

## Agenda Supplement – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 10 March 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

### Remote – 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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#### 5 Inter–Institutional Relations Agreement

(13.45 – 13.50)

#### 5.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025

(Pages 1 – 3)

Attached Documents:

LJC(6)–09–25 – Paper 19 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 7 March 2025

#### 6 Papers to note

(13.50 – 13.55)

#### 6.7 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and Counsel General and Minister for Delivery: Scrutiny of the Welsh Government's draft budget for 2025–26

(Pages 4 – 12)



Attached Documents:

LJC(6)-09-25 – Paper 20 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and Counsel General and Minister for Delivery, 3 March 2025

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

Ein cyf/Our ref: MA/HIDCC/0133/25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

7 March 2025

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 ("the No. 2 Regulations").

The No. 2 Regulations intersect with devolved policy and will apply to Wales. They will be made by the Secretary of State for Environment, Food and Rural Affairs as an appropriate authority under Articles 15(1) and 18(1) of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on Persistent Organic Pollutants (recast) ("the POPs Regulations").

The No. 2 Regulations apply in relation to England, Scotland and Wales and pursuant to Article 18(5) are subject to the negative procedure. They are to be laid before Parliament on 11 March 2025.

Article 15(1) provides that an appropriate authority may make regulations and Article 2A(c) of the POPs Regulations provides that the appropriate authority in relation to Wales is either the Welsh Ministers or where the Welsh Ministers consent, the Secretary of State. As such regulations made in reliance of Article 15(1) that apply in relation to Wales may only be made by the Welsh Ministers or by the Secretary of State with the consent of the Welsh Ministers.

The Baroness Hayman of Ullock wrote to me on the 8 January 2025, requesting consent to the 2025 Regulations. A similar request for consent has been sent to Scottish Ministers.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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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 Persistent Organic Pollutants (Amendment) Regulations 2024

In 2024 the Welsh Ministers consented to the Persistent Organic Pollutants (Amendment) Regulations 2024 ("the 2024 Regulations"). The 2024 Regulations amended Annex 1 of the POPs Regulations to, amongst other things, prohibit the use of Dechlorane Plus and the manufacture, placing on the market, and use of UV-328, providing only very limited exemptions. The 2024 Regulations have not been made (signed) by the Secretary of State, they will be made on 11 March and will come into force 21 days later and immediately before the No. 2 Regulations. Consequently, the title of the 2024 Regulations will be amended to "The Persistent Organic Pollutants (Amendment) Regulations 2025".

### The No. 2 Regulations

The 2025 Regulations amend the table in Part A of Annex I to the POPs Regulations by providing limited exemptions for Dechlorane Plus and UV-328.

Dechlorane Plus is used as an additive flame retardant in various products spanning multiple sectors. The No. 2 Regulations provide limited exemptions for the use of Dechlorane Plus in various applications: aerospace, space, defence, medical imaging and radiotherapy devices and installations, until 26 February 2030. They also provide for its use in replacement parts and repair for the above if originally manufactured with Dechlorane Plus - until 2044. Additionally, the use of Dechlorane Plus for replacement part for, and repair of medical devices, in-vitro diagnostic devices where it was used in the original manufacture under the No, 2 Regulations is permitted until the end of the service life of the article.

UV-328 is used as a UV-inhibitor plastics (prevents plastics from degrading over time in sunlight), again spanning multiple sectors of use. These regulations provide limited exemptions for the manufacture, placing on the market, and use of UV-328 in parts of land-based aerospace applications, defence applications, parts for land-based motor vehicles, industrial coating applications, mechanical separators in blood collection tubes, Triacetayl cellulose film in polarizing filters, and photographic paper until 26 February 2030. Exemptions for replacement parts and repair of articles originally manufactured with UV-328 including articles for application for medical purposes, instruments for analysis, measurements, control, monitoring. Testing production and inspections (until no later than 2041), and replacement parts for, and repair of, articles in aerospace and defence applications where originally used in the manufacture - until 2044.

### Welsh Government Position

The Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales. In certain circumstances, where there is a clear rationale for doing so, there are benefits working collaboratively with the UK Government.

On this occasion, it is considered appropriate for the substance of the UK Government amendments to apply to Wales, as timely implementation will prevent production and supply disruptions in the Aerospace, Defence, Medical and Automotive Sectors. 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.

It is anticipated that the 2025 Regulations will be laid before the UK Parliament on 11 March 2025. It is expected that the 2025 Regulations will come into force 21 days after the day on which they are then made.

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 0.7

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

Julie James AS/MS  
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni  
Counsel General and Minister for Delivery

Ein cyf/Our ref: PO/HIDCC/0079/25

Mike Hedges AS/MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

3 March 2025

Dear Mike,

Thank you for the Committees report on the Scrutiny of the Welsh Government's draft budget for 2025-26. Please see our response, attached to this letter.

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

**Julie James AS/MS**  
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni  
Counsel General and Minister for Delivery

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# Scrutiny of the Welsh Government's draft budget for 2025-26

## Response to the LJC Committee report

In February 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's draft budget for 2025-26. The report includes six recommendations. This is the Welsh Government's response to those recommendations.

# Contents

<b>Introduction .....</b>	<b>3</b>
<b>Response to the six recommendations.....</b>	<b>4</b>
Recommendation 1 .....	4
Recommendation 2.....	5
Recommendation 3.....	6
Recommendation 4.....	6
Recommendation 5.....	7
Recommendation 6.....	7

## Introduction

We thank the members of the Legislation, Justice and Constitution Committee for their report on the Welsh Government's draft budget for 2025-26. We have set out our response to the Report's individual recommendations below.

## Response to the six recommendations

### **Recommendation 1**

The Committee recommends:

The Welsh Government should set out the work it has undertaken to date to explore the ways in which it can improve the level of information it provides about expenditure on justice-related activity, and the work it intends to take in the future in this area.

Response: Accept

We have explored different approaches to conveying meaningful, useful information on justice related spending, that would facilitate the Committee's scrutiny in this area.

The "Budget Process Protocol" ("the Protocol") between the Senedd and the Welsh Government, agreed by the Senedd on 21 June 2017, is the document that currently sets out the understanding between the Finance Committee and the Welsh Government on budgetary related matters. In accordance with the Protocol, the Draft Budget sets out budget proposals for each portfolio at the BEL level.

Justice-related activity cuts across portfolios and is allocated funding from within a number of BELs across MEGs. In many cases, expenditure will largely be on costs of staff whose time is not precisely divided between justice and non-justice related activity, or forecasts of expenditure cannot be disaggregated in this way. The granularity of detail on budget allocations for justice-related activity does not, therefore, go beyond BEL level. This approach is consistent with the Protocol, and the structure and is therefore consistent with previous years' budgets.

In terms of justice related spending, correspondence on previous budgets included BELs that were only partially delivering justice related activity. Some of the contributions from these BELs to justice-related spending were marginal proportions of the overall BEL spend, such as the NHS Core Allocation BEL of £8.6bn. For other BELs presented, the policy activities may have contributed to indirectly to the aims of the Welsh Government justice policy but did not include direct spending on justice, such as the £78m mental health budget. While this provided an insight into the whole government nature of justice as a policy area, this did not provide clarity about the level of spend dedicated to justice-related activity specifically.

We sought to enhance the clarity of spending by providing a narrative associated with the budget lines, to indicate which activities under that BEL contribute to justice. However, there were limits to the extent to which narrative could clarify the overall quantum of spend on justice related activity within a specific BEL. Additionally, we found that creating these documents took resource away from delivery, without demonstrating clear value in doing so.

In our previous letter, we also noted that in many cases duplicated information that was being provided to the relevant subject committees through their budget scrutiny. We do of course recognise that different committees may have interest in the same expenditure, viewed through different prisms, and it is for the individual committees to determine how they conduct their scrutiny. Our purpose in mentioning this was only to note the inefficiency in the Welsh Government routinely providing the same information in different forms to different committees.

The Protocol acknowledges that the budget process is evolving, and that presentation of budget proposals will change. In the longer term, it is our expectation that further devolution of justice will enable clearer budgetary allocation on justice related activity, and indeed this degree of greater accountability within Wales is one of the core arguments for that devolution.

Financial implications – none

## **Recommendation 2**

The Committee recommends:

The Welsh Government should provide further information on which workstreams the additional resources allocated to the Justice Transformation BEL and the Constitutional Reform BEL will support, and information on which potentially other associated costs are anticipated in 2025- 26

Response: Accept

The additional resources provided to the Justice Transformation BEL and Constitutional Reform BEL will be used to fund work on:

- Developing operational policy on youth justice devolution, including engagement with key stakeholders and supporting discussions with the UK Government;
- Developing proposals for the devolution of probation services, building on regional devolution within England;
- Tribunal reform, including development of legislation and preparations for the implementation of that legislation;

- a programme of research into justice outcomes in Wales and to support preparations for devolution, the contract for which was awarded on 12 February 2025; and
- supporting work to deliver the Independent Commission on the Constitutional Future of Wales' recommendations, including the Innovating Democracy Advisory Group, chaired by Dr Anwen Elias.

Financial implications – The additional budget allocated to these workstreams has been set out in our previous correspondence. We are not anticipating further costs to be incurred in 2025/26 at this stage.

### **Recommendation 3**

The Committee recommends:

The Welsh Government should keep the Committee informed of any transfer of functions from the UK Government in relation to justice, and any associated additional funds or transfer of funds required to support those functions.

Response: Accept

We will keep the Committee informed of any transfer of functions from the UK Government in relation to justice. Should there be any associated additional funds or transfer of funds for these functions, we will inform the Committee of those too.

Financial implications – none

### **Recommendation 4**

The Committee recommends

The Welsh Government should commit to issuing another progress report on its Delivering Justice for Wales programme before the end of the Sixth Senedd.

Response: Reject

The Welsh Government acknowledges the importance of keeping the Senedd updated on its activity in pursuit of improvements to the justice system, including the devolution of youth justice and probation. However, based on our experience of the degree of engagement with the progress report previously published, it is our judgement that issuing a further progress report before the end of the Senedd Term is not necessarily the most effective way to achieve this. We are happy to undertake to provide updates through Written or Oral Statements at key points, for example corresponding with the completion of milestones along the work programme or the publication of significant reports

undertaken by suppliers contracted to undertake work in this space. This approach will ensure that information is shared in a timely manner, allowing for more immediate insights and engagement with the progress being made.

Financial implications – none

### **Recommendation 5**

The Committee recommends:

The Welsh Government should commit to introducing legislation to reform the Welsh tribunals within a timescale which will enable its legislative passage before the end of the Sixth Senedd.

Response: Reject

We welcome the Committee's support for reform of the devolved tribunal service, and the Committee's recognition of the importance of such reform. Our intention to modernise the tribunal system in Wales is set out in [Delivering Justice for Wales](#) and this is a programme of work to which we remain committed.

As we set out in [our correspondence of 8 January](#) we continue to take forward work to develop a Bill. The First Minister will announce the Bills to be introduced in the final year of this Senedd term in the annual statement on the legislative programme.

Financial implications – None at this stage. The financial implications of a Bill to reform devolved tribunals will accompany any such Bill as it is introduced.

### **Recommendation 6**

The Committee recommends

The Welsh Government should explain why it has been unable to provide details on individual items of planned spending to support its programme to improve the accessibility of Welsh law, as it has been able to do so in previous years.

Response: Accept

The programme to improve the accessibility of Welsh law is a whole of Government endeavour, supported by a small team of staff working in the Legislative Codes Office. The work of the Legislative Codes Office also includes ensuring subordinate legislation made by or on behalf of the Welsh Ministers is correctly made, registered and published and that bilingual legislation on [legislation.gov.uk](#) is updated following amendment.

For the Committee's consideration of the 2024-25 draft budget we provided the budget line codes of some of the staffing resource associated with the Planning Bills and the Bill that is now known as the Legislation (Procedure, Publication and Repeals) (Wales) Bill, together with a minor element of one aspect of IT costs (and budget line). As explained then and subsequently, however, this did not include the full range of spending associated with all of the projects in the programme, or indeed the Government's wider work to support the accessibility of Welsh law.

Additionally, the 2022-23 *Annual Report on The Future of Welsh law* included a review of the implementation of the Legislation (Wales) Act 2019, which dealt with resourcing issues, among other things. That included details of the staffing put in place to support the programme and explained the difficulties associated with quantifying the full range of costs needed to implement the individual projects – particularly in the case of developing primary and subordinate legislation.

Because of these limitations, we are not in a position to expand on the explanation previously given that the costs of our work to deliver *The Future of Welsh law* are met from a wide range of portfolios as part of wider legislative activity within the organisation.

Financial implications – None