

## **Agenda Supplement – Legislation, Justice and Constitution Committee**

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Meeting Venue:

Committee Room 5, Tŷ Hywel

Meeting date: 14 October 2024

Meeting time: 13.00

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

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

### **Hybrid – Supplementary Pack**

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

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#### **4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered** (13.10 – 13.20)

##### **Affirmative Resolution Instruments**

#### **4.8 SL(6)532 – The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024**

(Pages 1 – 3)

Attached Documents:

LJC(6)-29-24 – Paper 30 – Report

LJC(6)-29-24 – Paper 31 – Welsh Government response

#### **5 Inter-Institutional Relations Agreement** (13.20 – 13.25)

#### **5.4 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024**

(Pages 4 – 5)



Attached Documents:

LJC(6)-29-24 – Paper 32 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 October 2024

**5.5 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group on Net Zero, Energy and Climate Change**

(Page 6)

Attached Documents:

LJC(6)-29-24 – Paper 33 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 October 2024

## **SL(6)532 – The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024**

### **Background and Purpose**

These Regulations make provision about the Welsh Ministers' power to designate a provider of tertiary education as an institution under section 83(4) of the Tertiary Education and Research (Wales) Act 2022. They set out the procedure to be followed by a provider when applying for designation as an institution, along with the decision-making process and the procedure for withdrawing a designation.

### **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 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In regulation 2, the Tertiary Education and Research (Wales) Act 2022 has been defined as "the 2022 Act". However, in the definitions of "registered provider" and "tertiary education" in regulation 2, the full title of the Act has been included in the references to "section 144(1) of the Tertiary Education and Research (Wales) Act 2022". In these references, "the 2022 Act" should have been used, rather than repeating the full title of the Act.

#### **2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 2 defines "the Commission" as meaning "the Commission for Tertiary Education and Research". However, the Commission is not referred to anywhere else in the Regulations. Therefore, it is not clear why the inclusion of this definition in regulation 2 has been considered necessary.

### **Merits Scrutiny**

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



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

Regulation 2 defines “the Credit and Qualifications Framework for Wales” as meaning “the document with that title published by the Welsh Ministers, as updated from time to time, and which includes descriptions of levels of qualifications”.

To aid accessibility, it may have been helpful for the Regulations to have included a hyperlink or description as to the location of this document, as published from time to time, such as by way of a footnote.

#### **Welsh Government response**

A Welsh Government response is required.

#### **Committee Consideration**

The Committee considered the instrument at its meeting on 7 October 2024 and reports to the Senedd in line with the reporting points above.



## Government Response: The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024

Technical Scrutiny point 1: The Government accepts the reporting point, whilst noting that it does not alter the legal effect in this instance. We will make a correction prior to making as shown in the table below.

Technical Scrutiny point 2: We accept the reporting point, whilst noting that it does not alter the legal effect in this instance. We will make a correction prior to making as shown in the table below.

Merit Scrutiny point 3: The Government accepts the reporting point. In the interests of accessibility, we will insert a hyperlink in a footnote as part of correction prior to making.

### Technical drafting corrections to be made prior to the making of the Regulations

<b>CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING</b>	<b>CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING</b>
<b>Rheoliadau Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Dynodi Darparwyr) 2024</b>	<b>The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024</b>
In regulation 2 the definitions of “addysg drydyddol” and “darparwr cofrestredig” will be amended to refer to “Deddf 2022” rather than “Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022”.	In regulation 2 the definitions of “registered provider” and “tertiary education” will be amended to refer to “the 2022 Act” rather than “the Tertiary Education and Research (Wales) Act 2022”.
In regulation 2 the redundant definition of “y Comisiwn” will be omitted.	In regulation 2 the redundant definition of “the Commission” will be omitted.
In regulation 2, in the definition of “Fframwaith Credydau a Chymwysterau Cymru” a footnote will be inserted to provide a hyperlink to the published documents.	In regulation 2, in the definition of “the Credit and Qualifications Framework for Wales” a footnote will be inserted to provide a hyperlink to the published documents.
Minor issues of formatting will also be corrected prior to making.	

# Agenda Item 5.4

Huw Irranca-Davies AM/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

Ein cyf/Our ref: HIDCC/PO/0283/24 (MA/LG/2749/23)

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament

11 October 2024

Dear Mike,

Further to the letter sent to the Committee on 12 February 2024 by my predecessor, the then Minister for Rural Affairs and North Wales, and Trefnydd Lesley Griffiths MS, regarding The Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024 ('the 2024 Regulations'). The letter informed the Committee of her intention to give consent to the Secretary of State for this UK SI to be applicable in Wales.

I am writing to inform the Committee that the 2024 Regulations were laid in Parliament yesterday, 10 October. I have laid a Written Statement which can be found [here](#).

Whilst it was originally intended for the 2024 Regulations to be laid in Parliament in February 2024, this did not happen so further discussions with the European Union on operational delivery could take place. Following satisfactory discussions, UK Government officials have confirmed that no amendments were required, and other than the introduction of phased coming into force dates, the draft remains the same as it was when consent was given in February 2024. Despite the change in Government, I am satisfied that the consent initially given in February remains valid.

The Regulations intersect with devolved policy and will apply to Wales. The Regulations, which are subject to the affirmative procedure, extend to Northern Ireland, England, Scotland and Wales. Parts 1, 2 and 4 will come into force on 31 March 2025. All other parts will come into force on 4 June 2025.

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 the Regulations to apply to Wales. I consider that legislating separately for Wales would not be the most appropriate way to give effect to the necessary changes. Creating GB-wide regulations ensures consistency across the UK, avoiding legislative divergence that could jeopardise the continued implementation of the Windsor Framework.

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.

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

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

**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 5.5

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

Ein cyf/Our ref: HIDCC/PO/0284/24

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament

11 October 2024

Dear Mike, Llŷr,

I am writing in accordance with the inter-institutional relations agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place on the 17 October 2024 in Scotland. I apologise for the very short notice, but the meeting was only confirmed this week. I anticipate the discussion will focus on common challenges in meeting net zero and in decarbonising the power sector, as well as future collaboration between the four governments of the UK.

I will provide an update after the meeting.

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.