Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:
Hybrid – Committee Room 3, Senedd and Video Conference via Zoom
Meeting date: 4 November 2024
Meeting time: 11.00

For further information contact:
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Hybrid – Supplementary Pack No.1

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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2 Legislative Consent Memorandum on the Product Regulation and Metrology Bill: Evidence session with the Cabinet Secretary for Economy, Energy and Planning

(Pages 1 – 11)

Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning
Claire McDonald, Deputy Director, Economic Policy, Welsh Government
Jennifer Pride, Head of Energy Delivery, Welsh Government
Scott Tyler, Head of UK Legislation Programme, Welsh Government

Attached Documents:
LJC(6)-31-24 – Paper 1 – Briefing Paper
LJC(6)-31-24 – Paper 2 – Legal Advice Note on the Legislative Consent Memorandum on the Product Regulation and Metrology Bill

7 Evidence session with the Counsel General and Minister for Delivery on the Legislation (Procedure, Publication and Repeals) (Wales) Bill

(13.30 – 14.30) (Pages 12 – 47)

Legislation (Procedure, Publication and Repeals) (Wales) Bill, as introduced
Explanatory Memorandum

Julie James MS, Counsel General and Minister for Delivery

Dylan Hughes, First Legislative Counsel, Welsh Government

Claire Fife, Policy Advisor to the Counsel General and Head of the Legislative Codes Office, Welsh Government

Attached Documents:

LJC(6)-31-24 - Paper 4 - Briefing Paper

LJC(6)-31-24 - Paper 5 - Letter to the Business Committee, 3 October 2024

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

(14.35 - 14.40)

Affirmative Resolution Instruments

8.2 SL(6)540 - The Land Transaction Tax (Relief for Special Tax Sites) (Wales) Regulations 2024

(Page 48)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-31-24 - Paper 8 - Draft report

LJC(6)-31-24 - Paper 9 - Written Statement by the Cabinet Secretary for Finance and Welsh Language, 22 October 2024

LJC(6)-31-24 - Paper 30 - Welsh Government response

10 Inter-Institutional Relations Agreement

(14.45 - 14.50)

10.4 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Amendment) Regulations 2024

(Pages 49 - 50)

Attached Documents:

LJC(6)-31-24 - Paper 31 - Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 31 October 2024

11 Papers to note

(14.50 - 14.55)

11.6 Written Statement by the Cabinet Secretary for Transport and North Wales: UK Government Amendment to the Passenger Railway Services (Public Ownership) Bill

(Page 51)

Attached Documents:

LJC(6)-31-24 - Paper 32 - Written Statement by the Cabinet Secretary for Transport and North Wales, 1 November 2024

13 Annual report 2023/24: Draft report

(15.15 - 15.45) (Pages 52 - 106)

Attached Documents:

LJC(6)-31-24 - Paper 29 - Draft report

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

Agenda Item 2

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

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Agenda Item 8.2

Government Response: The Land Transaction Tax (Relief for Special Tax Sites) (Wales) Regulations 2024

Merit Scrutiny point:

1. Explain the reasoning for laying these Regulations before the Senedd prior to the conclusion of the CMA's consideration of the proposed scheme.

Response:
The Welsh Government has developed a subsidy control scheme jointly with the UK government to cover all devolved and reserved reliefs, incentives and funding available in relation to special tax sites. The Welsh Government and UK government want to align the coming into force of the proposed LTT special tax sites relief with the coming into force of the UK government's designation of the Celtic Freeport special tax site and the availability of the reserved tax incentives. This will allow the LTT special tax site relief to be claimed immediately from the date that the special tax site is designated. The UK government laid regulations before Parliament on 17 October 2024 to designate the Celtic Freeport special tax site with respect to reserved reliefs. Both the designation and the LTT relief regulations are due to come into force on 26 November 2024, subject to the relevant procedures.
To achieve alignment on 26 November 2024, these Regulations were required to be laid before the Senedd prior to the conclusion of the CMA's consideration of the proposed subsidy control scheme. Whilst this has the potential to create a risk of claims of pre-emption, it will not be possible to provide any LTT relief to the Celtic Freeport special tax site prior to 26 November 2024, which will be after both the publication of the CMA's report on, and the registration of, the subsidy control scheme, thereby mitigating any risk.

2. In advance of the Senedd debate on the Regulations, confirm whether the CMA has raised any concerns in relation to the new LTT relief and, if so, the Government's response.

Response:
The CMA published their report on the Welsh Freeports Subsidy Scheme on 1st November 2024: Referral of the proposed Welsh Freeports Subsidy Scheme by the Welsh Government (WG) and the Ministry of Housing, Communities and Local Government (MHCLG) - GOV.UK

The Welsh Government and UK government have 5 days to pay due regard to its content. After this period, but in advance of the Senedd debate on the Regulations, we will write to the Committee to advise whether the CMA has raised any concerns in relation to the LTT relief and, if so, provide the Government's response. The Welsh Freeports Subsidy Scheme was pre-referred to the Subsidy Advice Unit of the CMA, who advised whether improvements were needed before formal submission.

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: HID/CC/MA/5295/24

Mike Hedges MS
Chair,
Legislation, Justice and Constitution Committee
Welsh Parliament
SeneddLJC@senedd.wales

31 October 2024

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Official Controls (Amendment) Regulations 2024 ('the 2024 Regulations').

We have received a letter from Lord Douglas-Miller the then Minister for Biosecurity, Animal Health, and Welfare, asking for consent to these Regulations, and my officials inform me the request still stands. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under:

- sections 14(1), (2), (3), (4)(a), (b), (e) and (7), 15(1) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023.

The powers conferred by the Retained EU (Revocation & Reform) Act 2023 are being used to amend pre-existing powers in Regulation (EU) 2017/625 ("the Official Controls Regulation" or "OCR") so that further instruments can be made at a later date. The majority of amendments made by the 2024 Regulations do not have policy impact until the amended powers are exercised at a later date. The following policies will, however, have impact from the coming into force date:

- Allowing Plant Health Inspectors to carry out diagnostic tests at the BCP instead of testing at official laboratories.
- Providing that enforcement powers may allow recovery of cost of debts and collections where fees have not been paid

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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.

The 2024 Regulations provide the legislative basis for further aspects of the BTOM to be delivered including the Trusted Trader schemes for animal products and Authorised Operator Status ("AOS") for plants and plant products.

The 2024 Regulations revoke and replace provisions in the Official Controls Regulation and other relevant legislation to provide a long-term legislative basis for the BTOM beyond reliance on the Transitional Staging Period (TSP) for relevant goods, and to ensure the BTOM can be updated in response to risk as required by allowing changes to be made administratively.

The Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

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 this instrument to apply to Wales to ensure a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain; to protect biosecurity and ensure food safety standards are maintained in Wales. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

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

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

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**UK Government Amendment to the Passenger Railway Services (Public Ownership) Bill**
DATE	**01 November 2024**
BY	**Ken Skates, Cabinet Secretary for Transport and North Wales**

UK Government have laid an amendment to the Passenger Railway Services (Public Ownership) Bill (the Bill). The proposed amendment is as follows:

> *After Clause 2, insert the following new Clause*
>
> *"2A Application of public sector equality duty*
>
> *In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to public sector equality duty), at the appropriate place under the heading "Transport", insert—*
>
> *"A public sector company providing services for the carriage of passengers by railway under a public service contract awarded under section 30 of the Railways Act 1993 (public sector provision of services).""*

The amendment would add the public sector companies defined within the Bill to the list of bodies identified in Schedule 19 to the Equality Act 2010 as being subject to the public sector equality duty. It is the Welsh Government's view that it would have no substantive legal or practical effect as any subsidiary company of the Welsh Ministers, is already a public authority for the purposes of the public sector equality duty, under section 149(1) of the Equality Act 2010.

I appreciate that this amendment comes at short notice, ahead of the Legislative Consent Motion debate planned for 5 November. The UK Government is working at pace on this legislation, and this Written Statement has been issued at the earliest opportunity.

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

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