

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Videoconference via Zoom

P Gareth Williams

Meeting date: 27 February 2023

Committee Clerk

Meeting time: 13.30

0300 200 6565

SeneddLJC@senedd.wales

Remote – Supplementary Pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

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

(13.30 – 13.35)

2.4 SL(6)324 – The Education (Student Loans) (Repayment) (Amendment) Regulations 2023

(Page 1)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-23 – Paper 27 – Welsh Government Response

5 Papers to note

(13.45 – 13.50)

5.7 Correspondence from the Local Government and Housing Committee: Supplementary Legislative Consent Memorandum on the Social Housing (Regulation) Bill

(Pages 2 – 3)



Attached Documents:

LJC(6)-07-23 – Paper 26 – Letter from the Local Government and Housing Committee, 23 February 2023

7 Draft submission to the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee: How is Devolution Changing Post-EU? Inquiry

(13.50 – 14.00)

(Pages 4 – 11)

Attached Documents:

LJC(6)-07-23 – Paper 19 – Draft submission

10 Legislative Consent Memoranda on the Economic Crime and Corporate Transparency Bill: Draft report

(14.30 – 14.40)

(Pages 12 – 18)

Attached Documents:

LJC(6)-07-23 – Paper 25 – Draft report

Agenda Item 2.4

Government Response: The Education (Student Loans) (Repayment) (Amendment) Regulations 2023

Merit Scrutiny point 3: In light of the current economic climate, the Regulations to set a flat interest rate for Plan 2 and Plan 3 student loans in line with the Prevailing Market Rate are now being made on a routine basis whereas previously they were somewhat novel.

Due to the increased regularity of these Regulations, the Welsh Government has reviewed the Welsh Ministers' Code of Practice for carrying out Regulatory Impact Assessments (RIA) for subordinate legislation and noted that an RIA was not required.

The reasons for that are clearly set out within the Explanatory Memorandum (EM) to the Education (Student Loans) (Repayment) (Amendment) Regulations 2023 ("2023 Regulations").

The Welsh Government recognises that an RIA was previously provided within the EM to the Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations 2022. However, as an RIA is not required under the Code, neither was there any requirement for a reproduction or referral to the earlier RIA within the EM to the 2023 Regulations.

**Local Government
and Housing Committee**

Elin Jones MS
Y Llywydd
Chair, Business Committee

23 February 2023

Annwyl Lywydd,

Supplementary LCM (Memorandum No.5) for the Social Housing (Regulation) Bill

You will be aware that the Local Government and Housing Committee has been considering legislative consent memoranda in relation to the Social Housing (Regulation) Bill and that we have reported on the initial LCM and Supplementary Memoranda 2-4. Business Committee agreed on 7 February to invite us to consider Supplementary Memorandum (No.5) and to report by 27 February.

Supplementary Memorandum (No.5) was laid by the Welsh Government on 15 February, therefore our meeting scheduled for 16 February was our only opportunity to consider it, as the following week was the Senedd's half term recess. Given this very short timescale, we were unable to consider a legal advice note at our meeting, however we were able to receive an oral update from Legal Services on its provisions. Members felt strongly that having only one meeting to consider and report on a legislative consent memorandum is insufficient.

You will be aware from our previous correspondence of the Committee's concerns around the increased use of UK Bills and the legislative consent convention to legislate in devolved areas, in particular the lack of opportunity Members have to scrutinise the provisions within the time allocated. As I have stated previously, we strongly believe that the short amount of time allocated to the legislative consent process is insufficient to enable us to fully understand the impact of provisions on the lives of people in Wales.

Unfortunately, due to the timing restrictions, we will be unable to issue a report on our consideration of SLCM (No.5). However, we note that Memorandum No. 5 says there are approximately 530 social housing properties in Wales that are owned / managed by English Registered Providers who will be subject to the changes introduced by the Bill and that the vast majority of social housing properties in

Wales are not affected. We also note that the Memorandum states that the Bill will lead to "*positive change for all tenants of English RPS, including those Welsh tenants who will be impacted by the changes*".

In our previous reports on the Memoranda relating to the Social Housing (Regulation) Bill, we noted our concerns at the short amount of time allocated to the legislative consent process, however most Members felt that they were able to recommend that the Senedd gives its consent to legislate on these devolved matters on this occasion. One Member of the Committee, Mabon ap Gwynfor MS, disagreed with the majority view and believed that consent should not be granted.

Given the time available for scrutiny of SLCM (No.5), the Committee is not in a position to come to a view on whether to recommend to the Senedd that it gives or withholds legislative consent in relation to the provisions included in the latest memorandum.

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

Yours sincerely



John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 7

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

Document is Restricted

Agenda Item 10

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

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