

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 15 January 2024

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

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

(13.35 – 13.40)

3.5 SL(6)432 – The Wine (Amendment) (Wales) Regulations 2024

(Pages 1 – 2)

Attached Documents:

LJC(6)-02-24 – Paper 24 – Welsh Government Response

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

(13.40 – 13.45)

4.4 SL(6)426 – The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023

(Pages 3 – 5)

Attached Documents:

LJC(6)-02-24 – Paper 25 – Report

LJC(6)-02-24 – Paper 26 – Welsh Government response



6 Inter-Institutional Relations Agreement

(13.50 – 13.55)

6.2 Correspondence from the Counsel General and Minister for the Constitution: Inter-Ministerial Group on Justice

(Page 6)

Attached Documents:

LJC(6)-02-24 – Paper 27 – Letter from the Counsel General and Minister for the Constitution, 12 January 2024

9 Elections and Elected Bodies (Wales) Bill: Draft report

(14.00 – 14.25)

(Pages 7 – 50)

Attached Documents:

LJC(6)-02-24 – Paper 17 – Draft report

Agenda Item 3.5

Government Response: *The Wine (Amendment) (Wales) Regulations 2024*

Technical Scrutiny point 1: The Welsh Government are of the view that the preamble to this S.I. does not need amendment as the drafting approach taken is not uncommon – see for example, the Genetically Modified Food and Feed (Authorisations)(Wales) Regulations 2022 (2022/472) which referred to this EU Regulation in the same way in its Preamble and which was not reported. Furthermore, this is also exactly how that EU Regulation is referred to in the draft English Regulations and the draft Welsh Regulations mirror these English Regulations

Technical Scrutiny point 2: The Welsh Government can confirm that the reference to 3/4/2023 is correct because it is the latest technical definition for the treatment of wine with fumaric acid to inhibit malolactic fermentation and is in the current version of the Oenological Code. The 2021 reference (OENO 581A-2021) referred to in LJCC's report is to the record of the original resolution by the OIV to permit use of fumaric acid to inhibit malolactic fermentation. The definition (3/4/2023) prescribes exactly the same treatment for the same objective as permitted by the 2021 resolution.

Merit Scrutiny point 3: The Welsh Government has not prepared a RIA for two reasons. One is the provisions for “ice-wine” are putting into effect a policy already decided by UKG when it signed the CPTPP Protocol of Accession in July 2023, meaning the Welsh Government has no choice other than to amend the law. The other reason is the changes update regulations to permit businesses to operate to the latest OIV code of practice, a body which undertakes extensive consultative and scientific scrutiny of changes, and the changes being ones where GB consultation on the regulations identified widespread business support and no concerns about negative impact.

The Welsh Government does not consider the changes made to Commission Delegated Regulation (EU) 2019/934 to be “extensive”. Relative to the very large and broad scope of the whole International Code of Oenological Practices the changes are few in number and only apply to a few aspects of oenological practices. The changes made to Table 1, Annex 1 of Commission Delegated Regulation (EU) 2019/934 by Regulation 3(5)(d) are mostly additions to permitted processes which provide wine businesses with opportunity to adopt new practices. These practices have been subject to consultation and the OIV's extensive scrutiny process. The changes made by the Schedule (Regulation 3(6)) add to the list of authorised oenological compounds, or update compounds already on that list, listed in Table 2 of Commission Delegated Regulation (EU) 2019/934. Making these changes enable businesses to use the most up to date approved list of compounds.

The changes themselves are technical and have all been approved by OIV members, which include the UK. The Code sets international standards for wine and so is relevant to international trade. Making the changes enables Welsh businesses to operate on the same terms as other businesses in the UK or abroad.

SL(6)426 – The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023

Background and Purpose

These Regulations prescribe periods for registration of a registered building inspector and registered building control approver, set out the sanctions for registered building control approvers and deal with appeals of a decision made by the Welsh Ministers, who are the regulatory authority in relation to Wales, under Part 2A of the Building Act 1984 (“the Act”).

Regulation 2 prescribes the period for registration of a registered building inspector.

Regulation 3 prescribes the period for registration of a registered building control approver.

Regulation 4 sets out that where the Welsh Ministers make a disciplinary order they must as soon as reasonably practicable give a copy of the disciplinary order to each local authority in Wales where there has been a variation of a registered building control approver’s registration, a suspension of registration for a specified period, or a cancellation of registration from a specified date.

Regulation 5 provides that where the Welsh Ministers make or revoke an order under section 58V of the Act they must as soon as reasonably practicable give a copy of the interim suspension order to each local authority in Wales where the Welsh Ministers consider that the suspected contravention is so serious that, if the Welsh Ministers determine that the contravention has occurred, they are likely to make an order under section 58U(2)(d) of the Act cancelling the person’s registration.

Regulation 6 relates to appealing a decision made by the Welsh Ministers under Part 2A of the Act.

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.



Merits Scrutiny

The following 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 that section 1 of the Building Act 1984 is cited as one of the enabling powers. Please could clarification be provided as to which subsection(s) is relied upon?

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 8 January 2024 and reports to the Senedd in line with the reporting point above.



Government Response: *The Building (Building Control Profession) (Registration, Sanctions and Appeals) (Wales) Regulations 2023*

Merit Scrutiny point 1: The subsection relied upon is subsection (1).

Agenda Item 0.2

MICK ANTONIW AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

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12th January 2024

Inter-Institutional Relations Agreement: Inter-Ministerial Group on Justice

I am writing in accordance with the inter-institutional relations agreement to notify you that the next meeting of the Inter-Ministerial Group on Justice will be hosted by the Scottish Government in Edinburgh on 25th January.

The meeting is due to be chaired by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, and I will be representing the Welsh Government in person. The meeting is likely to focus on a range of issues relating to Prison Capacity, Court Recovery, and Legal Aid.

I will provide an update after the meeting.

I am copying this letter to the Minister for Social Justice and Chief Whip.

Yours sincerely,

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

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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.

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