

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 25 November 2024	Committee Clerk
Meeting time: 13.00	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.00 – 13.25)

1 Introduction, apologies, substitutions and declarations of interest

(13.00)

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

(13.00 – 13.05)

(Pages 1 – 2)

Attached Documents:

LJC(6)–34–24 – Paper 1 – Draft report

Affirmative Resolution Instruments

2.1 SL(6)546 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2024

Made Negative Resolution Instruments

2.2 SL(6)547 – The Non–Domestic Rating Contributions (Wales) (Amendment) Regulations 2024



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

(13.05 – 13.10)

Made Negative Resolution Instruments

3.1 SL(6)544 – The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024

(Pages 3 – 4)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–34–24 – Paper 2 – Draft report

3.2 SL(6)545 – The School Teachers' Pay and Conditions (Wales) Order 2024

(Pages 5 – 8)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–34–24 – Paper 3 – Draft report

LJC(6)–34–24 – Paper 4 – Written Statement by the Cabinet Secretary for Education, 6 November 2024

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

(13.10 – 13.15)

4.1 SL(6)537 – The Special Procedure Licences (Wales) Regulations 2024

(Pages 9 – 10)

Attached Documents:

LJC(6)–34–24 – Paper 5 – Letter to the First Minister, 11 November 2024

4.2 SL(6)538 – The Nutrition and Health Claims (Wales) (Amendment) Regulations 2024

(Pages 11 – 16)

Attached Documents:

LJC(6)–34–24 – Paper 6 – Report

LJC(6)–34–24 – Paper 7 – Welsh Government response

4.3 SL(6)543 – The Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024

(Pages 17 – 19)

Attached Documents:

LJC(6)–34–24 – Paper 8 – Report

LJC(6)–34–24 – Paper 9 – Welsh Government response

5 Inter–Institutional Relations Agreement

(13.15 – 13.20)

5.1 Correspondence and Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Amendment) Regulations 2024

(Pages 20 – 22)

Attached Documents:

LJC(6)–34–24 – Paper 10 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 21 November 2024

LJC(6)–34–24 – Paper 11 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 20 November 2024

6 Papers to note

(13.20 – 13.25)

6.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd: Proposed Order under section 150 of the Government of Wales Act 2006

(Pages 23 – 29)

Attached Documents:

LJC(6)-34-24 – Paper 12 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd, 6 November 2024

6.2 Correspondence between the Llywydd and Tracy Gilbert MP: Absent Voting (Elections in Scotland and Wales) Bill

(Pages 30 – 31)

Attached Documents:

LJC(6)-34-24 – Paper 13 – Letter from the Llywydd to Tracy Gilbert MP, 13 November 2024

LJC(6)-34-24 – Paper 14 – Letter from Tracy Gilbert MP to the Llywydd, 16 October 2024

6.3 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Development of a Deposit Return Scheme for Wales

(Pages 32 – 33)

Attached Documents:

LJC(6)-34-24 – Paper 15 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 18 November 2024

6.4 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Innovating Democracy Advisory Group

(Page 34)

Attached Documents:

LJC(6)-34-24 – Paper 16 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 19 November 2024

6.5 Correspondence from the Economy, Trade, and Rural Affairs Committee to the Cabinet Secretary for Economy, Energy and Planning: Legislative Consent Memorandum on the Product Regulation and Metrology Bill

(Pages 35 – 36)

Attached Documents:

LJC(6)-34-24 – Paper 17 – Letter from the Economy, Trade, and Rural Affairs Committee to the Cabinet Secretary for Economy, Energy and Planning, 20 November 2024

6.6 Correspondence from the Chief Executive of the National Archives and King's Printer: Legislation (Procedure, Publication and Repeals) (Wales) Bill

(Page 37)

Attached Documents:

LJC(6)-34-24 – Paper 18 – Letter from the Chief Executive of the National Archives and King's Printer, 20 November 2024

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

(13.25)

Private meeting

(13.25 – 14.35)

8 Welsh Language and Education (Wales) Bill: Draft report

(13.25 – 13.55)

(To Follow)

Attached Documents:

LJC(6)-34-24 – Paper 19 – Draft report

9 Legislative Consent Memorandum on the Great British Energy Bill: Draft report

(13.55 – 14.10)

(Pages 38 – 55)

Attached Documents:

LJC(6)-34-24 – Paper 20 – Draft report

LJC(6)-34-24 – Paper 21 – Letter to the Cabinet Secretary for Economy,
Energy and Planning, 10 October 2024

10 Legislative Consent Memorandum on the Product Regulation and Metrology Bill: Draft report

(14.10 – 14.15)

(Pages 56 – 75)

Attached Documents:

LJC(6)-34-24 – Paper 22 – Draft report

11 Briefing for Members on Senedd legislative processes

(14.15 – 14.30)

(Pages 76 – 92)

Attached Documents:

LJC(6)-34-24 – Paper 23 – Briefing

12 Update in relation to HM Prison Parc

(14.30 – 14.35)

Statutory Instruments with Clear Reports 25 November 2024

SL(6)546 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2024

Procedure: Affirmative

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (the “2014 Regulations”) provide for certain categories of persons from abroad to be eligible or ineligible for an allocation of housing accommodation.

These Regulations amend the 2014 Regulations to extend eligibility for an allocation of housing accommodation and housing assistance provided by local authorities to people subject to immigration control who are victims of transnational marriage abandonment (“TMA”). TMA is a form of domestic abuse involving controlling and coercive behaviour. It refers to the practice whereby the sponsoring partner or their family members, abandons or strands the visa dependent partner abroad, usually without financial resources, usually with the aim of preventing their return to the UK.

These Regulations also make those individuals whose No Recourse to Public Funds (“NRPF”) condition has been lifted by the Home Office eligible for an allocation of housing and for homelessness assistance in Wales. NRPF conditions generally make individuals ineligible to claim certain benefits and credits provided by the State.

These Regulations also amend the 2014 Regulations to remove redundant references to the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.

Parent Act: Housing Act 1996, Housing (Wales) Act 2014

Date Made:

Date Laid:

Coming into force date: 20 December 2024



Statutory Instruments with Clear Reports

25 November 2024

SL(6)547 – [The Non-Domestic Rating Contributions \(Wales\) \(Amendment\) Regulations 2024](#)

Procedure: Made Negative

The Local Government Finance Act 1988 requires billing authorities in Wales to pay non-domestic rating contributions to the Welsh Ministers. The Non-Domestic Rating Contributions (Wales) Regulations 1992 (“the 1992 Regulations”) prescribe the rules for calculating these non-domestic rating contributions.

Amendments are made annually to Schedule 4 to the 1992 Regulations which sets out the adult population figures for each billing authority to ensure that the basis for calculating contributions from billing authorities to the rates pool remains up to date. These Regulations update the adult population figures in that Schedule.

These Regulations also make consequential amendments to Schedules 1 and 2 of the 1992 Regulations, which include minor changes that have the effect of treating discretionary relief for community amateur sports clubs (“CASCs”) in the same way as that for charities, for the purposes of deductions from contributions.

Parent Act: Local Government Finance Act 1988, Localism Act 2011

Date Made: 11 November 2024

Date Laid: 13 November 2024

Coming into force date: 31 December 2024



SL(6)544 – The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024

Background and Purpose

This Order amends the Animal Gatherings (Fees) (Wales) Order 2018 (“the Animal Gatherings Order”). It increases fees payable to the Welsh Ministers under the Animal Gatherings Order for services provided by the Animal and Plant Health Agency.

This Order also revokes the Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991 (“the 1991 Order”) in relation to Wales.

Procedure

Negative

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

1. Standing Order 21.2 – that its drafting appears to be defective or it fails to fulfil statutory requirements.

There are inconsistencies in the Schedule to this Order, which is to replace the existing Schedule to the Animal Gatherings Order. In column 1 of Table 1, in the first and second entries, licences are described as being “*for sale premises or [for use as] a collection centre...*”. In the third and fourth entries, the licences are described as being “for premises used for animal sales or for use as a collection centre”.

Therefore, the entries vary by referring to “sale premises” or “premises used for animal sales”. The descriptions in these entries in column 1 of Table 1 should be consistent with each other if they all refer to the same activity on the premises. The heading of Table 1 refers to “premises for animal sales or collection centres” which suggests that the third and fourth entries are correct.

In addition, “animals” is a defined term in articles 2 of both the 2018 Order and the Animal Gatherings (Wales) Order 2010, which means that its inclusion is significant as it bears a specific meaning in these entries.



Merits Scrutiny

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

- 2. Standing order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment**

This Order prescribes the amount of a charge for various licences and applications as set out in the Schedule.

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

19 November 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)545 – The School Teachers’ Pay and Conditions (Wales) Order 2024

Background and Purpose

This Order makes provision for the remuneration and conditions of employment of school teachers in Wales, to be determined by reference to the provisions set out in section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2024 and guidance on school teachers’ pay and conditions (“the Document”, published on <https://gov.wales/teaching-and-leadership>).

In response to the recommendations in the Independent Welsh Pay Review Body’s fifth report, from 1 September 2024 a 5.5% uplift will apply to all scale points and allowances. The Order introduces new pay and allowance ranges in the national pay framework for school teachers in maintained schools in Wales only. Non-maintained schools in Wales have the freedom and flexibility to adopt pay and allowance ranges for their teachers which best reflect their local circumstances.

The Order will come into force on 28 November 2024. However, the provisions on teachers’ pay and conditions under section 2 of the Document will have retrospective effect from 1 September 2024 (such retrospective effect being permitted under the Education Act 2002).

Procedure

Negative

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

Technical Scrutiny

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

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

Article 2 defines “school teacher” for the purposes of article 2. However, the term “school teacher” is also used in article 1.

It is unclear why the definition of “school teacher” does not also apply to article 1 (especially given that article 1 sets out the fundamental principle as to when the Order applies and is, therefore, an important provision).



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

We note the following reference to costs in the Regulatory Impact Assessment included in the Explanatory Memorandum to the Order:

An increase of 5.5% across all teacher scale points and allowances equates to an estimated increase to the overall pay bill of £56.07 million for financial year 2024-25 (September 2024 to March 2025) and £96.12million for financial year 2025-26.

However, to mitigate the impact of these costs on school and local authority budgets, which have already been set for 2024-25, the Welsh Government will provide additional in-year grant funding via the Local Authority Education Grant, to support local authorities and schools with the pay uplift.

Welsh Government response

A Welsh Government response to the first reporting point is required.

Government Response: The School Teachers' Pay and Conditions (Wales) Order 2024

Technical Scrutiny point 1: The Welsh Government agrees the technical scrutiny reporting point and notes it for future orders. However, it is not considered that anyone will be misled by article 1 of the Order.

Legal Advisers

Legislation, Justice and Constitution Committee

14 November 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Teachers' Pay Award 2024/25**

DATE **6 November 2024**

BY **Lynne Neagle MS, Cabinet Secretary for Education**

In September, I published the fifth report of the Independent Welsh Pay Review Body (IWPRB), covering recommendations for amendments to teachers' pay and conditions from September 2024. I accepted all the recommendations in principle, subject to consultation. However, I announced that I would go further than the IWPRB's recommended pay award and instead consult on an increase to all salaries and allowances of 5.5% from September 2024. This is in line with my commitment to no detriment to teachers' pay and conditions in Wales.

I have considered the responses to that consultation and nothing new has emerged that warrants any significant reconsideration of the proposed pay award. The consultation also found broad support for the majority of the other recommendations of the IWPRB's fifth report and those recommendations of the IWPRB's Strategic Review of the Structure of Teachers' and Leaders' Pay and Conditions in Wales which were also the subject of this consultation. Where these recommendations need to be effected through the changes to the School Teachers' Pay and Conditions (Wales) Document (STPC(W)D), this has been reflected in the [STPC\(W\)D 2024](#).

Consequently, I will shortly make the School Teachers' Pay and Conditions (Wales) Order 2024 which gives effect to the STPC(W)D 2024.

The pay award will be backdated to 1 September 2024. Timing of the implementation of the award will be a matter for employers with the aim to arrange for back pay to be passed on as soon as possible.

Meeting the cost of teachers' pay is part of the core funding provided by local authorities as supported by the Local Government Settlement. Where timing does not allow for inclusion of specific and unforeseen amounts within the Settlement, the Welsh Government has in the past provided additional grant funding in-year. Local Authorities will have been expected to plan their budgets to include the 2024/25 pay uplift within their settlement allocations. However, given the difference between the planned pay uplift and the increased pay award, the Welsh Government has committed to providing additional funding to support local authorities and schools with the budgetary impacts of the pay uplift.

I would like to thank everyone who has participated in the process, through our social partnership approach combined with the independent expertise of the IWPRB. I remain committed to ensuring that we continue to work together to reward and recognise the excellent work our teachers undertake.

Eluned Morgan MS
First Minister of Wales

11 November 2024

Dear Eluned

Regulations to implement Part 4 of and Schedule 3 to the Public Health (Wales) Act 2017 dealing with the creation of a mandatory licensing scheme for practitioners, premises and vehicles associated with the performance of special procedures

The Legislation, Justice and Constitution Committee has recently scrutinised a suite of regulations¹ laid before the Senedd by the Welsh Government which will implement Part 4 of, and Schedule 3 to, the *Public Health (Wales) Act 2017* (the 2017 Act) dealing with the creation of a mandatory licensing scheme for practitioners, premises and vehicles associated with the performance of special procedures.

As part of our scrutiny, we have raised concerns about the timeframe within which the licensing scheme associated with special procedures has been implemented. You will be aware that the 2017 Act received Royal Assent on 3 July 2017. This suite of regulations is due to come into force on 29 November 2024. This means it will have taken over seven years for the new rules on special procedures to be implemented.

We wrote to the Cabinet Secretary for Health and Social Care on 17 October 2024 stating our view that the delay to the implementation of a key piece of public health legislation is not acceptable.

You may be aware that our report on a first version of the draft Special Procedure Licences (Wales) Regulations 2024 contained 16 technical points relating to potentially defective drafting,

¹ These are: SL(6)524 - The Special Procedure Licences (Wales) Regulations 2024 (withdrawn following committee scrutiny); SL(6)527 - The Special Procedures Approved Premises and Vehicles (Wales) Regulations 2024; SL(6)526 - The Special Procedures Exempted Individuals (Wales) Regulations 2024; SL(6)525 - The Prescribed Objects for Body Piercing (Special Procedures) (Wales) Regulations 2024; SL(6)528 - The Special Procedures Licensing Committees (Wales) Regulations 2024

inconsistencies between the English and Welsh texts, and matters that required further explanation. These draft Regulations were withdrawn and re-laid on 15 October 2024. At our meeting on 4 November 2024, we considered the replacement draft Regulations and have unfortunately had to again report on potential defective drafting and matters requiring further explanation.

The Committee agreed to write to you to highlight our concerns that errors and lack of clarity persist in the drafting of this important subordinate legislation even when we have, in our report on the first version, identified these issues.

Furthermore, given your overall responsibility for delivery of the programme for Government and for delivery of the legislative programme, we also wish to state our view that the Welsh Government should bring forward its subordinate legislation in a more timely way.

We are aware that the Welsh Government currently plans for the Senedd to debate the suite of regulations on 26 November. We have asked the Cabinet Secretary for Health and Social Care to provide additional clarity and explanation during the debate for this lengthy delay to implementing Part 4 of and Schedule 3 to the 2017 Act.

I am copying this letter to Jeremy Miles MS, the Cabinet Secretary for Health and Social Care, and to the Health and Social Care Committee.

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

SL(6)538 – The Nutrition and Health Claims (Wales) (Amendment) Regulations 2024

Background and Purpose

The Nutrition and Health Claims (Wales) Regulations 2007 (“the 2007 Regulations”) provide for the execution and enforcement of specified provisions of Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (“Regulation 1924/2006”). Regulation 1924/2006 is assimilated direct legislation.

Regulation 1924/2006 regulates the use of nutrition and health claims in the labelling, presentation or advertising of food. The 2007 Regulations provide that it is a criminal offence to contravene the specified provisions of Regulation 1924/2006. The 2007 Regulations also apply various provisions of the Food Safety Act 1990 (“the 1990 Act”) for the purposes of the 2007 Regulations.

The Nutrition and Health Claims (Wales) (Amendment) Regulations 2024 (“the Regulations”) amend the 2007 Regulations to make changes to the enforcement regime. This includes the application of modified provisions of the 1990 Act to the Regulations, in particular to introduce an improvement notice regime alongside the existing criminal sanctions.

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 six 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.

The preamble to the Regulations cites article 9 of “*the Regulation of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*”. This Regulation should be cited as “**Regulation (EC) No 178/2002** of the European Parliament and of the Council of 28 January 2002...” (emphasis added).



The Welsh Government is asked to explain why the full title was not cited and why identifying information has instead been included in the footnote, which is not an operative part of the instrument.

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

Regulation 2(2) inserts a definition of the term “specified provision of the Regulation” into regulation 2(1) of the 2007 Regulations. Existing regulation 2(1) of the 2007 Regulations also contains a definition of the term “the Regulation”.

The terms are also used in paragraphs 1 and 2 of the Schedule, inserted into the 2007 Regulations by regulation 2(6), which modify provisions of the 1990 Act. However the terms have not been given a meaning in the modified text of the 1990 Act.

The Welsh Government is asked to explain why these terms have not been inserted as new definitions in the modified text of the 1990 Act.

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

Regulation 2(6) inserts a new Schedule into the 2007 Regulations modifying provisions of the 1990 Act. Paragraph 3 of the Schedule requires that section 35 be read as if a new subsection (1B) were inserted “after subsection (1A)”. However there is no subsection (1A) in section 35 of the 1990 Act as it applies in relation to Wales. There is a subsection (1A) in section 35 of the 1990 Act as it applies in relation to Scotland.

As such it appears that the location of the modification is not correctly described and the numbering of “(1B)” is incorrect.

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

Paragraph 4 of the Schedule inserted by regulation 2(6) provides that the heading to section 37 of the 1990 Act is to be read as if the words “or sheriff” were omitted. Paragraphs 5 to 7 then modify the text of subsections (1), (5) and (6) of section 37 to, among other things, remove references to the sheriff. However subsection (4) of section 37 also contains reference to the sheriff which has not been omitted or modified.

The Welsh Government is asked to explain why the reference to the sheriff in section 37(4) of the 1990 Act has not been modified.

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

Paragraph 5 of the Schedule inserted by regulation 2(6) modifies subsection (1) of section 37 of the 1990 Act. The effect of that modification is that there are no longer three paragraphs



within that subsection. However subsection (2) of section 37 contains reference to “subsection (1)(c)” and has not been modified.

The Welsh Government is asked why reference to subsection (1)(c) remains in section 37(2).

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

Paragraph 5 of the new Schedule inserted by regulation 2(6) modifies section 37(1) of the 1990 Act so that any person who is person aggrieved by a decision of “an unauthorised officer of an enforcement authority” to serve an improvement notice may appeal to the magistrates’ court. This modification does not appear to have any effect because an improvement notice is served by an “**authorised** officer” of an enforcement authority (emphasis added).

Merits Scrutiny

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

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

Paragraph 3.1 of the Explanatory Memorandum makes reference to “Retained EU Law” and “retained EU Regulations”. From 1 January 2024 such legislation should be referred to as “assimilated law” in accordance with section 5 of the Retained EU Law (Revocation and Reform) Act 2023.

8. Standing Order 21.2(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Explanatory Memorandum suggests that local authorities may see enforcement notices as a better option for enforcement of the standards than the current criminal route, which may be complex and costly. In light of this, the Welsh Government is asked:

- a) Whether it has considered the risk that local authorities will choose, on the basis of cost, to pursue the improvement notice route even where the criminal route may be more appropriate, and
- b) Whether this creates any risk that the Regulations could amount to a rowing back on the enforcement of the standards set out in Regulation 1924/2006?

Welsh Government response

A Welsh Government response is required to the technical reporting points and second merits reporting point.



Committee Consideration

The Committee considered the instrument at its meeting on 11 November 2024 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 14**

Legislation, Justice and Constitution Committee

Government Response: The Nutrition and Health Claims (Wales) (Amendment) Regulations 2024

Technical Scrutiny point 1: The Welsh Government notes the point made however, whilst the full title has not been cited, it is clear that the reference is to Regulation (EC) No. 178/2002.

Technical Scrutiny point 2: The Welsh Government agrees that the term “specified provision of the Regulation” in the modified text of the 1990 Act has not been given a meaning. We are investigating with the SI Registrar the possibility of making the change by correction slip.

Technical Scrutiny point 3: The Welsh Government agree that the location of the modification to the 1990 Act is not correctly described and the numbering of “(1B)” should instead refer to “(1A)”. We are investigating with the SI Registrar the possibility of making the change by correction slip.

Technical Scrutiny point 4: The Welsh Government agrees that the reference to the sheriff in section 37(4) of the 1990 Act is unnecessary, however, in context, section 37(4) has no legal effect in relation to Wales.

Technical Scrutiny point 5: The Welsh Government agrees that section 37(2) of the 1990 Act should no longer refer to subsection 1(c), however, in context, section 37(2) does not have legal effect in relation to Wales as 37(1), as amended, only concerns improvement notices and not licences which do not have a mechanism to appeal to a tribunal.

Technical Scrutiny point 6: The Welsh Government agrees that the modification to section 37(1) inserted by paragraph 5 of the new Schedule in relation to “unauthorised” is incorrect and should instead be “authorised”. We are investigating with the SI Registrar the possibility of making the change by correction slip.

Merit Scrutiny point 7: The Welsh Government notes the point and will ensure that the Explanatory Memorandum is withdrawn, and a corrected version laid.

Merit Scrutiny point 8:

The Welsh Government notes the response and advises that the purpose of the Regulations is to align the enforcement regime for health and nutrition claims with other Nutrition, Labelling and Composition regimes by introducing an improvement notice regime as a potential first enforcement step rather than limiting enforcement to a criminal sanction as is currently the case.

The ability for a prosecution to be brought where that was considered to be the correct course of action remains in the amended Regulations. For minor cases of non-compliance, however, the criminal route may not be considered appropriate or proportionate. The introduction of improvement notices provide enforcement officers with an additional early enforcement step which may allow them to address minor breaches more quickly and cost-effectively.

The Regulations have been accompanied by clear guidance for enforcement bodies to ensure consistent and appropriate usage of improvement notices.

SL(6)543 – The Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024

Background and Purpose

Part 9 of the Social Services and Well-being (Wales) Act 2014 ('the Act') provides the Welsh Ministers with powers to ensure appropriate structures and resources are in place to enable the provision of integrated care and support services. The Partnership Arrangements (Wales) Regulations 2015 ("the Partnership Arrangement Regulations") provide for the establishment of seven regional partnership boards on the health board footprint and set out requirements for those boards.

These Regulations amend the Partnership Arrangements Regulations, making changes to the objectives, membership and administrative arrangements of the regional partnership boards. Amendments made to the Care and Support (Area Planning) (Wales) Regulations 2017 concern monitoring and evaluation of the progress made in delivering area plans. A small amendment is also made to the Partnership Arrangements (Amendment) and Regulated Services (Market Stability Reports) (Wales) Regulations 2021, to change the date by which future reports must be published.

Procedure

Draft affirmative.

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

Technical Scrutiny

The following 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 5(2), in the amendment made to regulation 11(1), the new sub-paragraph (l) refers to "the Welsh Ambulance Services National Health Service Trust". However, the name of this NHS trust was amended earlier this year by article 3 of S.I. 2024/358 (W. 66) to include the word "University" ("Prifysgol"). Therefore, it should now be referred to as the "Welsh Ambulance Services **University** National Health Service Trust" in the English text, and "Ymddiriedolaeth **Brifysgol** Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru" in the Welsh text. While there is a saving provision in article 4 of S.I. 2024/358 (W. 66), the



Welsh Government is asked to explain why the amended name of this NHS trust has not been used.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 18 November 2024 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 18**

Legislation, Justice and Constitution Committee

Government Response: *The Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024*

Technical Scrutiny point 1: The Welsh Government agrees that in regulation 5(2), “University” was omitted from the reference to the “Welsh Ambulance Services University National Health Service Trust”.

I am grateful to the Committee for raising this oversight and for highlighting the saving provision in article 4 of S.I. 2024/358 (W. 66).

If approved by the Senedd this will be corrected prior to making.

Minor corrections to be made prior to making the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Trefniadau Partneriaeth (Diwygiadau Amrywiol etc.) (Cymru) 2024	The Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024
<p>In regulation 5(2) (which amends regulations 11(2) of the Partnership Arrangements (Wales) Regulations 2015)</p> <p>“Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwllans Cymru” will be substituted by “Ymddiriedolaeth Brifysgol Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwllans Cymru”</p>	<p>In regulation 5(2) (which amends regulation 11(2) of the Partnership Arrangements (Wales) Regulations 2015)</p> <p>“the Welsh Ambulance Services National Health Service Trust” will be substituted by “the Welsh Ambulance Services University National Health Service Trust”</p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	

Agenda Item 5.1

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID/CC/MA/5295/24

Mike Hedges MS
Chair,
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

21 November 2024

Dear Mike,

Further to my letter of 31 October 2024. I am writing to inform the Committee that I have given my consent to the Minister of State to lay the Official Controls (Amendment) Regulations 2024 in relation to Wales. I have laid a Written Statement which can be found at: <https://senedd.wales/media/gbylghoo/ws-ld16803-e.pdf>

Consent has been given for the UK Government to make these Regulations in order to implement the milestones of the Borders Target Operating Model (BTOM). The Regulations intersect with devolved policy and will apply to Wales. The Statutory Instrument (SI) is subject to the affirmative procedure and was laid before Parliament on 19 November 2024 with a commencement date which will be subject to the SIs approval by resolution of each House of Parliament.

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

Yours sincerely,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@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.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Official Controls (Amendment) Regulations 2024**

DATE **20 November 2024**

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

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Lord Douglas-Miller the then Minister for Biosecurity, Animal Health and Welfare to make a Statutory Instrument (SI) titled the Official Controls (Amendment) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State for Biosecurity, Animal Health and Welfare, Baroness Sue Hayman, in exercise of the powers conferred under sections 14(1), (2), (3), (4)(a), (b), (e) and (7), 15(1) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023. The 2024 Regulations are subject to the affirmative procedure.

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model between the three governments in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain; to protect biosecurity and ensure food safety standards are maintained in Wales. The Regulations and accompanying Explanatory Memorandum, setting out the purpose, and effect of the 2024 Regulations are available here:

[The Official Controls \(Amendment\) Regulations 2024.](#)

The powers conferred by the Retained EU (Revocation & Reform) Act 2023 are being used to amend pre-existing powers in Regulation (EU) 2017/625 (“the Official Controls Regulation” or “OCR”) so that further instruments can be made at a later date. The majority of amendments made by the 2024 Regulations do not have policy impact until

the amended powers are exercised at a later date. The following policies will, however, have impact from the coming into force date:

- Allowing Plant Health Inspectors to carry out diagnostic tests at the BCP (once operational) instead of testing at official laboratories.
- Providing that enforcement powers may allow recovery of cost of debts and collections where fees have not been paid

The 2024 Regulations provide the legislative basis for further aspects of the BTOM to be delivered including the Trusted Trader schemes for animal products and Authorised Operator Status (“AOS”) for plants and plant products.

The 2024 Regulations revokes and replaces provisions in the Official Controls Regulation and other relevant legislation to provide a long-term legislative basis for the BTOM beyond reliance on the Transitional Staging Period (TSP) for relevant goods.

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The 2024 Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-UK coordination, and consistency.

The UK Government have stated most of the changes made by this instrument do not directly implement any policy, but, rather, ensure that the existing regulation-making powers are updated to enable the policies underpinning the BTOM to be delivered in the longer term. Further instruments will be introduced exercising the amended powers.

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs

Ein cyf/Our ref: HIDCC/PO/0313/24

The Rt. Hon. Elin Jones
Llywydd
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

6 November 2024

Dear Elin,

I am writing to let you know about several minor and consequential legislative provisions relevant to the Senedd Commission that the Welsh Government proposes to take forward (please see attached table).

We intend to ask the UK Government to make such changes by way of an order under section 150 of the Government of Wales Act 2006 (“the 2006 Act”).

A s. 150 order enables the Secretary of State to make any provision in legislation (subject to some qualifications) which is considered appropriate in consequence of Welsh legislation and where it would be outside the legislative competence of the Senedd to do so. A s. 150 order may be required either because the provisions relate to reserved matters and/or because the proposed changes require UK-wide extent.

Senedd and Elections (Wales) Act 2020

The attached table sets out various provisions of the Senedd and Elections (Wales) Act 2020 (“SEWA 2020”) which the Welsh Government proposes seeking a s. 150 order in relation to. We would welcome any comments you have on this list.

I would also like to draw the following specific issues to your attention:

Retrospectivity: We are of the view that, due to the constitutionally significant nature of the changes made by SEWA 2020, the provisions identified for inclusion in the order should have retrospective effect. There is specific power in s. 150(4) of the 2006 Act to make provision retrospectively. However, whether or not the order is made with retrospective effect is a matter for the UK Government.

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

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Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@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.

We have not identified any specific issues in the potential retrospective effect of these provisions; however, it is our intention to seek an appropriate ‘savings’ provision to ensure that any act done in reliance on the provision/s as amended by SEWA 2020 prior to the s. 150 order (i.e., before the extent of the provision is broadened) would not be affected by the subsequent retrospective effect of the s. 150 order. Again, whether or not this is included would also ultimately be a decision for the UK Government.

If you are aware of any issues as a result of the retrospective effect of these proposed amendments, we would be grateful if you could bring these to our attention.

s. 36 Timing of first meeting of the Senedd after a general election: This section contains amendments to sections 3, 4, and 5 of the 2006 Act. S. 36 currently only extends to England & Wales and therefore amendments made by s. 36 have only become part of the law of England & Wales.

We do not propose to include this section in the list of provisions for inclusion within the s. 150 order, but we would welcome your views on whether you consider it necessary to ensure the amendments made by this section also extend to the whole of the United Kingdom by seeking its inclusion.

s. 37 Powers of the Senedd Commission: provision of goods and services: This section contains amendments to Schedule 2 paragraph 4(4) of the 2006 Act. This amendment inserts a specific power – sub-para. (4A) – to allow the Senedd Commission to charge for goods and services. This specific power did not previously exist.

As with s. 36, s. 37 currently only extends to England & Wales and therefore the amendments made by s. 37 have only become part of the law of England & Wales. Whilst the change of name across the 2006 Act from ‘National Assembly for Wales’ to ‘Senedd Cymru’ will extend to the whole of the United Kingdom by virtue of paragraph 2 of Schedule 1 of the 2020 Act being included in the list of provisions for inclusion within the s. 150 order, the specific amendment to paragraph (4) and (4A) of Schedule 2 will not.

We would therefore welcome your views in respect of s. 37 of the 2020 Act and whether it is necessary for this section to be included in the s. 150 order to ensure the amendment made to paragraph (4) and (4A) also extend to the whole of the United Kingdom.

Public Services Ombudsman (Wales) Act 2019

As the Public Services Ombudsman (Wales) Act 2019 (“PSOW 2019”) was a committee sponsored Bill, I would like to also make you aware of two minor legislative amendments we have identified as appropriate in consequence of that Act. The first (amendment to the Public Services Ombudsman Act (Northern Ireland) 2016) is appropriate for inclusion in the proposed s. 150 order. The second (amendment to the Scottish Public Services Ombudsman Act 2002) is for discussion with the Scottish Government as it falls within the competence of the Scottish Parliament.

In the spirit of the Welsh Government’s commitment to improving the accessibility of Welsh law as set out in ‘The Future of Welsh Law Programme 2021 – 2026’, these minor legislative amendments have been identified to ensure references to the current legislative framework are accurate. The Public Services Ombudsman for Wales has been made aware of these proposals and is content with the potential amendments.

I am copying this letter to the Chairs of the Legislation, Justice, and Constitution Committee, and the Finance Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name.

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Section 150 Order GoWA 2006 – Summary of Proposals 2023 – Senedd Commission
Public Services Ombudsman (Wales) Act 2019 & Senedd and Elections (Wales) Act 2020

1.	2.	3.
Senedd¹ legislation: title and provision/s	Principal Legislation: provision that is affected by Senedd legislation	Brief explanation as to why a s. 150 order is needed i.e. ‘Extent: requires UK wide extent’.
Senedd and Elections (Wales) Act 2020 (“SEWA”) Part 2 (Renaming of the NAW etc.)	GOWA 2006: s. 1(1) s. 107(1) s. 1 (2A) new sub-section (2A) created by s. 4 SEWA s. 26(2) s. 27(1)	Extent: requires UK wide extent. The textual amendments made to the GOWA by the SEWA e.g. change of name to Senedd Cymru, currently only extend to England and Wales. <i>Consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i>

Pack Page 26

¹ Prior to 6 May 2020 read as National Assembly for Wales.

<p>Schedule 1</p> <p>Para. 1</p>	<p>Freedom of Information Act 2000 (c 36) Part 6 of Schedule 1</p>	<p>Extent: requires UK wide extent.</p> <p>The textual amendments made by SEWA to the FOIA 2000 only extend to England & Wales. The FOIA 2000 has UK wide extent and these amendments are included in the s. 150 Order so that they can 'extend' to Scotland and Northern Ireland.</p> <p><i>Consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>
<p>Para. 2</p>	<p>Government of Wales Act 2006 (c 32)</p>	<p>Extent: requires UK wide extent.</p> <p><i>Consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>
<p>Para. 5</p>	<p>Legislation (Wales) Act 2019</p>	<p>Extent: requires UK wide extent.</p> <p><i>Consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>
<p>Part 3 (Elections) Schedule 2</p>	<p>Amendment to para 14(1)(c) of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 to change the name from NAW to Senedd.</p>	<p>Extent: requires UK wide extent to give effect to the name change beyond England and Wales.</p> <p><i>Consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>

<p>Part 5 (Miscellaneous)</p> <p>s. 36 Timing of first meeting of the Senedd after a general election</p>	<p>Ss 3, 4, and 5 GOWA 2006.</p>	<p>Extent: May require UK wide extent</p> <p>Not currently included in the draft order</p> <p><i>If provision is included - consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>
<p>s.37 Powers of the Senedd Commission: provision of goods and services</p>	<p>Schedule 2, para. 4(4) GOWA 2006.</p>	<p>Extent: May require UK wide extent</p> <p>Not currently included in the draft order</p> <p><i>If provision is included - consider making provision with retrospective effect in reliance on s. 150(4) due to the constitutionally significant nature of these amendments.</i></p>
	<p>House of Commons Disqualification Act 1975 Schedule 1</p>	<p>Reserved matter</p> <p><i>Insert "Senedd Commissioner for Standards"</i></p>
	<p>Employers' Liability (Compulsory Insurance) Regulations 1998 Schedule 2 paragraph 20</p>	<p>Reserved matter and extent</p> <p><i>For "The National Assembly for Wales Commissioner for Standards" substitute "The Senedd Commissioner for Standards".</i></p>

	<p>Scottish Parliament (Disqualification) Order 2020 Schedule 1 Part 1</p>	<p>Reserved matter and extent</p> <p>The 2020 Order is an Order in Council made under the Scotland Act 1998 which is an Act of the UK Parliament with UK wide extent, however it is classified as a Scottish SI.</p> <p><i>Insert "Senedd Commissioner for Standards"</i></p>
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<p>Public Services Ombudsman (Wales) Act 2019</p> <p>No provision made but required in consequence of the 2019 Act.</p>	<p>Public Services Ombudsman Act (Northern Ireland) 2016 s.51 (co-operation with other ombudsmen).</p>	<p>Reserved matter and extent: Textual amendment required. S.51(4)(d) to ensure the NI PSO can consult and co-operate with the PSOW replace reference to the 2005 Act with the 2019 Act.</p> <p>Out of date reference to - <i>"Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005"</i>.</p>
	<p>Scottish Public Services Ombudsman Act 2002 section 21(1)(c)</p>	<p>Devolved to Scotland and outside SoS's powers under s. section 150(3) of GOWA 2006 <i>("An order under this section may not make provision with respect to matters within the legislative competence of the Scottish Parliament")</i>.</p> <p>Out of date reference to - <i>"Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005"</i>. <i>The Scottish Government may wish to amend.</i></p>

Agenda Item 6.2

Y Gwir Anrhydeddus Elin Jones AS

Llywydd, Senedd Cymru

Right Honourable Elin Jones MS

Llywydd, Welsh Parliament

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN

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0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN

Llywydd@senedd.wales

0300 200 6565

Tracy Gilbert MP

Member of Parliament for Edinburgh North and Leith

House of Commons

London

SW1A 0AA

13 November 2024

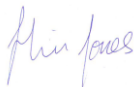
Dear Tracy Gilbert MP,

Thank you very much for taking the time to make the Welsh Parliament (the Senedd) aware of your Private Members Bill.

The Senedd ordinarily engages with UK Parliament Bills, where they relate to devolved matters, via the Legislative Consent process. Under that process it is the responsibility of Welsh Government to lay Legislative Consent Motions (LCMs) on relevant Bills for the Senedd's consideration. This scrutiny normally takes the form of a period of consideration by one or more Senedd Committees, before a motion on whether or not to give consent is debated by the Senedd.

I am copying your letter and this reply to relevant Committees for awareness in anticipation of an LCM being laid in relation to the Absent Voting (Elections in Scotland and Wales) Bill

Yours sincerely,



The Rt. Hon. Elin Jones MS/AS

Llywydd

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



Rt. Hon. Elin Jones MS
Llywydd of the Senedd

Sent via email.

16 October 2024

Dear Elin,

I am writing to you regarding the Absent Voting (Elections in Scotland and Wales) Bill that I have introduced to the House of Commons today as a Private Members Bill.

The Bill I have introduced to the House today will make provisions in the following two key areas:

- Give the Scottish and Welsh Governments concurrent powers to bring forward regulations to align with the Elections Act and enable applications for postal and proxy votes for devolved elections to be made online.
- Provide powers to include an identity check requirement (via National Insurance number) on absent voting applications. This is an upfront check at the point of postal or proxy vote application, to minimise the risk of fraud. This requirement has been in place for registration applications since 2014.

I believe this will make welcome progress in making it easier for an elector to register for either a postal or proxy vote. If my Private Members Bill is successful, these provisions would be available for Scottish and Welsh Ministers to use ahead of the devolved elections in 2026.

I am keen to work with all stakeholders on these proposals and would be more than happy to meet with you to discuss them in more detail. I would be grateful if you could share this letter with the relevant Parliamentary Committee.

Yours sincerely,

Tracy Gilbert



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Development of a Deposit Return Scheme for Wales**

DATE **18 November 2024**

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

In my written statement in April of this year, I set out the approach the Welsh Government is taking to the development of a Deposit Return Scheme (DRS) for Wales.

As I outlined, with Wales already ranked second in the world for recycling, it places us in a unique position of implementing a scheme into an already high recycling nation. That means that to develop a DRS that will deliver benefit to Wales necessitates an approach which looks *Beyond Recycling*; one that will support Wales to build on our progress to date and take the next step by supporting the transition to reuse. Recognising the effort that everyone across Wales has put into our progress on recycling, it also means that it is vital that the introduction of a DRS will build upon and not detract from the progress everyone has worked so hard to deliver.

In partnership with the UK and Devolved Governments, we have been working to initiate a joint process to appoint the Deposit Management Organisation for our respective schemes later this month. However, in the time available it has not been possible to address the issues to the operation of devolution caused by the United Kingdom Internal Market Act 2020, inherited by the UK Government from the previous administration. This unfortunately means that we are not able to proceed with the joint process or notify the WTO in relation to the scheme at this point.

As a Government, we remain committed to bringing forward a DRS which will deliver for Wales by supporting our ongoing transition to a circular economy. Our active engagement with industry has highlighted that there are currently a range of views on how best to achieve the transition to reuse. We will therefore continue our active engagement to develop a scheme that supports the transition to reuse for all drinks containers including those made from glass. In doing so we will also continue to draw from international best practice.

In parallel with the development of the Welsh DRS, we will also continue our work to improve our recycling, having once again seen an increase in our latest recycling rates this year.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Constitutional Reform: Appointment of the Chair of the Innovating Democracy Advisory Group
DATE	19 November 2024
BY	Huw Irranca-Davies MS/AS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

The Independent Commission on the Constitutional Future of Wales published their final report in 2024. The Welsh Government accepted the Commission's recommendations in full, and they were endorsed by the Senedd.

Creation of the Innovating Democracy Advisory Group

The Final Report recommended that an expert panel is created, to advise Welsh Government and partners on expanding the use of democratic innovation and enhance civic engagement in public life. To progress this work, I have appointed Dr Anwen Elias as chair of a new Innovating Democracy Advisory Group, the wider membership for which will be appointed in due course through open competition. Dr Anwen Elias was a Commissioner on the Independent Commission on the Constitutional Future of Wales. In that role, she contributed specific expertise in civic engagement, particularly in establishing the citizens panels and designing the Community Engagement Fund. Through her experience as a Commissioner, she will ensure that the Commission's findings will continue to inform the work of the Group.

Dr Elias is a Reader in Politics at the Department of International Politics, Aberystwyth University. Educated at Ysgol Dyffryn Teifi, Llandysul, she is a graduate of Cambridge University and the European University Institute, Florence, where she completed a PhD in Political and Social Science. Her research interests include comparative territorial and constitutional politics, political parties, and citizens' involvement in democratic politics. Dr Elias has an extensive knowledge of democratic innovations around the world and has a particular expertise in using creative methods to support citizen participation and deliberation.

I will provide a further update to Senedd Members in due course on the full membership of the new Advisory Group and its work programme.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning

20 November 2024

Dear Rebecca,

Legislative Consent: Product Regulation and Metrology Bill

The Economy, Trade and Rural Affairs Committee considered the Legislative Consent Memorandum on the Product Regulation and Metrology Bill ("the Bill") at its meetings on 16 October and 14 November. Following your appearance at the Legislation, Justice and Constitution Committee on 4 November, the Committee has agreed to seek more information on several important matters as it prepares its report.

I would therefore be grateful if you could respond to the points below:

- Does the Welsh Government have any concerns relating to the Bill's development, in light of its concerns relating to the former UK Government's regulatory proposals?
- What analysis has the Welsh Government carried out to enable you to come to the view that the Bill "should be positive for businesses", and could this analysis be shared with the Committee?¹
- Could you set out what steps the Welsh Government has taken to obtain the views of businesses, producers, and manufacturers on the Bill?

¹ Legislation, Justice and Constitution Committee, 4 November 2024, Record of Proceedings, paragraph 83

- Has the Welsh Government sought the views of its Trade Advisory Group members and if so, what was their view?
- Could you set out which EU regulations the Bill might extend to? Are there any that the Welsh Government believes would be particularly beneficial to Welsh exporters? Could you also confirm what conversations have been held with the UK Government on these matters?
- Should the Bill result in UK recognition of EU standards, could you set out how this might interact with other post-Brexit trade agreements? For example, could Welsh business be undercut by Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) imports producing to a lower standard than is required for the EU market?
- Could the Bill be used to safeguard the UK's domestic industries from import surges of goods made to a lower standard that cannot enter the EU market (i.e. dumping)?
- Could the Bill have differentiated effects across Welsh industries, and if so, how?

I would be grateful to receive your reply no later than 9 December 2024, so that we may take it into consideration when drafting our report.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee.

Kind regards,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

CC: Mike Hedges MS, Chair, Legislation, Justice and Constitution Committee

20.11.2024	The National Archives, Kew, Richmond, Surrey TW9 4DU	Agenda Item 6.6	
Saul Nassé, CEO		NATIONAL	
nationalarchives.gov.uk		ARCHIVES	

Mike Hedges MS
 Chair, Legislation, Justice and Constitution Committee
 Senedd Cymru
 Pierhead St
 Cardiff CF99 1SN

Dear Chair,

Thank you for the opportunity to give evidence to your committee yesterday and we hope it assisted you with your scrutiny of the Welsh Government's Legislation (Procedure, Publication and Repeals)(Wales) Bill.

We are keen for the Committee to have an opportunity to learn more about the online legislation service, including its Welsh language aspects and the annotation and timeline functionality. This might be of assistance beyond the present enquiry. To that end we would be more than happy to offer a webinar introduction by our in-house experts to any Member[s] who would find that helpful. If the Committee Clerks get in touch with legislation@nationalarchives.gov.uk, the team will be happy to make arrangements.

Yours sincerely,

Saul Nassé
 Chief Executive and King's Printer



Agenda Item 9

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

Document is Restricted

Rebecca Evans MS

Cabinet Secretary for Economy, Energy and Planning

10 October 2024

Dear Rebecca

Legislative Consent Memorandum on the Great British Energy Bill

At our meeting on 7 October, we considered the Welsh Government's Legislative Consent Memorandum on the Great British Energy Bill, laid by the then Cabinet Secretary for Economy Transport, and North Wales, in August.

We understand that you are now responsible for the Memorandum; we would therefore be grateful if you could provide further information to help inform our scrutiny.

We note that the Memorandum does not include a section setting out the reasons for making the relevant provisions for Wales in the Bill, which are often contained in legislative consent memoranda laid by the Welsh Government. Please could you therefore provide an explanation as to why it is considered appropriate for the relevant provision to be made in the Bill.

We would also like to consider matters in relation to the Memorandum with you in an oral evidence session. We would be grateful if your officials could liaise with the Committee's clerking team to make the relevant arrangements for holding the session in good time ahead of the reporting deadline of 15 November 2024.

I am copying this letter to Llyr Gruffydd, Chair of the Climate Change, Environment, and Infrastructure Committee.



Yours sincerely,

Mike Hedges

Mike Hedges

Chair

Agenda Item 10

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

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Agenda Item 11

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

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