

## Agenda – Legislation, Justice and Constitution Committee

---

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 31 March 2025

Meeting time: 10.30

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

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

## Hybrid

---

### Public meeting

(10.30 – 13.00)

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

(10.30)

#### 2 Legislation (Procedure, Publication and Repeals) (Wales) Bill –

##### Stage 2 proceedings

(10.30 – 13.00)

(Pages 1 – 7)

Julie James MS, Counsel General and Minister for Delivery

Dylan Hughes, First Legislative Counsel

Claire Fife, Policy Advisor to the Counsel General & Head of the Legislative  
Codes Office

Documents relevant to Stage 2 proceedings will be available on the [Bill page](#).

The Legislation, Justice and Constitution Committee agreed on 17 March 2025, under Standing Order 26.21, that the order of consideration for Stage 2 proceedings would be:

Sections 1 to 4, Schedule 1, section 5, Schedule 2, section 6, Schedule 3, sections 7 and 8, and the long title.



Supporting documents:

[Marshalled list of Amendments](#)

[Grouping of Amendments](#)

[Legislation \(Procedure, Publication and Repeals\) \(Wales\) Bill](#) (as introduced)

[Explanatory Memorandum](#)

There will be breaks at appropriate times during the proceedings.

Attached Documents:

LJC(6)-12-25 – Paper 1 – Letter from the Open Spaces Society, 17 March 2025

LJC(6)-12-25 – Paper 2 – Letter from Adam Price MS, 24 March 2025

## **Break**

(13.00 – 13.30)

## **Public meeting**

(13.30 – 13.50)

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

(13.30 – 13.35)

### **Made Negative Resolution Instruments**

#### **3.1 SL(6)602 – The Education (Information about Children in Independent Schools) (Pilot) (Wales) Regulations 2025**

(Pages 8 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-12-25 – Paper 3 – Draft report

**3.2 SL(6)604 – The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025**

(Pages 10 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-12-25 – Paper 4 – Draft report

LJC(6)-12-25 – Paper 5 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd, 21 March 2025

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

(13.35 – 13.40)

**4.1 SL(6)601 – The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025**

(Pages 14 – 18)

Attached Documents:

LJC(6)-12-25 – Paper 6 – Report

LJC(6)-12-25 – Paper 7 – Welsh Government response

**5 Inter-Institutional Relations Agreement**

(13.40 – 13.45)

**5.1 Correspondence from the Welsh Government: Meetings of Inter-ministerial groups**

(Pages 19 – 21)

Attached Documents:

LJC(6)-12-25 – Paper 8 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Inter-Ministerial Group

for Environment, Food and Rural Affairs, 25 March 2025

LJC(6)-12-25 – Paper 9 – Letter from the Cabinet Secretary for Housing and Local Government: The Interministerial Group on Elections and Registration, 26 March 2025

LJC(6)-12-25 – Paper 10 – Written Statement by the Cabinet Secretary for Housing and Local Government: The Interministerial Group on Elections and Registration, 26 March 2025

**5.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025**

(Pages 22 – 23)

Attached Documents:

LJC(6)-12-25 – Paper 11 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 25 March 2025

**6 Papers to note**

(13.45 – 13.50)

**6.1 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Llywydd: The Crime and Policing Bill**

(Pages 24 – 25)

Attached Documents:

LJC(6)-12-25 – Paper 12 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Llywydd, 24 March 2025

**6.2 Correspondence from the Cabinet Secretary for Transport and North Wales: Legislative Consent Memorandum on the Bus Services (No. 2) Bill**

(Pages 26 – 28)

Attached Documents:

LJC(6)-12-25 – Paper 13 – Letter from the Cabinet Secretary for Transport and North Wales, 25 March 2025

LJC(6)-12-25 – Paper 14 – Letter from the Llywydd to the Cabinet Secretary for Transport and North Wales, 14 March 2025

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

(13.50)

**Private meeting**

(13.50 – 15.30)

**8 Disused Mine and Quarry Tips (Wales) Bill: Draft report**

(13.50 – 14.20)

(To Follow)

Attached Documents:

LJC(6)-12-25 – Paper 15 – Draft report

**9 Legislative Consent Memoranda on the Mental Health Bill: Draft report**

(14.20 – 14.40)

(Pages 29 – 57)

Attached Documents:

LJC(6)-12-25 – Paper 16 – Draft report

LJC(6)-12-25 – Paper 17 – Letter from the Minister for Mental Health and Wellbeing, 28 February 2025

LJC(6)-12-25 – Paper 18 – Letter to the Minister for Mental Health and Wellbeing, 4 February 2025

**10 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Data (Use and Access) Bill: Draft report**

(14.40 – 14.55)

(To Follow)

Attached Documents:

LJC(6)-12-25 – Paper 19 – Draft report

**11 Correspondence to the Business Committee: Review of the Public Bill and Members Bill processes**

(14.55 – 15.10)

(To Follow)

Attached Documents:

LJC(6)-12-25 – Paper 20 – Draft submission

**12 Forward Work Planning**

(15.10 – 15.20)

**13 The Review of the United Kingdom Internal Market Act 2020: Consideration of draft response**

(15.20 – 15.25)

(Pages 58 – 71)

Attached Documents:

LJC(6)-12-25 – Paper 21 – Draft response

**14 Correspondence from the Independent Water Commission: Call for evidence**

(15.25 – 15.30)

(Pages 72 – 74)

Attached Documents:

LJC(6)-12-25 – Paper 22 – Draft letter

Mike Hedges Esq MS  
Chair of the Legislation, Justice  
and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN  
Mike.Hedges@senedd.wales

**TEL** 01491 573535  
**EMAIL** [hq@oss.org.uk](mailto:hq@oss.org.uk)  
**WEB** [www.oss.org.uk](http://www.oss.org.uk)

17 March 2025

Dear Mr Hedges

**Repeal of the 2026 cut-off for the recording of historic public rights of way**

We write to express our delight that the government will be tabling amendments to the Legislation (Procedure, Publications and Repeals) (Wales) Bill in stage 2 committee, following representations from the Open Spaces Society. This is long awaited and will be extremely beneficial to all who enjoy the outdoors, since their rights to unrecorded highways would otherwise be extinguished on 1 January next year.

We look forward to the amendments and to your committee's agreement that they should form part of the Bill. We also look forward to seeing the repeal take effect, and we are grateful to you for your committee's part in this.

Yours sincerely

*Kate Ashbrook*

Kate Ashbrook  
General secretary

24.03.2025

Annwyl Cadeirydd

Atodaf isod nodiadau esboniadol ar gyfer yr gwelliannau rwyf wedi gosod ar gyfer y Bil Deddfwriaeth:

### **Gwelliant 1**

Er bod offerynnau statudol wedi dod yn nodwedd gynyddol arwyddocaol o dirwedd ddeddfwriaethol datganoli Cymru, mae gallu'r Senedd i'w craffu yn parhau i fod braidd yn blunt.

Ar hyn o bryd, gall y Senedd ond cymeradwyo neu wrthod offeryn statudol Cymreig yn llawn. Pwrpas y gwelliant hwn felly yw rhoi'r pŵer i'r Senedd ddiddymu adrannau penodol o offerynnau statudol, gan adlewyrchu'r weithdrefn gwahardd a arferir ar hyn o bryd gan Senedd Awstralia, yn hytrach na gorfod diddymu neu wrthod yr offeryn statudol yn ei gyfanrwydd.

Byddai hyn yn cael yr effaith o alluogi'r Senedd i ganolbwyntio ar adrannau penodol sy'n achosi anawsterau tra'n cadw'r amcan polisi ehangach. Byddai'r gwelliant felly yn gwella effeithlonrwydd gweithdrefnau deddfwriaethol y Senedd, tra'n gwella dylanwad Aelodau dros is-ddeddfwriaeth.

Ni fyddai'r gwelliannau hyn yn caniatáu i'r Senedd ddiwygio testun offeryn statudol Cymreig. Yn hytrach, byddent yn caniatáu i'r Senedd ddewis gwrthod darpariaethau unigol yr offeryn, fel dewis arall i wrthod yr offeryn cyfan.

Fodd bynnag, ni fyddai'r weithdrefn ddiddymu diwygiedig hon o'r Senedd yn gymwys i offerynnau statudol ar y cyd neu gyfansawdd nac i Orchmynion yn y Cyngor, nad ydynt yn cael eu gwneud fel "offerynnau statudol Cymru" o dan y Bil ond sy'n parhau i fod fel "offerynnau statudol".

Effaith bresennol y gwelliant felly yw mai dim ond offerynnau statudol Cymru y gellir eu diddymu'n rhannol, tra bydd offerynnau statudol yn parhau i fod yn destun pleidlais syml ie/na yn y Senedd.

## Gwelliant 2

Mae gweithdrefn gymeradwyo'r Senedd yn rhoi pleidlais ie neu na i'r Senedd ar offeryn statudol drafft Cymru yn ei gyfanrwydd. Mae'r gwelliant hwn yn darparu ar gyfer trydydd canlyniad, wedi'i fodelu, i raddau, ar gymal 1 Bil yr Arglwydd Thomas o Greffordd – sy'n galluogi Tŷ'r Arglwyddi i bleidleisio y dylai'r Cyffredin 'feddwl eto' ar offeryn a basiwyd gan Dŷ'r Cyffredin (a thrwy hynny fynd i'r afael â'r anghysondeb cyfansoddiadol o siambr uchaf anetholedig yn gwrthod darn o ddeddfwriaeth sydd eisoes wedi'i gymeradwyo gan y siambr isaf etholedig).

Nid yw deddfwrfa unsiambr etholedig fel y Senedd yn wynebu'r un broblem â'r hyn a ymdrinnir â chymal 1 o Fil yr Arglwydd Thomas o Gresffordd; felly, mae'r gwelliant arfaethedig yn ceisio rhoi cyfle i'r Senedd fynegi pryderon penodol am offeryn i Weinidogion Cymru.

Byddai'r gwelliant yn caniatáu i'r Senedd gymeradwyo offeryn yn amodol ar ddiwygiadau a bennir yn y penderfyniad, ac yn dilyn hynny gall yr awdurdod cyfrifol benderfynu a ddylid gwneud yr offeryn fel y'i diwygiwyd neu dynnu'r drafft yn ôl. Mae hyn yn sicrhau ei bod yn parhau i fod yn glir mai dyma'r awdurdod cyfrifol sy'n arfer y pŵer dirprwyedig i wneud y ddeddfwriaeth. Mae hefyd yn osgoi'r Senedd rhag gorfodi'r awdurdod cyfrifol i wneud offeryn sydd allan o gwmpas y pwerau galluogi, neu nad yw'n gweithio am ryw reswm arall.

O dan yr opsiwn hwn, nid yw'r awdurdod cyfrifol yn cael ei rwystro rhag cyflwyno offeryn statudol drafft newydd yng Nghymru yn y dyfodol, a allai fod yr un offeryn heb ei ddiwygio, neu ei ddiwygio mewn ffordd ychydig yn wahanol i geisio mynd i'r afael â phryderon y Senedd.

Bydd gweithdrefn gymeradwyo'r Senedd ddiwygiedig yn gymwys i offerynnau statudol Cymru yn unig, gan gynnwys y rhai a wneir o dan ddeddfiadau cyn cychwyn yn rhinwedd Atodlen 1A (nad oes angen ei ddiwygio).

Ni fydd y weithdrefn ddiwygiedig yn gymwys i offerynnau statudol ar y cyd neu gyfansawdd nac i Orchmynion yn y Cyngor, nad ydynt yn cael eu gwneud fel "offerynnau statudol Cymru" o dan y Bil ond sy'n parhau i fod fel "offerynnau statudol."

## Gwelliant 3

Mae'r gwelliant hwn yn caniatáu ar gyfer "cywiriad gweinyddol", a ddiffinnir gan ddefnyddio'r meini prawf yng nghymal 2 Bil yr Arglwydd Thomas o Gresffordd, ac sy'n berthnasol i holl offerynnau statudol Cymru a osodwyd gerbron y Senedd, yn hytrach na chael ei gyfyngu i'r rhai sy'n ddarostyngedig i weithdrefn gymeradwyo'r Senedd.

Er mwyn gwella tryloywder, mae'r diwygiadau a awgrymir yn cynnwys gofyniad ar awdurdodau cyfrifol hysbysu'r Llywydd am unrhyw gywiriadau o'r fath. Rhaid i'r awdurdod cyfrifol hefyd anfon copi ardystiedig o'r offeryn statudol Cymraeg cywiredig i'r Llyfrgell Genedlaethol ac Argraffydd Brenin Cymru, ac mae'n rhaid i'r olaf ohonynt gyhoeddi'r offeryn cywir.

Gan fod modd cyhoeddi slipiau cywiro ar unrhyw adeg, a bod y diwygiad arfaethedig yn cynnwys mesurau diogelu ychwanegol ynghylch hysbysu'r Llywydd a'i gyhoeddi drwy Argraffydd y Brenin, nid yw'r gwelliant hwn yn gosod unrhyw derfyn amser ar gywiriadau gweinyddol o'r fath. Dylai hyn hefyd osgoi'r Llywodraeth ganolbwyntio mewn dadl ar unrhyw faterion canfyddedig gyda'r terfyn amser, yn hytrach nag ar y mater mwy perthnasol o roi cywiriad gweinyddol ar sail statudol.

#### **Gwelliant 4**

Mae Swyddfa Argraffydd y Brenin ar wahân wedi bodoli yn yr Alban ers 1998 ac yng Ngogledd Iwerddon ers dros ganrif. Ddegawd yn ôl, galwodd pwyllgor cyfansoddiadol y Senedd am greu Argraffydd y Brenin i Gymru ar yr un llinellau, ac ystyriwyd mesur i'r perwyl hwn yn wreiddiol gan y Llywodraeth ar y pryd drwy'r Bil Llywodraeth a Chyfreithiau yng Nghymru.

This amendment would therefore finally achieve this equality of legislative status for Wales by establishing the King's Printer for Wales as an office in its own right – rather than simply a title, as is currently provided in the Bill.

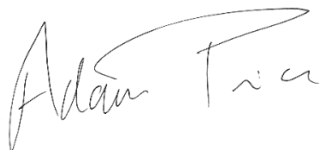
#### **Gwelliant 5**

Mae'r diwygiad hwn yn mewnosod darpariaeth newydd yn Rhan 1 o Ddeddf 2019 sy'n ei gwneud yn ofynnol i Weinidogion Cymru baratoi a chyhoeddi adroddiad ar gywiriadau i offerynnau statudol Cymru bob deuddeg mis.

#### **Gwelliant 6**

Mae'r gwelliant hwn yn gosod dyletswydd ar Weinidogion Cymru i adolygu gweithrediad y Ddeddf. Gan fod y ddyletswydd i adolygu yn berthnasol i'r Bil cyfan, mae wedi'i fewnosod fel darpariaeth annibynnol yn Rhan 4 o'r Bil.

Bydd yr adolygiad yn cael ei gynnal o fewn cyfnod o chwe mis ar ôl pen-blwydd cyntaf y Bil yn derbyn Cydsyniad Brenhinol, er mwyn caniatáu digon o amser i holl ddarpariaethau y Bil gael eu dwyn i rym.



Adam Price AS / MS,  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr



Dear Chair

I attach below explanatory notes on my amendments to the Legislation Bil:

### **Amendment 1**

While statutory instruments have become an increasingly significant feature of the legislative landscape of Welsh devolution, the Senedd's ability to scrutinise them remains somewhat blunt.

At present, the Senedd can only approve or reject a Welsh statutory instruments in full. The purpose of this amendment therefore is to provide the Senedd with the power the annul specific sections of statutory instruments, mirroring the disallowance procedure currently exercised by the Australian Parliament, rather than having to repeal or reject the statutory instrument in its entirety.

This would have the effect of enabling the Senedd to focus on specific sections that cause difficulties whilst retaining the broader policy objective. The amendment would therefore improve the efficiency of the legislative procedures of the Senedd, while enhancing the influence of Members over subordinate legislation.

These amendments would not allow the Senedd to amend the text of a Welsh statutory instrument. Rather, they would allow the Senedd to choose to reject individual provisions of the instrument, as an alternative to rejecting the entire instrument.

However this amended Senedd annulment procedure would not apply to joint or composite statutory instruments or to Orders in Council, which are not made as "Welsh statutory instruments" under the Bill but remain as "statutory instruments".

The current effect of the amendment is therefore that only Welsh statutory instruments may be partially annulled, while statutory instruments will continue to be subject to a simple yes/no vote in the Senedd.

### **Amendment 2**

The Senedd approval procedure provides the Senedd with a yes or no vote on a draft Welsh statutory instrument in its entirety. This amendment provides for a third outcome, modelled, to an extent, on clause 1 of Lord Thomas of Gresford's Bill – which enables the House of Lords to vote that the Commons should 'think again' on an instrument passed by the House of Commons (thereby addressing the constitutional anomaly of an unelected upper chamber rejecting a piece of legislation that has already been approved by the elected lower chamber).

An elected unicameral legislature such as the Senedd does not face the same problem as that addressed by clause 1 of Lord Thomas of Gresford's Bill; as such the proposed

amendment instead seeks to provide an opportunity for the Senedd to express specific concerns about an instrument to the Welsh Ministers.

The amendment would allow the Senedd to approve an instrument subject to amendments specified in the resolution, following which the responsible authority can decide whether to make the instrument as amended or withdraw the draft. This ensures that it remains clear that it is the responsible authority exercising the delegated power to make the legislation. It also avoids the Senedd forcing the responsible authority to make an instrument that is out of scope of the enabling powers, or which doesn't work for some other reason.

Under this option the responsible authority is not prevented from bringing forward a new draft Welsh statutory instrument in future, which might be the same instrument unamended, or amended in a slightly different way to try to address the Senedd's concerns. The amended Senedd approval procedure will apply only to Welsh statutory instruments, including those made under pre-commencement enactments by virtue of Schedule 1A (which does not require amendment).

The amended procedure will not apply to joint or composite statutory instruments or to Orders in Council, which are not made as "Welsh statutory instruments" under the Bill but remain as "statutory instruments".

### **Amendment 3**

This amendment allows for "administrative correction", defined using the criteria in clause 2 of Lord Thomas of Gresford's Bill, and applied to all Welsh statutory instruments laid before the Senedd, rather than being limited to those subject to the Senedd approval procedure. To improve transparency, the suggested amendments include a requirement on responsible authorities to notify the Presiding Officer of any such corrections. The responsible authority must also send a certified copy of the corrected Welsh statutory instrument to the National Library and the King's Printer for Wales, the latter of whom must publish the corrected instrument.

Since correction slips can be issued at any time, and the proposed amendment includes additional safeguards around notifying the Llywydd and publication via the King's Printer, this amendment does not impose any time limit on such administrative corrections. This should also avoid the Government focusing in debate on any perceived issues with the time limit, rather than on the more pertinent issue of placing administrative correction on a statutory footing.

### **Amendment 4**

A separate King's Printer Office has existed in Scotland since 1998 and in Northern Ireland for over a century. A decade ago, the constitutional committee of the Senedd called for the creation of a King's Printer for Wales along the same lines, and a measure to this end was originally considered by the then Government through the Government and Laws in Wales Bill.

This amendment would therefore finally achieve this equality of legislative status for Wales by establishing the King's Printer for Wales as an office in its own right – rather than simply a title, as is currently provided in the Bill.

#### **Amendment 5**

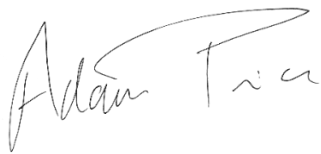
This amendment inserts a new provision into Part 1 of the 2019 Act requiring the Welsh Ministers to prepare and publish a report on corrections to Welsh statutory instruments every twelve months.

#### **Amendment 6**

This amendment imposes a duty on the Welsh Ministers to review the operation of the Act. As the duty to review applies to the whole Bill it has been inserted as a freestanding provision in Part 4 of the Bill.

The review will be carried out within a six month period following the first anniversary of the Bill receiving Royal Assent, to allow sufficient time for all provisions of the Bill to be brought into force.

Diolch,



Adam Price AS / MS,  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr



# Agenda Item 3.1

## **SL(6)602 – The Education (Information about Children in Independent Schools) (Pilot) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations place a statutory duty on proprietors of independent schools in Wales to share information about children on roll with them, with the local authority where the child is ordinarily resident.

According to the Explanatory Memorandum, the information is required by the local authority so that they can be assured that the child is not missing education (CME) and be assured that they do not need to undertake enquiries in relation to that child.

These Regulations are being made for pilot purposes only and cease to be in effect six weeks after they come into force.

### **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 Schedule 1 to these Regulations, the names of a few of the pilot local authorities are slightly different when compared with Schedule 1 to the Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025 –

- a) in these Regulations, it refers to “Gwynedd Council” but in the other Regulations it refers to “Gwynedd **County** Council”. In the Welsh text, this also means that the name of this Council is not listed according to alphabetical order in Schedule 1 to these Regulations as it is listed as “Cyngor Gwynedd” rather than “Cyngor **Sir** Gwynedd”;



- b) in the English version of these Regulations, it refers to the “Rhondda Cynon Taff County Borough Council” but in the other Regulations it refers to the “Rhondda, Cynon, Taff County Borough Council”. In addition, “Taff” is spelt as “Taf” on the council website.

Please could clarification be provided as to the names of the above pilot local authorities.

## Merits Scrutiny

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

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

There is a sunset provision included in the Regulations. Regulation 1(2) provides that the regulations will come into force on 8 April 2025 and cease to have effect on 20 May 2025.

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

The proprietor of an independent school in Wales is required to disclose to a relevant local authority, by 20 May 2025, specified information it holds in relation to a child who is a registered pupil at that school. Seven local authorities will be involved in the pilot. These are Cardiff County Council, Carmarthenshire County Council, Gwynedd County Council, Isle of Anglesey County Council, Monmouthshire County Council, Powys County Council and Rhondda Cynon Taff County Borough Council.

## Welsh Government response

A Welsh Government response is required for point one only.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**26 March 2025**



# Agenda Item 3.2

## **SL(6)604 – The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025**

### **Background and Purpose**

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 (**the 2024 Regulations**) amended the Charges for Residues Surveillance Regulations 2006 (**the 2006 Regulations**) to enable the competent authorities responsible for official controls to recover costs incurred in carrying out inspections and controls relating to surveillance of animals and animal products.

The 2024 Regulations also amended the 2006 Regulations by amending the fees to be paid in respect of the surveillance of animals and animal products.

However, there was an error in the fees set out in the 2024 Regulations.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (**the 2025 Regulations**) corrected that error – the 2025 Regulations inserted the correct fee into Schedule 1 to the 2006 Regulations, amending the charge to be recovered for residue surveillance of Solipeds<sup>1</sup> from £0.04287 per carcase to £0.4287 per carcase.

However, there was an error in the commencement date in the Welsh text of the 2025 Regulations.

The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025 (**the New 2025 Regulations**) revoke the 2025 Regulations and correctly set out the law regarding the residue surveillance fee and the commencement date.

### **Procedure**

Negative

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

### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

---

<sup>1</sup> Solipeds are animals with a single, unclown hoof on each foot; for example, horses, donkeys, mules and hinnies.



## Merits Scrutiny

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

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

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, in a letter to the Llywydd dated 21 March 2025.

In particular, we note the following paragraphs from the letter:

*The 2025 Regulations were made to amend a drafting error in the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024. The new 2025 Regulations will introduce the same amendment outlined, whilst including an additional regulation to revoke the erroneous original version.*

*It is imperative that the new 2025 Regulations come into force before the 2025 Regulations, as this will enable the 2025 Regulations to be revoked prior to coming into force on 28 March 2025.*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 March 2025**



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

Eich cyf/Your ref  
Ein cyf/Our ref MA-HIDCC-0685-25

The Rt. Hon. Elin Jones MS  
Llywydd  
Senedd Cymru

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

21 March 2025

Dear Llywydd,

### **The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025**

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that the above named statutory instrument will come into force on 27 March 2025, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025 (“the new 2025 Regulations”) is a Statutory Instrument that will revoke and replace the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (“the 2025 Regulations”), which were laid on 6 March to correct a minor drafting error in the Welsh language version, where Regulation 1(3) incorrectly referred to a coming into force date of ‘28 March 2028’ instead of ‘28 March 2025’.

The 2025 Regulations were made to amend a drafting error in the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024. The new 2025 Regulations will introduce the same amendment outlined, whilst including an additional regulation to revoke the erroneous original version.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto: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.

It is imperative that the new 2025 Regulations come into force before the 2025 Regulations, as this will enable the 2025 Regulations to be revoked prior to coming into force on 28 March 2025.

I am copying this letter to the Trefnydd and Chief Whip, Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, Matthew Richards, Interim Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

**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

# Agenda Item 4.1

## **SL(6)601 – The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations are being made for pilot purposes and place a duty on certain pilot local authorities in Wales to develop and maintain a database of children who may be missing education, to be known as a children missing education (CME) database.

A duty is placed on local health boards and general medical services contractors to share basic information about children registered with them with the local authority where the child is usually resident, for the purpose of establishing the CME database. Local health boards will share this information once during the pilot. There is no requirement placed on local health boards to provide further updates after the initial dataset has been shared.

### **Procedure**

Draft Affirmative.

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

### **Technical Scrutiny**

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

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

In the preamble, it is unclear if the enabling powers should also cite “section 66(1)” of the Children Act 2004 as only some of the local authorities in Wales are included in the list of pilot local authorities in Schedule 1 to these Regulations? (e.g., section 66(1)(b) – different provisions for different cases or areas).

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

In the headnotes at the top of pages 1 and 3, there is a difference between the details of the section that are cited in the Children Act 2004. At the top of page 1 it refers to “section 66(3)” but at the top of page 3 it refers to section 66” of that Act. In addition, the details noted in the second paragraph of the preamble are also different because it refers to both “section 66(3) of the Children Act 2004” and “paragraph 34 of Schedule 11 to the



Government of Wales Act 2006". The legislation cited in both headnotes should be consistent with each other and with the second paragraph of the preamble which sets out the fulfilment of the condition requiring the Regulations to be laid in draft. It appears that the details regarding "paragraph 34 of Schedule 11 to the Government of Wales Act 2006" should not be included in the preamble but in footnote (3) on page 3 with an explanation regarding the procedure that these Regulations follow, including the fact that references to the Houses of Parliament in the Children Act 2004 should be interpreted as references to the Senedd.

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

In regulation 4, the term "usually resident" has been defined for that regulation and given the same meaning as in regulation 2(2) and (3) of the Local Health Boards (Directed Functions) (Wales) Regulations 2009. But the term "ordinarily resident" is also used in the other provisions of these Regulations although it is not defined. In the Welsh text, this means that the same term has been used for both the defined term "usually resident" in regulation 4 and "ordinarily resident" in the other regulations – "preswyllo fel arfer". This approach could be potentially problematic in future legislation, if both the terms were being used within the same provision of an instrument as there would be no way of distinguishing between them, and any difference as to their meaning, in the Welsh text.

## **Merits Scrutiny**

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

### **4. 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.**

There is a sunset provision included in the Regulations. Regulation 1(2) provides that the regulations will come into force on 8 April 2025 and cease to have effect on 8 April 2026.

### **5. 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 Regulations establish a pilot scheme for the creation of a CME database by pilot local authorities. Seven local authorities will be involved in the pilot. These are Cardiff County Council, Camarthenshire County Council, Gwynedd County Council, Isle of Anglesey County Council, Monmouthshire County Council, Powys County Council and Rhondda Cynon Taff County Borough Council.

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

The Regulations will be made using powers contained in section 29 of the Children Act 2004. The Explanatory Memorandum dated 11 March 2025 states in section 2 that "a



Commencement Order is required to bring section 29 of the Children Act 2004 into force". It is our understanding that section 29 of the Children Act 2004 was brought into force on 10 March 2025 by The Children Act 2004 (Commencement No. 10) (Wales) Order 2025 (SI 2025/304 (W.60)), which was made on 7 March 2025 and laid on 10 March 2025.

## Welsh Government response

A Welsh Government response is required to points 1, 2, 3 and 6.

## Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

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

—

Welsh Parliament **Pack Page 16**

**Legislation, Justice and Constitution Committee**

**Government Response - The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025**

Technical Scrutiny point 1: The Welsh Government does not consider that a reference to section 66(1)(b) of the Children Act 2004 is necessary as section 66(1)(b) makes it clear that the power to make different provisions for different areas is already included in section 29. However, to assist the reader, subject to approval of the Regulations, the Government will amend the preamble to include reference to section 66(1)(b) of the Children Act 2004 prior to making.

Technical Scrutiny point 2: The Welsh Government accepts that there is a typographical error in the draft headnote. It also notes that the correct powers are cited in the instrument’s preamble. Subject to approval of the Regulations, the draft headnote will be removed from the Regulations, and the Welsh Government will also remove details about “paragraph 34 of Schedule 11 to the Government of Wales Act 2006” from the pre-ample, and footnote these instead, prior to making.

Technical Scrutiny point 3: The Welsh Government considers that, in the specific context of regulation 4 it is clear that in the Welsh text, “preswylio fel arfer” has the meaning attributed to it by Local Health Boards (Directed Functions) (Wales) Regulations 2009 whereas in the other regulations it has its ordinary meaning. Appropriate consideration will be given to the use of the term in future legislation.

Merits Scrutiny point 6: The Welsh Government notes that section 29 of the Children Act 2004 was brought into force on 10 March 2025 by The Children Act 2004 (Commencement No. 10) (Wales) Order 2025 (S.I. 2025/304 (W.60)), which was made on 7 March 2025, and have withdrawn, amended and re-laid the Explanatory Memorandum to reflect this.

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<i>Rheoliadau Deddf Plant 2004 (Cronfa Ddata Plant sy’n Colli Addysg) (Peilota) (Cymru) 2025</i>	<i>The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025</i>
<p><i>In the preamble to the Regulations-</i></p> <p>(i) after “29(1)(a)”, for “a (5)” substitute “, (5) a 66(1)(b)”,</p>	<p><i>In the preamble to the Regulations-</i></p> <p>(i) after “29(1)(a)”, for “and (5)” substitute “, (5) and 66(1)(b)”,</p>

<p>(ii) <i>omit “a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006”</i></p> <p><i>(the reference to paragraph 34 of Schedule 11 to the Government of Wales Act 2006 will be footnoted)</i></p>	<p>(ii) <i>omit “and paragraph 34 of Schedule 11 to the Government of Wales Act 2006”</i></p> <p><i>(the reference to paragraph 34 of Schedule 11 to the Government of Wales Act 2006 will be footnoted)</i></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>	

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: PO/HIDCC/0126/25

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

25 March 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the postponed Inter-Ministerial Group for Environment, Food and Rural Affairs which was originally be held on 10 March will now be held on 31 March. I will be representing the Welsh Government.

The meeting is expected to focus on the circular economy, animal diseases, discussion on a potential UK-EU sanitary and phytosanitary agreement, "Not for EU" labelling, and the impact of the Internal Market Act on the EFRA sector. I will update you on discussions, and a communique will be issued, after the meeting.

We are also holding a quadrilateral meeting on borders with Baroness Hayman on the same day.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and 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:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto: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.

Jayne Bryant AS/MS  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai  
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref DC/JB/00133/25

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

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

26 March 2025

Dear Mike,

Further to my letter sent on 11 February 2025, regarding a meeting of the Interministerial Group on Elections and Registration which took place on 12 February 2025, I have issued a Written Ministerial Statement summarising the discussions at the meeting which includes an agreed Communiqué. It has been published at: [Interministerial Group for Elections and Registration Communiqué: 12 February 2025 - GOV.UK](#)

Yours sincerely,

**Jayne Bryant AS/MS**  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai  
Cabinet Secretary for Housing and Local Government

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Jayne.Bryant@llyw.cymru](mailto:Gohebiaeth.Jayne.Bryant@llyw.cymru)  
[Correspondence.Jayne.Bryant@gov.Wales](mailto:Correspondence.Jayne.Bryant@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.



Llywodraeth Cymru  
Welsh Government

---

## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

---

<b>TITLE</b>	<b>Inter-Ministerial Group for Elections and Registration (IMG Elections)</b>
<b>DATE</b>	<b>27 March 2025</b>
<b>BY</b>	<b>Jayne Bryant MS, Cabinet Secretary for Housing and Local Government</b>

In accordance with the inter-institutional relations agreement, I can report to Members of the Senedd that I represented the Welsh Government at an Inter-Ministerial Group for Elections and Registration meeting on 12 February 2025.

The meeting was held virtually and hosted by the UK Government. In attendance were Rushanara Ali MP, Parliamentary Under Secretary of State in the Ministry of Housing, Communities and Local Government and Fleur Anderson MP, Parliamentary Under-Secretary of State for Northern Ireland. Jamie Hepburn MSP, Scottish Minister for Parliamentary Business gave apologies, and the Scottish Government was represented by officials.

This meeting was an opportunity to hear an update from the UK Government on electoral reform plans and the recently enacted Elections Reform and Representation Act in Scotland, as well as giving an update on the Welsh Government's ongoing work on electoral reform.

A joint communiqué relating to this meeting was issued on 25 March 2025 [Interministerial Group for Elections and Registration Communiqué: 12 February 2025 - GOV.UK](#)

We will continue to work together with meetings planned to take place on a quarterly basis and I will keep Members updated.



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HID/CC0636/25

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

25 March 2025

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025 ("the 2025 Regulations").

We have received a letter from Baroness Sue Hayman the Minister for Biosecurity, Animal Health, and Welfare, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The 2025 Regulations will extend to England, Scotland, and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under:

- Article 144(6) of, and paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council ('the OCR').

The purpose of 2025 Regulation is to extend the implementation period of import checks on certain sanitary and phytosanitary ('SPS') goods entering Great Britain ('GB') from certain countries, until 31 January 2027.

The 2025 Regulations will extend the transitional staging period from 1<sup>st</sup> July 2025 to 31 January 2027. This extension will delay the imposition of checks on Sanitary and Phytosanitary (SPS) goods imported from the EU to GB. This instrument also extends an easement which delays the requirement for import checks (that applies to rest of the world countries) in respect of plants, plant products, or other objects (such as machinery and vehicles which have been used for agricultural or forestry purposes) entering GB from the EU, Liechtenstein or Switzerland through a West Coast Port (as listed in the definition of 'relevant port' in regulation 3 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022) before 31 January 2027, in line with the end of the TSP. The rationale for this extension is to prevent any disruption in trade and to allow sufficient time to transition to a permanent legislative basis for the Border Target Operating Model.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto: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.

The 2025 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

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

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

**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

# Agenda Item 6.1

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y  
Trefnydd a'r Prif Chwip  
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JH/PO/125/25

Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

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

24 March 2025

Dear Llywydd,

The UK Government introduced the Crime and Policing Bill (CP Bill) to the House of Commons on 25 February. The purpose of this letter is to notify you of a delay in laying a Legislative Consent Memorandum in relation to this Bill. There are a number of reasons for this, which relate primarily to the complexity and length of the Bill.

This is a complex piece of legislation which cuts across a number of Welsh Government policy areas and Ministerial portfolios. The breadth of the CP Bill, which is made up of fifteen Parts and covers 332 pages in length, is demonstrated through the Bill's long title as follows:

*A Bill to make provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order; to make provision about powers of the police, the border force and other similar persons; to make provision about confiscation; to make provision about the police; to make provision about terrorism and national security, and about international agreements relating to crime; to make provision about the criminal liability of bodies; and for connected purposes.*

As you will be aware, the previous UK Government introduced the Criminal Justice Bill (CJ Bill), which fell following the dissolution of Parliament prior to the General Election. Although the majority of the CJ Bill concerned reserved matters, a Legislative Consent Memorandum was laid on the CJ Bill.

The Welsh Government were supportive of the policy intent of the majority of the Bill's provisions.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Jane.Hutt@llyw.cymru](mailto:Gohebiaeth.Jane.Hutt@llyw.cymru)  
[Correspondence.Jane.Hutt@gov.wales](mailto:Correspondence.Jane.Hutt@gov.wales)

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

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

My officials received first sight of the draft CP Bill on 21 January 2025, with an updated version [Crime and Policing Bill](#) as introduced on 25 February 2025.

The UK Government have stated they will be seeking legislative consent from the Senedd on the following clauses:

- Clauses 1, 5, and 7 and Schedule 2 – Strengthening anti-social behaviour powers
- Clause 14 – Assault of a retail worker
- Clauses 74 - 75 – A broader offence of encouraging or assisting serious self-harm
- Clauses 127 - 129 – Implementation of international law enforcement information sharing agreements.

To date, our Legal Services have provided an analysis and have highlighted the following clauses also requiring consent from the Senedd:

- Clauses 2, 6, Schedule 1 (Amendments of the Anti-social Behaviour, Crime and Policing Act 2014) and Schedule 3 (Reviews of responses to complaints about anti-social behaviour)
- Clause 90 (War Memorials)
- Clauses 132 (Regulations) and 133 (Regulations made by the Scottish Ministers, a Northern Ireland department or the Welsh Ministers).

We are currently finalising an Legislative Consent Memorandum which we expect to lay before the Senedd shortly. This will be outside the normal two-week Standing Order 29 deadline due to the reasons outlined above.

I am copying this letter to the Counsel General and Minister for Delivery and the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,



**Jane Hutt AS/MS**

Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip  
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

# Agenda Item 6.2

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru  
Cabinet Secretary for Transport and North Wales



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/KSNWT/0389/25

Right Honourable Elin Jones MS  
Llywydd, Senedd Cymru  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN  
[Llywydd@senedd.wales](mailto:Llywydd@senedd.wales)

25 March 2025

Dear Elin,

Thank you for your letter of 14 March regarding the laying of a supplementary legislative consent memorandum ("SLCM") in respect of the remaining provisions in the Bus Services (No. 2) Bill that will have effect in Wales.

Upon further reflection, I have decided to lay a SLCM on the remaining clauses of the UK Bill that make provision in relation to Wales, in order to allow the Senedd the opportunity to effectively scrutinise those provisions. Discussions are ongoing with UK Government over the appropriateness of the provisions having effect in relation to Wales, and I will of course, confirm with the Senedd the outcome of those discussions.

Yours sincerely

**Ken Skates AS/MS**

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru  
Cabinet Secretary for Transport and North Wales

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Ken.Skates@llyw.cymru](mailto:Gohebiaeth.Ken.Skates@llyw.cymru)  
[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@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.



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

Llywydd, Welsh Parliament

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN

Llywydd@senedd.cymru

0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN

Llywydd@senedd.wales

0300 200 6565

Ken Skates MS

Cabinet Secretary for Transport and North Wales

Welsh Government

Cardiff Bay

Cardiff

CF99 1SN

14 March 2025

Dear Ken,

### **Bus Services (No. 2) Bill**

Thank you for your letter of 5 March in relation to the UK Government's Bus Services (No. 2) Bill ("the Bill") and the possible need for legislative consent.

I note that a legislative consent memorandum ("LCM") has now been laid in relation to the Bill. However, I am concerned that you have taken the decision not to include provisions in that LCM which may later be disapplied in relation to Wales.

You will be aware that Standing Order 29.2 requires a member of the government to lay a memorandum where any UK Government Bill makes relevant provision on its introduction to the first House. I recognise that you are currently in discussions with the UK Government about the appropriateness of the provisions that would apply and have effect in Wales. Despite this, under Standing Orders you are required to lay an LCM that specifies the extent to which the Bill makes (or would make) relevant provision, in order to allow the Senedd the opportunity to scrutinise those provisions. This includes provisions which may be disapplied in relation to Wales at a later time during the Bill's passage through the UK Parliament.

Standing Orders provide that an LCM must be laid before the Senedd normally no later than two weeks after a relevant Bill has been introduced to the UK Parliament. I note that 12 weeks passed between the Bill being introduced by the UK Government in the House of Lords on 17 December 2024, and an LCM being laid before the Senedd on 11 March 2025.

I am also concerned that an LCM relating to the Bill that does not include some relevant provisions may have an impact on the Senedd's ability to effectively scrutinise the Bus Services (Wales) Bill during its early stages. Standing Order 29.3 requires the memorandum to set out whether the government considers it appropriate for relevant provision to be made by means of the Bill, and this may provide important contextual information for the Senedd when it comes to consider the general principles of the Bus Services (Wales) Bill.

If, following discussions, the Bill is amended, you will need to lay a supplementary LCM in accordance with Standing Orders to allow appropriate scrutiny by the Senedd.

I am copying this letter to the Business Committee, and the Chairs of the Legislation, Justice and Constitution Committee and the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is positioned below the closing text.

The Rt. Hon Elin Jones MS/AS  
Llywydd

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

Document is Restricted

Sarah Murphy AS/MS  
Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing



Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

28 February 2025

Dear Mike,

### **Legislative Consent Memoranda on the Mental Health Bill**

Thank you for your letter of 4 February 2025, requesting further information to assist in the Legislation, Justice and Constitution Committee's consideration of the Welsh Government's Legislative Consent Memoranda on the Mental Health Bill. Please find my answers to your questions in the attached Annex.

Yours sincerely,

**Sarah Murphy AS/MS**  
Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Sarah.Murphy@llyw.cymru](mailto:Gohebiaeth.Sarah.Murphy@llyw.cymru)  
[Correspondence.Sarah.Murphy@gov.wales](mailto:Correspondence.Sarah.Murphy@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.

## Annex

### Question 1:

**Why do you believe that it is appropriate to make these provisions for Wales in a UK Government Bill, rather than in a Bill introduced to the Senedd?**

We follow the principle that primary legislation in devolved areas should be enacted by the Senedd. However, we remain willing to work with the UK Government on its legislative programme and are committed to achieving outcomes where they are in the best interest of Wales whilst respecting devolution.

The Mental Health Bill reflects this principle, with close collaboration taking place between officials to develop provisions in the Bill from the outset.

As noted in the LCM, whilst this Bill has regard to devolved matters, it also makes provision relating to reserved matters. The interrelationship between reserved matters and devolved matters is closely intertwined; for example, clause 34 (transfers from prison to hospital: conditions) and clause 35 (transfers from prison to hospital: time limits).

For that reason, I consider legislating through a UK Bill to offer the most coherent approach to the provisions delivered in this legislation

### Question 2:

**How did your involvement in the Bill occur, and when was the final decision made to seek provision for Wales in a UK Government Bill?**

### Question 3:

**The Independent Review recommending reform to the Mental Health Act 1983 was concluded in 2018 and the UK Government published a draft Bill setting out planned changes to the 1983 Act in 2022, which was not taken forward in the last Parliament. Could you please outline:**

- i. Whether the draft Bill published in 2022 made provision for Wales;**
- ii. What view the Welsh Government took of the draft Bill at the time;**
- iii. If you are aware of the reasons for the delays in relation to that UK Government Bill.**

I will respond to question 2 and 3 together because they relate to one another. In October 2017 the UK Government announced an independent review of the Mental Health Act 1983 ("the Act"). It looked at how the Act is used and how practice can be improved, specifically at why:

- rising numbers of people are being detained under the Act
- disproportionate numbers of people from black and minority ethnic groups are being detained.

Following the recommendations made in the independent review, the UK Government published a White Paper on the Bill including areas that are devolved to Wales. The UK Government sought agreement from the Welsh Government to include provision for Wales (subject to formal legislative consent).

Officials received copies of the Welsh consultation responses to the White Paper, and the summary report produced by the UK Government covering all the consultation responses. Officials also established a reference group, consisting of representatives from Royal College of Psychologists, NHS Wales, Health Inspectorate Wales and Social Care Wales to support the Welsh Government in reaching a policy position for Wales in response to the recommendations in the White Paper.

Officials held focused sessions to test proposed positions with key groups including the Wales Alliance for Mental Health, the Mental Health Partnership Board and the President of the Mental Health Tribunal for Wales.

On the basis of this work Ministers agreed that, subject to an LCM, Wales should be included in the following reforms:

- Revised principles for decision making
- Revised criteria for detention under the Act
- Changes to the regime for automatic referrals to a mental health tribunal
- More powers for the mental health tribunal to grant leave, transfers and community services, and to order that a specific treatment is not given
- Removal of the role of the managers' panel in reviewing a patient's case for discharge from detention or a community treatment order
- Introduction of advance choice documents
- A stronger right for patients with capacity to refuse treatment
- Additional powers for the Nominated Person and for Independent Mental Health Advocates
- Enhanced standards, accreditation and regulation of mental health advocacy.

It was also agreed that **Wales is excluded** from the following reforms:

- A statutory duty on health and local authorities to deliver on directions made by the mental health tribunal within a 5-week period
- Proposals relating to Care and Treatment Plans
- The new duty on local commissioners to ensure adequacy of supply of community services.

A Ministerial letter, from the then Deputy Minister for Mental Health and Well-being, was sent to the UK Government on 21 October 2021 to confirm the position for Wales. Questions about why the previous UK Government did not progress this legislation would need to be directed to members of that government.

In relation to the Mental Health Bill 2025, the Minister for Patient Safety, Women's Health and Mental Health wrote to the Minister for Mental Health and Well-being on 4 November 2024 informing the Welsh Government about the introduction to Parliament of the Mental Health Bill. The Minister for Mental Health and Well-being responded on 6 November confirming that a Legislative Consent Memorandum in respect of the Bill had been laid in the Senedd.

#### **Question 4:**

**The Legislative Consent Memorandum laid on 10 January 2025 outlines the communication which has taken place between the Welsh Government and the UK Government in relation to this Bill.**

- i. What policy development work has been undertaken by the Welsh Government in relation to mental health?**
- ii. What role did the Welsh Government play in the development of the proposals in the Bill, and how has its policy development work been reflected in the Bill.**

The policy work undertaken is covered in the response to question 2 and 3 above, particularly in relation to how the consultation on the White Paper was used to ensure voices from Wales informed the Bill.

Alongside the development of the Bill, the Welsh Government has consulted on both the Mental Health and Well-being Strategy, and the Suicide and Self-harm Strategies last year.

The consultation report is available here: [Draft mental health and wellbeing strategy | GOV.WALES](#)

We aim to publish the strategies in April. The Mental Health and Well-being Strategy sets out our vision for person centred and needs led mental health support which aligns with the approach set out in the Mental Health Bill. The strategy will also set out our ambition for services to provide support earlier, with the ultimate aim of reducing the need for detention or admission to a mental health unit.

#### **Question 5:**

**What evidence and/or data has been obtained from Welsh stakeholders or in relation to Welsh patients during the development of the Bill, and how is this reflected in the Bill?**

The previous UK Government had planned to introduce the Mental Health Bill to deliver the recommendations in the Wessely Review. A draft Bill was published and the Welsh Government worked with the UK Government to ensure that voices from Wales were heard as part of the consultation on the Bill - the consultation was publicised widely with stakeholders in Wales.

Consultation responses to the White Paper were received directly by the UK Government, but responses from Wales were shared with the Welsh Government so we could consider them in relation to devolved matters. We also convened a Reference Group representing key stakeholders in Wales to inform this process.

Although the original Bill did not progress – and there was frustration and disappointment at the time - we had good engagement with stakeholders in Wales through a public consultation who broadly welcomed the proposals. This is reflected in the Mental Health Bill 2025.

Officials also meet routinely with stakeholders, service users and representatives of the third sector in Wales and discussions on the Bill have taken place in these meetings.

#### **Question 6:**

**Which clauses in the Bill take account of specific Welsh circumstances?**

Clause 2 of the Bill is a technical provision consequential upon the provision made by clause 1 (principles to inform decisions). Clause 2 confers the appropriate duties in section 118 of the Mental Health Act 1983 to ensure that the Welsh Ministers are subject to the duty to ensure the principles and matters to be addressed are included in the code of practice to be issued by the Welsh Ministers in respect of Wales.

Clause 18 of the Bill creates new regulation-making powers for the Welsh Ministers. These powers enable provision to be made to allow an Approved Clinician to certify urgent electroconvulsive therapy under specific circumstances, bypassing the need for a second opinion

appointed doctor (SOADs) approval in exceptional cases. This applies where the treatment in question is provided in Wales. The powers enable the imposition of duties on specified persons for the purpose of ensuring that the SOADs certificate of treatment is given within a specified time period.

Clause 51A (previously thought to be new clause 52) provides the Welsh Ministers with regulation-making powers to make consequential provision to amend primary legislation in relation to Welsh devolved areas. The Senedd procedure attached to regulations under this provision are the subject of question 12. In summary, while the negative resolution procedure currently applies under the Bill, plans are underway to amend this to the affirmative resolution procedure where primary legislation would be amended.

#### **Question 7:**

#### **What are your views on a suggestion that the Welsh Government has piggybacked on a Bill that was designed for England?**

The draft Bill was based on the recommendations made by Sir Simon Wessely in the independent review of the Mental Health Act. Whilst the review was commissioned by the Department of Health and Social Care in England, the findings are applicable to Wales. The Welsh Government also had representation on the advisory panel which was convened to gather evidence and insight throughout the course of the review.

The Bill also reflects practice we have led in Wales through our Mental Health (Wales) Measure, for instance statutory care and treatment planning and extending mental health advocacy.

As set out in the response to question 2 and 3, the Welsh Government has been engaged fully with the Bill since the publication of the White Paper. The official level response to the White Paper was based on views from stakeholders in Wales so we have had the opportunity to inform the draft Bill as it progresses.

I covered in my response to question 1 that the interrelationship between reserved matters and devolved matters is closely intertwined, and a UK Bill is the most coherent way of legislating in this area.

Welsh Government officials continue to meet on a weekly basis with UK Government officials and are working collaboratively on the Bill.

#### **Question 8:**

#### **Paragraph 13 of the Legislative Consent Memorandum states that “There is a significant amount of cross-border provision of mental health services between Wales and England. Not taking provisions in this Bill risks increasing divergence between services available in the two countries.” What consideration did the Welsh Government give to legislating in parallel to the UK Parliament through a Bill introduced to the Senedd, to reduce the risk of divergence between services available in England and Wales?**

As set out in my responses to previous questions, the views of stakeholders in Wales have informed the Bill through a public consultation on the White Paper. Whilst this Bill has regard to devolved matters, it also makes provision relating to reserved matters. For that reason, I consider legislating through a UK Bill to offer the most coherent approach to the provisions delivered in this legislation, particularly given the cross-border operation of the Mental Health Act 1983.

**Question 9:**

**Paragraph 15 of the Legislative Consent Memorandum states that “Whilst this Bill has regard to devolved matters, it also makes provision relating to reserved matters. For that reason, I consider legislating through a UK Bill to offer the most coherent approach to the provisions delivered in this legislation”.**

- i. What is the balance between reserved matters and devolved matters in the Bill?**
- ii. What is the interrelationship between reserved matters and devolved matters in the Bill and how intertwined are they?**

The balance between reserved matters and devolved matters in this Bill is fairly equal as reflected in the number of clauses included in the LCM. In many of the clauses, the interrelationship between reserved matters and devolved matters is closely intertwined; for example, clause 34 (transfers from prison to hospital: conditions) and clause 35 (transfers from prison to hospital: time limits).

**Question 10:**

**Why does the Welsh Government not believe that consent is required in respect of clauses 9, 33, 47 and 48, particularly given that the Welsh Government believes that consent is required for other provisions of a similar nature, such as clauses 34 and 35 (relating to transfers of prisoners)?**

The Welsh Government does not consider that consent is required in respect of the above clauses as they do not have regard to devolved matters.

**Question 11:**

**It would appear that the Secretary of State will retain the power to make regulations in a devolved area under clause 51. Why is this necessary, and are you content with the Secretary of State having these powers?**

Clause 51 of the Bill includes a consequential power for the Secretary of State to ensure that policy objectives under the Bill, including in reserved areas, can be implemented by the UK Government. The power to make consequential provision is limited in scope as it is consequential on the substantial provisions in the Bill for which the Senedd’s consent has been sought. The Welsh Ministers have now been given equivalent powers in relation to Welsh devolved areas in new clause 51A.

**Question 12:**

**New Clause 52 provides the Welsh Ministers with equivalent powers to make consequential provision to amend primary legislation in relation to Welsh devolved areas. This power is equivalent to that which is provided to the Secretary of State in clause 51.**

- i. Did you request for the affirmative procedure to apply to this Henry VIII power and if not, why?**
- ii. Who would make the final decision on whether the affirmative procedure will apply – the UK Government or the Welsh Government?**
- iii. If the Welsh Government wanted to apply the affirmative procedure to this power, would there be any barrier to that happening? For example, does the fact that it is a UK Government Bill mean that the UK Government will have the final decision on the choice of the scrutiny procedure?**

The UK Government has confirmed its intention to table a further amendment to clauses 51 and 51A (previously understood to be new clause 52) shortly. This further proposed amendment will amend the procedure attached to regulations made. The Welsh Government is supportive of this proposal. Welsh Government understand that the amendment will provide that regulations made under the consequential amendment powers in the Bill that amend or repeal provision made by primary legislation are subject to the affirmative resolution procedure, with any other regulations made under the consequential amendment powers in the Bill (for example, to amend or revoke subordinate legislation) being subject to the negative resolution procedure.

**Question 13: Clause 53(3) provides that many provisions in the Bill will not come into force until regulations are made to that effect by the Secretary of State.**

- i. Why are there no commencement powers for the Welsh Ministers?**
- ii. Do you have any concerns about the fact that the Welsh Government does not have control to commence the provisions when they want to, to ensure that the NHS in Wales and other connected stakeholders are ready to implement these changes at the relevant time?**
- iv. Why are you not seeking consent for clause 53?**

No consent has been sought in relation to clause 53 as this is a technical provision clarifying commencement of the Bill rather than a substantive provision. The commencement provision ensures that policy objectives under the Bill can be implemented by the UK Government. This avoids potential complexity and impracticality that may arise if separate commencement provisions were included in the Bill in relation to Wales, which does not appear necessary within the context of this Bill.

My officials continue to meet on a weekly basis with UK Government officials and have developed effective and collaborative working relationships. This will ensure that provisions are commenced at an appropriate time.

**Question 14:**

**Please can you explain how Committees of the Senedd can engage with the Welsh Government in order to propose amendments to the Bill, should they wish to do so?**

I am keen to ensure the Senedd is involved and kept informed as early as possible on these issues and will continue to engage proactively with Committees. The Trefnydd will continue to engage with the Business Committee on any proposed revisions to Standing Orders.

**Question 15:**

**Is the Welsh Government planning to request any other changes to be made to the Bill.**

Officials are working closely with officials in the UK Government on this legislation and are together considering developments and issues as they emerge. Apart from the ongoing work to consider making an amendment to clauses 51 and 51A (as referenced in the answer to Question 12), we are not currently requesting any particular changes to the Bill.

Sarah Murphy MS  
Minister for Mental Health and Wellbeing

4 February 2025

Dear Sarah,

**Legislative Consent Memoranda on the Mental Health Bill**

At its meeting on 27 January 2025, the Committee considered the Welsh Government's Legislative Consent Memoranda on the Mental Health Bill.

To inform our consideration of the memoranda, we would be grateful if you could provide further information in relation to the questions outlined in the attached Annex.

I would be grateful for a response to these questions by 20 February 2025.

Yours sincerely,



Mike Hedges  
Chair

## ANNEX

**Question 1:** Why do you believe that it is appropriate to make these provisions for Wales in a UK Government Bill, rather than in a Bill introduced to the Senedd?

**Question 2:** How did your involvement in the Bill occur, and when was the final decision made to seek provision for Wales in a UK Government Bill?

**Question 3:** The Independent Review recommending reform to the *Mental Health Act 1983* was concluded in 2018 and the UK Government published a draft Bill setting out planned changes to the 1983 Act in 2022, which was not taken forward in the last Parliament. Could you please outline:

- i. Whether the draft Bill published in 2022 made provision for Wales;
- ii. What view the Welsh Government took of the draft Bill at the time;
- iii. If you are aware of the reasons for the delays in relation to that UK Government Bill.

**Question 4:** The Legislative Consent Memorandum laid on 10 January 2025 outlines the communication which has taken place between the Welsh Government and the UK Government in relation to this Bill.

- i. What policy development work has been undertaken by the Welsh Government in relation to mental health?
- ii. What role did the Welsh Government play in the development of the proposals in the Bill, and how has its policy development work been reflected in the Bill?

**Question 5:** What evidence and/or data has been obtained from Welsh stakeholders or in relation to Welsh patients during the development of the Bill, and how is this reflected in the Bill?

**Question 6:** Which clauses in the Bill take account of specific Welsh circumstances?

**Question 7:** What are your views on a suggestion that the Welsh Government has piggybacked on a Bill that was designed for England?

**Question 8:** Paragraph 13 of the Legislative Consent Memorandum states that "There is a significant amount of cross-border provision of mental health services between Wales and England. Not taking provisions in this Bill risks increasing divergence between services available in the two countries."

What consideration did the Welsh Government give to legislating in parallel to the UK Parliament through a Bill introduced to the Senedd, to reduce the risk of divergence between services available in England and Wales?

**Question 9:** Paragraph 15 of the Legislative Consent Memorandum states that "Whilst this Bill has regard to devolved matters, it also makes provision relating to reserved matters. For that reason, I consider legislating through a UK Bill to offer the most coherent approach to the provisions delivered in this legislation".

- i. What is the balance between reserved matters and devolved matters in the Bill?
- ii. What is the interrelationship between reserved matters and devolved matters in the Bill and how intertwined are they?

**Question 10:** Why does the Welsh Government not believe that consent is required in respect of clauses 9, 33, 47 and 48, particularly given that the Welsh Government believes that consent is required for other provisions of a similar nature, such as clauses 34 and 35 (relating to transfers of prisoners)?

**Question 11:** It would appear that the Secretary of State will retain the power to make regulations in a devolved area under clause 51. Why is this necessary, and are you content with the Secretary of State having these powers?

**Question 12:** New Clause 52 provides the Welsh Ministers with equivalent powers to make consequential provision to amend primary legislation in relation to Welsh devolved areas. This power is equivalent to that which is provided to the Secretary of State in clause 51.

- i. Did you request for the affirmative procedure to apply to this Henry VIII power and if not, why?
- ii. Who would make the final decision on whether the affirmative procedure will apply – the UK Government or the Welsh Government?
- iii. If the Welsh Government wanted to apply the affirmative procedure to this power, would there be any barrier to that happening? For example, does the fact that it is a UK Government Bill mean that the UK Government will have the final decision on the choice of the scrutiny procedure?

**Question 13:** Clause 53(3) provides that many provisions in the Bill will not come into force until regulations are made to that effect by the Secretary of State.

- i. Why are there no commencement powers for the Welsh Ministers?
- ii. Do you have any concerns about the fact that the Welsh Government does not have control to commence the provisions when they want to, to ensure that the NHS in Wales and other connected stakeholders are ready to implement these changes at the relevant time?
- iii. Why are you not seeking consent for clause 53?

**Question 14:** Please can you explain how Committees of the Senedd can engage with the Welsh Government in order to propose amendments to the Bill, should they wish to do so?

**Question 15:** Is the Welsh Government planning to request any other changes to be made to the Bill?

# Agenda Item 13

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

Document is Restricted

# Agenda Item 14

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

Document is Restricted