

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Video conference via Zoom

Meeting date: Monday, 19 October 2020

Meeting time: 10.00 – 11.18

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/6471>

Attendance

Category	Names
Assembly Members:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Nia Moss (Researcher) Lucy Valsamidis (Researcher) Rhiannon Lewis (Legal Adviser)

1 Introduction, apologies, substitutions and declarations of interest

The Chair confirmed that, in accordance with Standing Order 34.19, he had determined that the public were excluded from the Committee's meeting in order to protect public health.

There were no apologies or substitutions.



Senedd Cymru
Welsh Parliament

In accordance with Standing Order 17.24A, David Melding declared an interest with respect to Item 2.1.

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

2.1 SL(5)630 – The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified, and to consider the Welsh Government response at a future meeting.

2.2 SL(5)632 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 14) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified.

2.3 SL(5)631 – The Representation of the People (Election Expenses Exclusion) (Wales) (Amendment) Order 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

2.4 SL(5)633 – The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) (Amendment) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

2.5 SL(5)634 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 18) (Bangor) Regulations 2020

The Committee considered the instrument with the Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

3.1 SL(5)625 – The Smoke-free Premises and Vehicles (Wales) Regulations 2020

The Committee noted the Welsh Government response and that the Explanatory Memorandum to the Regulations had been revised.

3.2 SL(5)627 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 16) (Conwy, Denbighshire, Flintshire and Wrexham) Regulations 2020

The Committee noted the Welsh Government response.

3.3 SL(5)623 – The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020

The Committee noted the Welsh Government response and agreed to write to the Welsh Government to seek further clarification in relation to its original reporting points.

4 Statutory Instruments requiring Senedd consent (Statutory Instrument Consent Memorandums)

4.1 SICM(5)30 – The Reciprocal and Cross-Border Healthcare (Amendment etc) (EU Exit) Regulations 2020

The Committee noted the Statutory Instrument Consent Memorandum (SICM) and the commentary. The Committee agreed to write to the Minister to raise concern that the Welsh Government would not be tabling a motion for debate on the SICM.

5 Standing Order 30B Report: The European Union (Withdrawal) Act and Common Frameworks

The Committee noted the written statement and the report.

6 Written statements under Standing Order 30C

6.1 WS-30C(5)170 – The Agriculture (Payments) (Amendments etc.) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

6.15 WS-30C(5)171 – The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary, in particular that there is a disagreement between the Welsh Government and the UK Government as to whether consent is needed.

6.3 WS-30C(5)172 – The Food (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

7 Papers to note

7.1 Letter from the Secretary of State for Business, Energy and Industrial Strategy and the Secretary of State for Wales: UK Internal Market Bill

The Committee noted the letter from the Secretary of State for Business, Energy and Industrial Strategy and the Secretary of State for Wales.

7.2 Letter from the Counsel General: Breaches of the 21 day rule and other matters concerning Covid-related legislation

The Committee noted the letter from the Counsel General.

7.3 Letter from the Deputy Minister and Chief Whip: Legislative Consent Memorandum on the Domestic Abuse Bill

The Committee noted the letter from the Deputy Minister and Chief Whip.

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

The Committee agreed the motion.

9 UK Internal Market Bill: Briefing from Welsh Government

The Committee noted the briefing from the Welsh Government in relation to the UK Internal Market Bill. In addition, the Committee noted that it would be taking evidence from the Counsel General on the Welsh Government's Legislative Consent Memorandum on the Bill at its meeting on 2 November 2020, and that members of the External Affairs and Additional Legislation Committee and the Finance Committee have been invited to join the meeting.

10 Brexit update – common frameworks

The Committee noted the briefing from the Research Service in relation to common frameworks.

11 The Greenhouse Gas Emissions Trading Scheme Order 2020: Consideration of draft report

The Committee considered and agreed, subject to minor amendments, its report on the Greenhouse Gas Emissions Trading Scheme Order 2020.

12 Legislative Consent Memorandum on the Medicines and Medical Devices Bill: Consideration of draft report

The Committee considered and agreed its draft report on the Legislative Consent Memorandum on the Medicines and Medical Devices Bill. The Committee noted that the report would be laid by the reporting deadline of 22 October 2020.

13 Legislative Consent Memorandum on the Non-Domestic Rating (Lists) (No. 2) Bill: Consideration of draft report

The Committee considered its draft report on the Legislative Consent Memorandum on the Non-Domestic Rating (Lists) (No. 2) Bill, and agreed to consider an amended draft at the next meeting.

14 Covid-19 regulations: Consideration of correspondence

The Committee considered the key issues in relation to the scrutiny of Covid-19 regulations and how they wished to respond to the letter from the Llywydd of 8 October 2020.