

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	P Gareth Williams
Meeting date: 15 November 2021	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

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Informal pre-meeting (13.00–13.30)

## 1 Introductions, apologies and substitutions

13.30

## 2 Legislative Consent Memoranda on the Leasehold Reform (Ground Rent) Bill and the Building Safety Bill: Evidence session with the Minister for Climate Change

13.30 – 14.30

(Pages 1 – 27)

Julie James MS, Minister for Climate Change

Anna Hind, Government Lawyer, Welsh Government

Francois Samuel, Head of Building Regulations Policy, Welsh Government

Simon White, Head of Housing Legislation, Welsh Government

[Legislative Consent Memorandum – Leasehold Reform \(Ground Rent\) Bill](#)

[Legislative Consent Memorandum – Building Safety Bill](#)

LJC(6)-13-21 – Briefing

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

14.30 – 14.35



Made Negative Resolution Instruments

**3.1 SL(6)068 – The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021**

(Pages 28 – 30)

[Regulations](#)

[Explanatory Memorandum](#)

LJC(6)-13-21 – Paper 1 – Draft report

**3.2 SL(6)072 – The Valuation for Rating (Wales) (Coronavirus) Regulations 2021**

(Pages 31 – 33)

[Regulations](#)

[Explanatory Memorandum](#)

LJC(6)-13-21 – Paper 2 – Draft report

LJC(6)-13-21 – Paper 3 – Letter from the Minister for Finance and Local Government to the Llywydd, 1 November 2021

**4 Written Statements under Standing Order 30C**

14.35 – 14.40

**4.1 WS-30C(6)003 – The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021**

(Pages 34 – 38)

LJC(6)-13-21 – Paper 4 – Written statement, 26 October 2021

LJC(6)-13-21 – Paper 5 – Commentary

**5 Papers to note**

14.40 – 14.45

**5.1 Correspondence from the Chair of the Common Frameworks Scrutiny Committee: Common Frameworks Programme**

(Pages 39 – 40)

LJC(6)-13-21 – Paper 6 – Letter from the Chair of the Common Frameworks Scrutiny Committee to the Secretary of State for Levelling Up, Housing and Communities, 27 October 2021

**5.2 Correspondence from the Minister for Economy: Free Trade Agreement between the UK, Iceland, Liechtenstein, and Norway**

(Pages 41 – 43)

LJC(6)-13-21 – Paper 7 – Letter from the Minister for Economy to the Economy, Trade and Rural Affairs Committee, 2 November 2021

**5.3 Correspondence from the Minister for Finance and Local Government: Meeting of the Finance Ministers' Quadrilateral**

(Pages 44 – 45)

LJC(6)-13-21 – Paper 8 – Letter from the Minister for Finance and Local Government, 9 November 2021

**5.4 Correspondence from the Chair of the House of Lords Constitution Committee: Constitution Committee's visit to the Senedd Cymru**

(Page 46)

LJC(6)-13-21 – Paper 9 – Letter from the Chair of the Constitution Committee, 9 November 2021

**5.5 Correspondence from the First Minister: The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.19) and (No.20) Regulations 2021 and Written Statement**

(Pages 47 – 49)

LJC(6)-13-21 – Paper 10 – Letter from the First Minister, 10 November 2021

LJC(6)-13-21 – Paper 11 – Letter to the First Minister, 8 November 2021

**6 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**

14.45

**7 Legislative Consent Memoranda on the Leasehold Reform (Ground Rent) Bill and the Building Safety Bill: Consideration of evidence**

14.45 – 15.00

**8 Supplementary Legislative Consent Memorandum: Skills and Post-16 Education Bill**

15.00 – 15.10

(Pages 50 – 67)

[Supplementary Legislative Consent Memorandum – Skills and Post-16 Education Bill](#)

LJC(6)-13-21 – Paper 12 – Legal advice note

LJC(6)-13-21 – Paper 13 – Letter from the Economy, Trade and Rural Affairs Committee to the Minister for Education and Welsh Language, 18 October 2021

**9 Supplementary Legislative Consent Memorandum: Police, Crime, Sentencing and Courts**

15.10 – 15.20

(To Follow)

[Supplementary Legislative Consent Memorandum – Police, Crime, Sentencing and Courts](#)

[Report on the Welsh Government’s Legislative Consent Memorandum on the Police, Crime, Sentencing and Courts Bill](#)

LJC(6)-13-21 – Paper 14 – Legal advice note

**10 Legislative Consent Memorandum on the Subsidy Control Bill –  
Consideration of draft report**

15.20 – 15.30

(Pages 68 – 81)

LJC(6)-13-21 – Paper 15 – Draft report

**11 Legislative Consent Memorandum on the Elections Bill –  
Consideration of draft report**

15.30 – 15.40

(Pages 82 – 94)

LJC(6)-13-21 – Paper 16 – Draft report

**12 Legislative Consent Memorandum on the Public Service Pensions  
and Judicial Offices Bill – Correspondence**

(Pages 95 – 100)

LJC(6)-13-21 – Paper 17 – Correspondence in relation to the Public Service  
Pensions and Judicial Offices Bill

**13 Inter-Institutional Relations Agreement between Senedd Cymru  
and the Welsh Government**

15.40 – 15.50

(Pages 101 – 115)

LJC(6)-13-21 – Paper 18 – Draft report

LJC(6)-13-21 – Paper 19 – Letter from the First Minister, 8 November 2021

LJC(6)-13-21 – Paper 20 – Letter to the First Minister, 2 November 2021

**14 Common frameworks**

15.50 – 16.00

(Pages 116 – 117)

LJC(6)-13-21 – Paper 21 – Letter from the Counsel General and Minister for the Constitution, 8 November 2021

Document is Restricted

# Agenda Item 3.1

## **SL(6)068 - The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021**

### **Background and Purpose**

This [Order](#) amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the 2012 Order”) and the Developments of National Significance (Procedure) (Wales) Order 2016 (“the 2016 Order”) in relation to pre-application consultation and consultation before the grant of planning permission.

The 2012 Order and the 2016 Order (collectively referred to as “the Procedure Orders”) place a statutory requirement on key bodies to be consulted at the pre-application and post-submission consultation stages of the consenting processes for planning applications and applications for a Development of National Significance (“DNS”).

This Order amends the Procedure Orders so as to make Fire and Rescue Authorities in Wales ‘statutory consultees’ for certain types of development at both pre-application and post-application stages. This will apply to planning applications to be determined by local planning authorities and DNS applications determined by the Welsh Ministers.

This Order also contains amendments to the criteria by which Natural Resources Wales is consulted on matters of flood risk. These amendments are required as a result of a decision to replace the current TAN 15 development advice map with a new Flood Map for Planning. The Procedure Orders ensure that Natural Resources Wales is consulted on development in flood zone C of the development advice map. This zone will not exist in the Flood Map for Planning and it is therefore necessary to amend the Procedure Orders to ensure developers, local planning authorities and the Welsh Ministers continue to have a legal basis for consulting with Natural Resources Wales on planning applications and DNS applications proposed in areas of flood risk.

This Order also contains transitional provisions. Article 1(3) of this Order provides that where an application for planning permission is submitted before 25 April 2022 and the applicant is required to have consulted a Fire and Rescue Authority but has not done so, the applicant is to be treated as if they have complied with the requirement to consult a relevant Fire and Rescue Authority.

Article 1(4) of this Order provides that the requirement for a local planning authority to consult a Fire and Rescue Authority will not apply in relation to an application for planning permission made before 25 April 2022.

For DNS applications (determined by the Welsh Ministers), neither pre-application nor post-application consultation will be required if the proposed application was notified to the Welsh Ministers under Article 5 of the 2016 Order before 24 January 2022 even where the application is submitted after that date.





## Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was 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.**

This Order contains transitional provisions, as explained in the 'Background and Purpose' section. Following the end of these transitional arrangements, applicants, local planning authorities and/or the Welsh Ministers (depending on the nature of the application) will be required to consult with Fire and Rescue Authorities when the application falls within a defined category of development on which Fire and Rescue Authorities must be consulted. Fire and Rescue Authorities will also be required to provide a substantive response in accordance with the relevant provisions of the legislation where they are consulted.

The Explanatory Memorandum ("EM") provides further explanation on these transitional arrangements. However, the English language version of the EM refers to the relevant cut-off dates for these transitional arrangements as 11 April 2022 for planning applications and 10 January 2022 for DNS notifications, as opposed to 25 April 2022 and 24 January 2022 respectively as provided in the Order.

Whilst we accept that the EM does not form part of the Order, this has potential to cause confusion about the effect of the transitional arrangements.

This error does not occur in the Welsh language version of the EM, which refers to the correct dates of 25 April 2022 and 24 January 2022.

## Welsh Government response

I am grateful to the Committee for highlighting inaccuracies in the Explanatory Memorandum (EM). These errors have been corrected and the EM has been withdrawn and re-laid.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**4 November 2021**



## SL(6)072 – The Valuation for Rating (Wales) (Coronavirus) Regulations 2021

### Background and Purpose

These [Regulations](#) specify assumptions that are to be made when applying the provisions of sub-paragraphs (1) to (7) of paragraph 2 of Schedule 6 to the Local Government Finance Act 1988 in connection with a non-domestic property's rateable value. The rateable value is used to calculate liability for non-domestic rates.

The effect of the Regulations is that ratepayers for non-domestic properties in Wales affected by:

1. the Welsh Government or UK Government's response to coronavirus;
2. any requirements of, advice or guidance in response to coronavirus from any UK public authority, the Welsh Government, the Scottish Government, the Northern Ireland Executive, the UK Government or a government outside of the UK, or
3. measures taken to ensure compliance with health and safety legislation,

will not be able to cite those matters as causing a material change of circumstances for the purpose of appealing a non-domestic property's rateable value on the 2017 rating lists.

The Regulations came into force on 1 November 2021.

### 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 2 points are 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 the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Rebecca Evans MS, Minister for Finance and Local Government, in a letter to the Llywydd dated 1 November 2021. In particular, we note the following in the letter:

*“ [This statutory instrument]... will come into force at 6pm on the day on which it is laid. The rationale is to prevent any further risk to public funds arising from certain non-domestic rates appeals related to Covid-19.”*

Given the stated urgency, and the reference to an “immediate risk” to public finances at paragraph 5 of the Explanatory Memorandum accompanying the Regulations, the Committee requests an explanation from the Welsh Government as to the reason for these Regulations being laid before the Senedd on 1 November 2021, noting that equivalent regulations applying to England (The Valuation for Rating (Coronavirus) (England) Regulations 2021 (SI 2021/398)) were laid before the UK Parliament and came into force on 25 March 2021, over seven months prior to the subject Regulations.

## **2. 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 the explanation provided by the Minister for Finance and Local Government in the letter dated 1 November 2021 referred to above that the provisions of these Regulations would be superseded by the UK Government’s Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill, should that Bill be enacted.

We further note the Welsh Government’s intention, as set out in paragraph 6 of the Explanatory Memorandum, to revoke these Regulations in those circumstances.

## **Welsh Government response**

A Welsh Government response to the first merits point is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**9 November 2021**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament **Pack Page 32**

**Legislation, Justice and Constitution Committee**



Ein cyf/Our ref: MA-RE-2315-21

Elin Jones, MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

1 November 2021

Dear Elin,

### **THE VALUATION FOR RATING (WALES) (CORONAVIRUS) REGULATIONS 2021**

In accordance with section 11A(4) of the Statutory Instruments Act 1946, I am notifying you that this statutory instrument will come into force on 1 November, less than 21 days after it has been laid. This statutory instrument is made under section 143(2) of, and paragraph 2(8) of Schedule 6 to, the Local Government Finance Act 1988. It will come into force at 6pm on the day on which it is laid. The rationale is to prevent any further risk to public funds arising from certain non-domestic rates appeals related to Covid-19. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Regulations are closely linked to provisions in the *Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill* currently progressing through Parliament. Provisions in the Bill, if passed, would supersede these Regulations. Amendments relating to Wales were laid on 9 September and I laid a Legislative Consent Memorandum on 21 September, currently being considered in Committee. I intend to hold the Plenary debate on the Legislative Consent Motion for this Bill on 23 November.

I am copying this letter to the Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Peredur Owen Griffiths MS, Chair of the Finance Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

**Rebecca Evans AS/MS**  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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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.

**Pack Page 33**

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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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021**

**DATE**        **26 October 2021**

**BY**            **Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd**

**SI laid in Parliament, which amends legislation in a devolved area**

**The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021 (“the Regulations”)**

The Regulations amend the following legislation:

Subordinate legislation

- The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510)
- The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953)
- The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)

Retained EU Legislation:

- Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.
- Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof.
- Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals.
- Commission Implementing Regulation (EU) 2019/2072 establishing uniform

conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (EUR 2019/2072).

- Commission Implementing Regulation (EU) 2019/2148 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council (EUR 2019/2148).
- Commission Implementing Regulation (EU) 2020/1231 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively.

### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The Regulations confer a function on the Welsh Ministers without encumbrance as a 'Competent Authority'. They also confer functions on the National Plant Protection Organisation of the United Kingdom. These functions may constitute functions of a reserved authority for the purposes of paragraph 8(1) of Schedule 7B to the Government of Wales Act 2006 and as such represent a potential restriction on the future competence of the Senedd.

### **The purpose of the amendments**

The purpose of the Regulations is to address failures of retained EU law to operate effectively following the withdrawal of the United Kingdom ("UK") from the European Union ("EU"). This will ensure that plant and animal health controls can operate effectively to protect biosecurity and support trade between Great Britain ("GB") and the relevant third countries.

The Regulations make amendments to secondary legislation to correct deficiencies relating to plant health, seeds and seed potatoes which have arisen as a result of the withdrawal of the UK from the EU.

The Regulations also correct errors in various statutory instruments

With regards to plant health, the Regulations deal with any outstanding deficiencies which have not been accounted for in previous EU Exit amendments. This includes the amendment of certain transitional provisions to ensure that these are extended to lower risk plants and plant products entering GB from Liechtenstein and Switzerland as well as from EU Member States. In addition, Commission Implementing Regulation (EU) 2019/2148, concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities, is being amended to make this regulation operable in GB.

With regard to animal health, the Regulations remove an unnecessary point which duplicates and contradicts other points, relating to risks associated with classical scrapie in sheep and goats. Commission Implementing Regulation (EU) No 139/2013 is being amended to remove the disapplication of that Regulation for the imports of certain birds from Andorra, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State, following the withdrawal of the UK from the EU. Commission Regulation (EU) No 576/2013 is being amended to ensure consistency in language when making reference to EU legislation.

With regard to seeds and seed potatoes, the Regulations make minor corrections to two statutory instruments.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Animal Health, Plant Health, Seeds and Seed Potatoes \(Miscellaneous Amendments\) Regulations 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/the-animal-health-plant-health-seeds-and-seed-potatoes-miscellaneous-amendments-regulations-2021)

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully and there is no divergence in policy.

This statement is being issued during recess in order to keep members informed.

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 003 - The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021

Laid in the UK Parliament: 3 November 2021

#### Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Made negative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
SICM under SO 30A (because amends primary legislation)	Not required

#### Scrutiny procedure

Outcome of sifting	N/A
Procedure	Made negative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### Background

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

#### Summary

The purpose of these Regulations is to address failures of retained EU law to operate effectively following the withdrawal of the UK from the EU. This will ensure that plant and animal health controls can operate effectively to protect biosecurity and support trade between Great Britain and the relevant third countries.

The Regulations make amendments to secondary legislation to correct deficiencies relating to plant health, seeds and seed potatoes which have arisen as a result of the withdrawal of the UK from the EU.

The Regulations also correct errors in various statutory instruments.



### **Statement by Welsh Government**

The Welsh Government's statement states that the Regulations:

*"...confer functions on the National Plant Protection Organisation of the United Kingdom. These functions may constitute functions of a reserved authority for the purposes of paragraph 8(1) of Schedule 7B to the Government of Wales Act 2006 and as such represent a potential restriction on the future competence of the Senedd."*

The statement does not identify which legislative powers of the Senedd or executive powers of the Welsh Ministers are affected by this instrument. Legal advisers recommend that clarification is sought as to which devolved powers are affected and how the Regulations represent a potential restriction on the future competence of the Senedd.

### **Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

As it is unclear from the Welsh Government's statement dated 26 October 2021 the impact the Regulations may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence, Legal Advisers have been unable to assess whether any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

# Agenda Item 5.1



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

London

SW1A 0PW

Tel: 020 7219 8664

[hlcommonframeworks@parliament.uk](mailto:hlcommonframeworks@parliament.uk)

27 October 2021

The Rt Hon Michael Gove MP  
Secretary of State for Levelling Up, Housing and Communities  
Department for Levelling Up, Housing & Communities  
2 Marsham Street  
London  
SW1P 4DF

Dear Michael,

I write on behalf of the Common Frameworks Scrutiny Committee to welcome you to your new post.

We understand that as you have taken responsibilities for the Union into DLUHC with you, this also means that your new department and your Under-Secretary of State, Neil O'Brien, now have responsibility for the Common Frameworks Programme. We have already been in contact with Mr O'Brien, and we look forward to meeting him very soon to discuss the progress of the Common Frameworks, and their contribution to ensuring a cooperative Union.

In the meantime, we look to you for reassurance that the Common Frameworks Programme will maintain its profile inside DLUHC, and its significance within Government as a whole because as you would agree, Common Frameworks are a source of strength and innovation for the Union. This power to make a difference could be lost by the move away from the Cabinet Office which gave the Programme both profile and energetic central purpose, unless a positive attempt is made to maintain and communicate its significance to the whole of your department. It would carry consequences across the UK if it were seen as just one more element of domestic or local policy.

We raise this point specifically because, in the list of policy areas assigned to Mr O'Brien, there is no mention of Common Frameworks and we wonder why that is? Equally, we are concerned as to whether the expertise and the careful relationships established by the excellent Cabinet Office team that we have worked with to drive improvements in the Programme will continue, and where will they be located.

Common Frameworks are still fragile, and the Programme is far from finished. It is highly iterative, and a great deal of work lies ahead of us as a Committee, not least with the devolved administrations themselves. If the frameworks are to realise their promise of underpinning a stronger and more effective Union, there needs to be central coordination, drive, and invigilation. Given the move to your new department, and given the delicate

state of relationships with Wales, Scotland and Northern Ireland, we would ask how you intend to ensure that this continues, and that the Frameworks become a visible part of your department's work programme.

We have no doubt that the state of the Union is a matter close to your heart as Secretary of State, and that the issues raised by Common Frameworks will be given the weight that they must have. In that context you may be interested in the debate in the House of Lords, on Wednesday 13 October on our first report, which sets out some of the issues that still need to be addressed as we go forward.

Thank you very much indeed.

Yours sincerely,

Baroness Andrews  
Chair of the Common Frameworks Scrutiny Committee

Ein cyf/Our ref: MA/VG/3543/21

Llywodraeth Cymru  
Welsh Government

Paul Davies MS  
Chair, Economy, Trade and Rural Affairs Committee  
Welsh Parliament  
Cardiff  
CF99 1SN

2 November 2021

Dear Paul,

Thank you for your letter of 8 October 2021 in which you request more information on the Free Trade Agreement between the UK, Iceland, Liechtenstein, and Norway.

Trade between Wales and Iceland and Norway is relatively low. Trade in goods with Norway and Iceland accounted for nearly 1.5% of Welsh goods trade in the year ending June 2021 compared to the EU that accounts for around 51.1% of Welsh goods trade. There is no data available on the value of trade between Wales and Liechtenstein. A macroeconomic assessment is attached to this letter under Annex A. Given these countries do not represent significant import or export markets for Wales and the goods element of the deal predominately aims to create greater continuity from when we were members of the EU, no full assessment of the impact of the deal has been carried out.

Throughout the negotiations, my officials met with the Chief Negotiator for the deal as the negotiations progressed, as well as receiving updates from individual UK Government policy teams. This provided us with an opportunity to understand and highlight any elements of the negotiations that did not align to our own priorities or domestic policy. However, given the nature of the deal, representations to seek changes to the UK Government's negotiating priorities, or to any of the provisions negotiated, were not necessary. My officials were also able to consider the draft text of the chapters relating to devolved matters and its potential impact on Wales. As this agreement results from renegotiations and aligns trading arrangements with the terms of the UK-EU Trade and Co-Operation Agreement, it means there will be minimal changes for our businesses already trading with Norway, Iceland and Liechtenstein. However, it is positive that the deal includes dedicated chapters on digital trade and small businesses. This is the first time any trade agreement with these three European countries has included standalone chapters covering these areas.

The only legislative change identified to date to implement this agreement relates to a procurement chapter within the FTA that needs to be added to UK international trade agreement schedules in domestic procurement regulations. The following pieces of domestic legislation will require amendments in England, Wales and Northern Ireland: the Public Contracts Regulations 2015; the Utilities Contracts regulations 2016 and the

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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.

Concession Contracts Regulations 2016. The Cabinet Office propose to make the amendments through a statutory instrument under section 2 of the Trade Act 2021.

I look forward to attending the next Committee meeting on 11 November.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AS/MS**

Gweinidog yr Economi

Minister for Economy

## Macroeconomic Assessment of Welsh Goods Trade with Norway, Iceland and Liechtenstein

Latest available data for the year ending June 2021, show the value of Welsh goods trade with Norway and Iceland is relatively low, valued at around £398.5m and £9.0m respectively. This accounts for around 1.46% and 0.03% of total Welsh goods trade. There is no data available on the value of goods trade between Wales and Liechtenstein.

Analysis<sup>1</sup> suggests that our goods exports to Norway are dominated by a small number of sectors, with 'Iron & steel', 'Power generating machinery & equipment', and 'Road vehicles' accounting for 44.9% of Wales' total goods exports to Norway. On the import side, over 75% of our imports from Norway are within the 'Petroleum, petroleum products & related materials' sector. Evidence indicates that trade within this sector involves goods moving in and out of Wales with little domestic processing, therefore indicating limited opportunities within this sector to contribute to employment and value added in Wales.

For Iceland, top export sectors include 'Cereals & cereal preparations', 'Professional, scientific & controlling appliances', and 'Buildings, plumbing, heating & lighting fixtures', which combined account for around 27.0% of total Welsh goods exports to Iceland. On the imports side, 'Animal oils & fats' account for around a third (33.0%) of our total goods imports from Iceland. It should however be noted that the low value of imports and exports means the relative importance of sectors can be volatile, therefore care needs to be taken to avoid over-interpretation of the available data.

Given the low value of goods trade and limited availability of data, a proportionate approach is undertaken with regards to a macroeconomic assessment of the FTA. Under this approach a high level assessment of the available trade flow data is undertaken, however the agreement doesn't meet the criteria for a full assessment based on economic modelling. This is broadly in line with the approach undertaken by UK Government: [Norway, Iceland & Liechtenstein Impact Assessment \(publishing.service.gov.uk\)](#)

### Value of Welsh Goods Trade with Norway, Iceland and Liechtenstein

Country	Value of Goods Exports (% of total Welsh goods exports)	Ranking	Value of Goods Imports (% of total Welsh goods imports)	Ranking
Norway	£103.2m (0.8%)	22 <sup>nd</sup>	£295.3m (2.1%)	14 <sup>th</sup>
Iceland	£6.2m (0.05%)	78 <sup>th</sup>	£2.8m (0.02%)	79 <sup>th</sup>
Liechtenstein	No data available		No data available	

Source: HMRC RTS, Year ending June 2021.

Please note, the table above shows the value of goods trade with each individual country for the latest available period (year ending June 2021), therefore there may reflect the impact of the Covid-19 pandemic. There continues to be uncertainty around the future trajectory of the recovery in Welsh goods trade, therefore these figures should be interpreted carefully.

<sup>1</sup> This analysis is based on a three year average (2018-2020) to reduce the impact of trade volatility.

# Agenda Item 5.3

Rebecca Evans MS  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Huw Irranca-Davies MS  
Chair, Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1NA

9 November 2021

Dear Huw,

Further to my recent letter advising you of the Finance Ministers' Quadrilateral Meeting on 14 October, I write to briefly report on the discussions.

There was a natural focus on the UK Government's proposals for the UK Spending Review and Autumn Budget, with little further clarity received at that time. Details of the impact of the UK Government's Spending Review and Autumn Budget on the 27 October are set out in my Written Statement.

[Written Statement: The UK Government Spending Review and Autumn Budget 2021 \(28 October 2021\) | GOV.WALES](#)

In relation to the item on the UK Internal Market Act and use of the Financial Assistance Powers within it, I pressed the Chief Secretary on how the UK Government intended to work with the grain of Devolved Government policy, as stated by the Minister for Intergovernmental Relations. I also took the opportunity to emphasise the importance of Wales having full replacement EU funding and provided examples of national programmes, including apprenticeships and business support, which rely on that funding and is vital to our economic recovery. On replacement rural funding, I expressed concerns with the methodology applied, outlining how it does not fully cover the EU funding that Welsh Government had planned, and asked for further engagement on this methodology with a view to remedy the position.

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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 Net Zero agenda item was an opportunity to share updates and experiences. As Devolved Governments we also took the opportunity to emphasise the importance of our request for additional budgetary flexibilities, specifically in relation to our capital borrowing limits, to allow investment in low-carbon infrastructure.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a large initial 'R' and a distinct 'E'.

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



# Agenda Item 5.4



**HOUSE OF LORDS**

Select Committee on the Constitution

House of Lords  
London  
SW1A 0PW

Tel: 020 7219 1228  
constitution@parliament.uk  
www.parliament.uk/lords

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

9 November 2021

## **BY EMAIL**

Dear Huw,

### **Constitution Committee's visit to the Senedd Cymru**

On behalf of the Constitution Committee, I wanted to thank you for all your help and support in ensuring the Committee's visit to the Senedd Cymru was such a success on 21 October.

We were very appreciative of the warm reception we received from your committee members and officials throughout the visit. The informal discussion between our committees provided valuable material for our inquiry into the future governance of the UK.

The visit also demonstrated the value of greater interparliamentary engagement, which we intend to focus on in our report, among other matters. We intend to publish our report by the end of this year.

We look forward to engaging with your committee again in the future. We would also be very happy to host your committee if it decides to visit Westminster in due course.

Yours sincerely,

Baroness Taylor of Bolton  
Chair of the Constitution Committee

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

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

10 November 2021

Dear Huw,

**The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 19) and (No 20) Regulations 2021 and Written Statement.**

I am writing in response to your letter of 8 November. In the Written Statement we used strong language to underline the importance of household contacts self-isolating, when a member of their household tests positive or has symptoms. This is because self-isolation is one of the most effective measures we have to help prevent onward transmission.

Our guidance and our communications aim to be clear that this is advice, rather than a legal requirement. The guidance on self-isolation states that people should self-isolate if someone in their household has symptoms or has tested positive for coronavirus and they are fully vaccinated or aged 5 to 17 and take a PCR test.

We agree with the Committee that it's important that citizens understand their legal obligations and we make every effort to be clear about what is a legal requirement and what is recommendation or advice.

Yours sincerely,



**MARK DRAKEFORD**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
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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.

Rt Hon Mark Drakeford MS

First Minister of Wales

8 November 2021

Dear Mark

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 19) Regulations 2021, The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 20) Regulations 2021, and Written Statement by the Welsh Government: Review of the Health Protection (Coronavirus Restriction) (No.5) (Wales) Regulations 2020 – 29 October 2021

At our meeting on Monday of this week, we considered the above-mentioned Regulations and, in doing so, we reflected on some of the wording used in your written statement dated 29 October 2021, where “must” is used in relation to self-isolation for fully vaccinated persons.

In the written statement you say:

*“The self-isolation guidance will be changed. Fully vaccinated adults and children aged five to 17 must self-isolate if someone in their household has symptoms or tests positive for Covid-19 until they have had a negative PCR test result.”*

However, neither the No. 19 or No. 20 Regulations make provision to require isolation as described in your written statement.

You will recall that our predecessor committee in the Fifth Senedd raised concerns regarding the language used by the Welsh Government to describe what is law and what is government advice. You will no doubt agree that it is important that Welsh citizens fully understand the law that applies to them, and that the potential for confused messages needs to be avoided.

I would be grateful to receive a response from you that clarifies the matters raised above at the earliest opportunity.

I am copying this letter to Eluned Morgan MS, the Minister for Health and Social Services.

Yours sincerely

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair



# Agenda Item 8

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

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# Agenda Item 10

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

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# Agenda Item 11

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

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Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS (Chair)  
Legislation, Justice and Constitution Committee

08 November 2021

Dear Huw,

I am writing in accordance with the Inter-institutional Relations Agreement to let you know that a quadrilateral ministerial meeting on Common Frameworks will be held on 10 November at 14:15. This meeting will take place virtually.

It is planned that the meeting will be attended by Ministers responsible for the Common Frameworks Programme from the UK Government, the Scottish Government, the Northern Ireland Executive and myself as the responsible Welsh Government Minister for the programme.

The meeting will focus on both the resolution of cross-cutting issues (including the United Kingdom Internal Market Act (2020) (UKIMA), International Relations (IR) and the Northern Ireland Protocol (NIP)), and agreement of a plan for forthcoming publication of Common Frameworks for scrutiny.

The draft agenda is as follows:

1. Core actions from last Quadrilateral Meeting
2. Recent progress across the programme
  - a. Cross-cutting issues: UKIMA
  - b. Cross-cutting issues: IR
  - c. Cross-cutting issues: NIP
3. Delivery timescales
  - a. Programme delivery timelines
  - b. Publication of Frameworks
4. Mainstreaming (Future Reporting)

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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 outcome of the quadrilateral meeting will be communicated to you within two weeks of it having taken place.

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniw". The signature is written in a cursive style. Below the signature, there is a short horizontal blue line.

**Mick Antoniw AS/MS**

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