paragraph (ii)”.

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

Regulation 23 deals with consequential amendments to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (**the 1989 Regulations**).

Regulation 23 reads as follows:

*23. The amendments made to regulation 3(2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 by paragraph 1(b) of Schedule 1 to the Local Government (Non-Domestic Rating) (Consequential Amendments) (England) Order 2008 and regulation 2(b) of the Non-Domestic Rating (Consequential and Other Amendments etc.) (England) Regulations 2023 apply in relation to hereditaments in Wales.*

Therefore, regulation 23 does not amend the text of the 1989 Regulations. Rather, regulation 23 simply says that changes made to the 1989 Regulations in relation to England also apply in relation to Wales.

It is unclear why the Welsh Ministers have taken this approach, as opposed to making their own textual amendments to the 1989 Regulations. It seems to us that making textual amendments would have been clearer and made the law more accessible.

We also note that regulation 23 refers to “Schedule 1” to the Local Government (Non-Domestic Rating) (Consequential Amendments) (England) Order 2008. However, there is only one Schedule to that Order, which should be referred to as “the Schedule”.

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<sup>1</sup> The National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).



## 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 to reporting points 1 and 3 is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**16 October 2024**



Senedd Cymru

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

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**

Pack Page 3

# Agenda Item 4.2

## **SL(6)536 – The Education (Amendments Relating to the Co-ordination of School Admission Arrangements) (Wales) Regulations 2024**

### **Background and Purpose**

The Education (Co-ordination of School Admission Arrangements and Miscellaneous Amendments) (Wales) Regulations 2024 (“the 2024 Regulations”) make provisions in relation to the duty on local authorities to implement a qualifying scheme for the co-ordination of admission arrangements for schools they maintain.

The 2024 Regulations also amended the School Information (Wales) Regulations 2011 to require a local authority to include in its composite prospectus a summary of the local authority’s co-ordinated scheme and a clear explanation of the stages in the process of applying for a school place.

These Regulations make largely technical corrections to the 2024 Regulations, which were highlighted in the LJC Report on the 2024 Regulations dated 5 June 2024.

### **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(ii) – that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made.**

It is unclear why section 89C(2) School Standards and Framework Act 1998 has been relied on as an enabling power. Given that these amending regulations are narrower in scope than the 2024 Regulations, it would appear that the broader enabling power of section 89C(1) is more appropriate than section 89C(2).



It is also noted that paragraph 3.5 of the Explanatory Memorandum also paraphrases the power in section 89C(1) rather than 89C(2), stating that "*section 89C provides that regulations may be made about the contents of qualifying schemes including the duties imposed by such schemes on local authorities and school admission authorities*".

## **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 to the Technical Scrutiny point is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**15 October 2024**



Senedd Cymru

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

—  
Welsh Parliament

**Legislation, Justice and Constitution Committee**

**Pack Page 5**

# Agenda Item 5.1

## **SL(6)521 – The Applications for Scheduled Monument Consent (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 (the “2023 Act”). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The 2023 Act protects monuments of special historic interest. A monument may comprise a building, structure, work, cave or excavation, or site. The 2023 Act provides that the Welsh Ministers must maintain a record (referred to as a “schedule”) of monuments in Wales that are of national importance. Particular types of works may only be carried out to a “scheduled monument” if they are authorised by the Welsh Ministers. This authorisation is called “scheduled monument consent” and is granted under Part 2 of the 2023 Act.

The framework for applications for scheduled monument consent is set out in sections 14 and 15 of the 2023 Act. These Regulations make further provision about such applications relating to scheduled monuments in Wales.

Regulation 2 makes further provision about the form and content of an application for scheduled monument consent, how to make such an application and the documents that must be included with it.

Regulation 3 amends the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992 (the “1992 Regulations”). The 1992 Regulations align the procedures for making applications and holding inquiries where an application made under section 6 of the Transport and Works Act 1992 also requires scheduled monument consent.

Regulation 4 makes consequential amendments to the Developments of National Significance (Wales) Regulations 2016.

Regulation 5 revokes the Ancient Monuments (Applications for Scheduled Monument Consent) (Wales) Regulations 2017.

### **Procedure**

Negative

The Regulations were made by the Welsh Ministers before it was 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 it was laid before the Senedd.



## Technical Scrutiny

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

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

In regulation 3(3)(b), the location for the insertion of the new text by the amendment is identified as “after “consent”...” in paragraph (1) of regulation 4 of the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992. However, the word “consent” occurs twice in the existing text of paragraph (1) in regulation 4 of those Regulations. It is found in the opening words before sub-paragraph (a) and in that sub-paragraph itself, both of which are part of paragraph (1) in regulation 4. Therefore, the amendment fails to identify with certainty the location for the insertion of the new text and whether it should only be inserted after the first place the word “consent” occurs or in both places.

### **2. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts**

In regulation 3(6), a new Schedule 3 is inserted in the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992. In paragraph 1(a) of the new Schedule 3, in the Welsh text, the word “declarasiwn” has been used to convey the meaning of “declaration” in the modification of section 15(1)(aa) of the Historic Environment (Wales) Act 2023. This is consistent with the terminology of the existing Welsh text of section 15 of that Act. It is also consistent with the entry on the Welsh Government’s database of terms, BydTermCymru, that notes “declarasiwn” with status A as the fully standardised term for “declaration” and has an additional note that this differs in meaning from another Welsh word “datganiad” in a legal context.

Paragraph 2 of the new Schedule 3 also modifies the Applications for Scheduled Monument Consent (Wales) Regulations 2024. However, in the Welsh text, in paragraph 2(b) of the new Schedule 3, the word “datganiad” rather than “declarasiwn” has been used to convey the meaning of “declaration” in the heading and body of the new regulation 2A and in the heading and opening words of the Form of declaration of the modified text. Therefore, the choice of term for “declaration” in the Welsh text of the modifications in paragraph 2(b) of the new Schedule 3 is inconsistent with that used in the earlier modifications in paragraph 2(a) of the new Schedule 3 and the existing text found in section 15 of the Historic Environment (Wales) Act 2023, and differs from the standardised term on BydTermCymru. In addition, the word “datganiad” is used in the Welsh text of all of the modifications and in the existing text of section 15 of the Historic Environment (Wales) Act 2023 to convey the meaning of “statement”. As a result, the reader of the Welsh text will also be unable to distinguish between “declaration” and “statement” because the same word has been used to express both terms in the modifications of paragraph 2(b) in the new Schedule 3.



## 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 to be of interest to the Senedd**

It is noted that section 13(1) and (2) of the 2023 Act referred to in these Regulations were not in force on the date that these Regulations were made.

However, in accordance with the Historic Environment (Wales) Act 2023 (Commencement) Order 2024, the remaining provisions of the 2023 Act (except section 147, which is not referenced in these Regulations) will come into force on 4 November 2024, the same date on which these Regulations come into force.

## Welsh Government response

A Welsh Government response is required.

## Committee Consideration

The Committee considered the instrument at its meeting on 30 September 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Applications for Scheduled Monument Consent (Wales) Regulations 2024**

Technical Scrutiny point 1: The Welsh Government does not consider that the location of the amendment is unclear. It has been correctly identified by Lexis and it has been reflected on its database.

Technical Scrutiny point 2: The Welsh Government accepts the point and will seek to make the change by correction slip.

# Agenda Item 5.2

## **SL(6)529 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations amend the Charges for Residues Surveillance Regulations 2006 (the 2006 Regulations) to update the charges payable to the Veterinary Medicines Directorate in relation to the surveillance for residues of veterinary medicines and certain other substances in food animals and animal products as part of the National Residues Control Programme.

These Regulations also amend the 2006 Regulations by substituting the Secretary of State with competent authorities in Wales. These amendments will enable the competent authorities performing official controls to recover the charge incurred in carrying out the inspections and controls in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

### **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 regulation 2(5), there appears to be an error in column 2 of the Table to be inserted as Schedule 1. The charge from 1 October 2024 to 31 March 2025 for “Soliped” is £0.04287 per carcase, rising to £0.4660 per carcase from 1 April 2025. The current charge as set out in Schedule 1 of the existing regulations is £0.3536. The Welsh Government are asked to clarify whether the “0” included after the decimal point is an error, as this figure is significantly lower than the figure for the same period found in equivalent regulations for England and Scotland, which is £0.4287 per carcase. Given that the purpose of these Regulations is to have an uniform approach across the UK, the Welsh Government are asked to clarify whether this is an error or whether it is intended for charges relating to “Soliped” in Wales to diverge from charges listed in the equivalent Scottish and English legislation. Please refer to regulation 2 of the Charges for Residues Surveillance



(Amendment) (England) Regulations 2024/892 and the Charges for Residues Surveillance Amendment (Scotland) Regulations 2024/218.

## Merits Scrutiny

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

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

These negative resolution regulations were laid at the Senedd on 20 September 2024 but they have come into force on 1 October 2024. Section 11A(4) of the Statutory Instruments Act 1946 sets out the “21 day rule”. This means that if a negative resolution SI is not laid at least **21 calendar days** (including weekends, bank holidays, recess) before the SI comes into force, the Welsh Government must notify the Llywydd and explain why there is a breach of the 21 day rule. The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS wrote to the Llywydd on 20 September 2024 and stated the following:

*“The change in charges for residues surveillance are proposed to be introduced across GB. In settling the policy and content of the proposed Regulations to be made in relation to Wales, Welsh Government officials undertook further engagement with some stakeholders over the destination of relevant functions. As a result of this engagement, further amendments were made to the draft Regulations so that enforcement functions in relation to the provision of information were conferred on the Welsh Ministers. In addition to this engagement, Welsh Government officials also engaged with the Food Standards Agency to seek (and received) confirmation from the FSA that there were no direct food safety aspects which required FSA advice. This further engagement meant that the draft Regulations could not be settled, made and laid 21 days before they are required to come into effect.*

*The coming into force date of 1 October has been agreed with UK Government and Scottish Ministers. Divergence would result in different rates being charged in Wales to the rest of GB and a failure to align with a GB wide approach agreed at the Animal and Disease Policy Group. This would lead to considerable disruption to industry. For the reasons outlined, the 21-day convention should not be adhered to.”*

## Welsh Government response

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

## Committee Consideration

The Committee considered the instrument at its meeting on 7 October 2024 and reports to the Senedd in line with the reporting points above.



**Government Response: *The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024***

**Technical Scrutiny point:** The Welsh Government can confirm there is an error in column 2 of the table inserted as Schedule 1. The correct figure for 'Soliped' should be '0.4287' per carcase, instead of '0.04287'. This error is expected to have no impact, as there are currently no slaughterhouses in Wales that are licensed to slaughter solipeds.

Officials are currently liaising with the S.I. registrar to determine whether the amendments can be made by correction slip. The Welsh Government will notify the Committee once a correction has been made.

Lynne Neagle AS/MS  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Agenda Item 6.1



Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru

SeneddLJC@senedd.wales

15 October 2024

Dear Chair

**Inter-Institutional Relations Agreement: Education Ministers Council meeting – 20 November 2024**

I am writing in accordance with the inter-institutional relations agreement to notify you of a meeting of the Education Ministers Council, which will take place in Lisburn, Northern Ireland on 20 November 2024.

The in-person meeting will be hosted by the Northern Irish Government. The meeting agenda will include discussions on teacher professional learning, recruitment and retention.

An update will be provided after the meeting.

Yours sincerely,

**Lynne Neagle AS/MS**  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

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

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

Mark Drakeford AS/MS  
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg  
Cabinet Secretary for Finance and Welsh Language



Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Chair, Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1NA

16 October 2024

Dear Mike,

Further to my recent letter advising you of the Finance: Interministerial Standing Committee (F:ISC) on 3 October in Belfast, I would like to briefly report on the discussions. A communique was also published following the meeting: [Communiq   from the Finance: Interministerial Standing Committee - 3 October 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/communique/interministerial-standing-committee-3-october-2024).

Joining me in attendance were Rt Hon Darren Jones MP, Chief Secretary to the Treasury, Shona Robison MSP, Scottish Cabinet Secretary for Finance and Local Government, and Dr Caoimhe Archibald MLA, Northern Irish Minister of Finance.

The overall tone of the meeting was one of collaboration and partnership. During our discussion on the economic and fiscal context and plans, I highlighted the impact the previous UK Government's austerity policy had on productivity of public services, including the NHS. We discussed opportunities to boost productivity, including through digital initiatives and we agreed to work together on the parameters of public sector pay. There was also a commitment to greater collective engagement to drive growth.

There was a discussion around devolved governments having appropriate budgetary flexibilities. It was agreed officials would work together to look at structural issues to enable devolved governments to be empowered to manage our resources in the best way and maximise the value derived from them.

It was acknowledged there was a series of legacy issues on which the incoming UK Government would want to take its own view but would have implications for the devolved governments. We explored how we can work together to make progress, including on the future of replacement EU funds and other UK levelling up funds. This included the principle that spending decisions in devolved areas must be made by devolved governments.

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

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

I will host the next meeting in Wales.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

**Mark Drakeford AS/MS**

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg  
Cabinet Secretary for Finance and Welsh Language

# Agenda Item 7.1



**Rt Hon Jo Stevens MP**  
Secretary of State for Wales  
Ysgrifennydd Gwladol Cymru

Ref: XXXSOS24

T: 0292 092 4216  
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**Mike Hedges MS**

Chair, Legislation Justice and Constitution Committee  
Email: [SeneddLJC@Senedd.Wales](mailto:SeneddLJC@Senedd.Wales)

15 October 2024

Dear Mike,

Thank you for your letter of 20 September seeking my views on the laying of certain statutory instruments bilingually. My department and I recognise the importance in ensuring the accessibility of Welsh law in both languages.

I am grateful to your committee for considering this issue. I note as part of this work you have obtained views in particular from the Procedure Committees in both the House of Commons and the House of Lords. Whilst both have indicated that there appears to be no procedural bar on the laying of bilingual statutory instruments, the Chair of the House of Commons Procedure Committee stated this was in circumstances in which the relevant Act required it. I am not aware of any statutory requirements that prescribe the language in which the SI is to be made in. No reference to language is made for example in respect of the power to make Orders in Council in section 109 of the Government of Wales Act 2006 that must be approved by both Houses of Parliament and the Senedd.

In absence of such a requirement the default position will therefore be that they can be laid in English only. However, it would be open, subject to agreement between the UK and Welsh Governments, for any new powers of this nature to specify that the relevant statutory instrument should be made bilingually.

I have asked my officials to look into this matter further, and would welcome any additional views from your committee.

Yours sincerely,

**Rt Hon Jo Stevens MP**  
Secretary of State for Wales  
Ysgrifennydd Gwladol Cymru

Rt Hon Jo Stevens MP  
Secretary of State for Wales

20 September 2024

Dear Jo,

### Subordinate legislation laid in English only

Over the past year, my Committee has been seeking to address a long-standing issue in relation to the making and laying of some types of subordinate legislation. The issue – which we have highlighted as part of our scrutiny – concerns joint and composite instruments, and Orders in Council, that have been laid in the Senedd in English only. As you will appreciate, this unfortunately results in legislation which is not accessible in both official languages of the Senedd.

We have understood that one of the perceived barriers to the laying of such instruments in both languages relates to the fact that they are required to be laid in both the Senedd and the UK Parliament. In particular, we were previously told by the Welsh Government that the procedures of the UK Parliament prevent the laying of bilingual instruments.

The Committee therefore wrote to chairs of committees in the UK Parliament to seek their views on this apparent barrier. In response, the Chair of the House of Commons Procedure Committee told us that 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”. Similarly, the Chair of the House of Lords Procedure and Privileges Committee told us 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.” These items of correspondence from January 2024 are [available on the Committee’s website](#).

The Committee subsequently brought these items of correspondence to the Welsh Government’s then Counsel General, Mick Antoniw MS, who [told us in response](#) that the then UK Government’s

"well-established" position was that joint instruments should be made in English only. He also told us that this presented the Welsh Government with a significant barrier to making such instruments bilingually.

As a Committee, we would be grateful to understand your position as an incoming government on this matter. We consider that the formation of new government presents an opportunity for a new approach to be followed, especially considering that no significant other barriers appear to exist to the making and laying of bilingual subordinate legislation.

I am copying this letter to the Chair of the House of Commons Welsh Affairs Committee and the Welsh Government's Counsel General Designate and Minister for Delivery.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges  
Chair

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# Agenda Item 12

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

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