

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

**Legislation, Justice and
Constitution Committee**

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

Julie James MS,
Counsel General and Minister for Delivery

17 December 2024

Dear both,

Scrutiny session follow-up, 9 December 2024

Thank you for appearing before the Committee on 9 December to give evidence on aspects of your portfolios which fall within our remit.

We have some further questions that we were not able to reach during the session, in the attached Annex.

We would be grateful for your response by 15 January 2025.

Yours sincerely,



Mike Hedges
Chair

ANNEX

Question 1: During the Sixth Senedd, this Committee has become concerned about the frequent use of framework legislation by the Welsh Government and the impact this has on Members' ability to properly scrutinise Bills. Can you outline why the use of framework legislation has increased and why the Welsh Government believes it is an appropriate way to legislate?

Question 2: Will any of the Bills in the remainder of the Welsh Government's legislative programme be framework legislation?

Question 3: What impact does the increased use of framework legislation and the consequential increase in subordinate legislation have on the Welsh Government's capacity to make such legislation?

Question 4: In your view, does the legislative consent process give the Senedd sufficient opportunity to scrutinise UK Bills that are legislating in devolved areas?

Question 5: What changes have occurred within inter-governmental relations (IGR) related to the legislative consent process since the new UK Government has been in power?

Question 6: The Welsh Government has spoken about working in partnership with the UK Government on Bills such as the Tobacco and Vapes Bill. Is it appropriate for legislation in devolved areas to be developed in this way, with a limited role for the Senedd? What consideration has the Welsh Government given to legislating in parallel to the UK Parliament through a Bill introduced to the Senedd instead of a UK Government Bill in order to facilitate policy collaboration?

Question 7: What impact does the resource allocated to support provision in UK Bills have on the available capacity to support the Welsh Government's legislative programme?

Question 8: What consideration is the Welsh Government giving to the resources and capacity that will be needed to support a full legislative programme in an enlarged Senedd?

Question 9: Does the capacity available in the Welsh Government influence decisions on whether to legislate through the Senedd or to use a UK Government Bill introduced to the UK Parliament?

Question 10: The Welsh Government Consolidated Accounts 2023-24 refer to a "review of the approach to developing legislation across the Welsh Government". Why was this review felt necessary, what were its aims and why wasn't it referred to when responding, in June 2024, to a Committee recommendation calling for a similar review?

Question 11: Welsh Ministers have conducted a number of bilateral meetings with their counterparts in the UK Government since the general election. How will the Welsh Government ensure that the substance of these meetings is open and transparent to the Senedd and the public?

Question 12: When does the Welsh Government intend to publish the IGR annual report for 2023 – 2024?

Question 13: How many appointments has the Welsh Government made to the IGR secretariat? Have all appointments now been made?

Question 14: What progress has the Welsh Government made towards the recommendations of the Commission on Justice in Wales and its stated aim of the devolution of justice?

Question 15: How has the Welsh Government been working with the new Secretary of State for Justice to improve justice outcomes for people in Wales?

Question 16: Does it remain the Welsh Government's intention to bring forward legislation in this Senedd term to reform the Welsh Tribunals? What could the impacts be on access to justice if this reform is not brought forward in this Senedd term?

Question 17: What is the Welsh Government's assessment of the situation at HMP Parc and any progress made since reports of a high number of deaths at the prison earlier this year?

Question 18: What is the Welsh Government's position on the impact of the UK Internal Market Act on Welsh legislation?

Question 19: Is the UK Internal Market Act considered by Ministers and officials when decisions are made about whether to work collaboratively with other governments in the UK on policy proposals?

Question 20: On what basis has the Welsh Government withdrawn from the joint deposit return scheme with the other UK nations? The Welsh Government's written statement references that it has not been possible to address issues caused by the UK Internal Market Act. Why is this the case? Did you discuss with the current UK Government about seeking an exclusion from the Act's market access principles to enable a Welsh scheme to include glass?

Question 21: Has the Welsh Government made any assessment about the interaction between the Product Regulation and Metrology Bill and the UK Internal Market Act's market access principles?

Question 22: What discussions has the Welsh Government had with their counterparts in the UK Government about introducing a requirement for consent in the regulation-making powers in the Product Regulation and Metrology Bill?