

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee room 4 Tŷ Hywel and video conference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 26 September 2022	0300 200 6565
Meeting time: 11.30	SeneddLJC@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest

(11.30)

2 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B

(11.30 – 11.35)

(Page 1)

Attached Documents:

LJC(6)-23-22 – Paper 1 – Draft report

2.1 pNeg(6)003 – The Marketing of Seeds and Plant Propagating Material (Wales) (Amendment) (EU Exit) Regulations 2022

3 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

(11.35 – 11.40)

(Pages 2 – 5)

Attached Documents:

LJC(6)-23-22 – Paper 2 – Draft report

Made Negative Resolution Instruments



**3.1 SL(6)236 – The Building Safety Act 2022 (Consequential Amendments)
(Approved Inspectors) (Wales) Regulations 2022**

**3.2 SL(6)239 – The Local Government Investigations (Functions of Monitoring
Officers and Standards Committees) (Wales) (Amendment) Regulations 2022**

(Pages 6 – 7)

Attached Documents:

LJC(6)–23–22 – Paper 3 – Written Statement by the Minister for Finance and
Local Government, 15 July 2022

**3.3 SL(6)240 – The Local Authorities (Model Code of Conduct) (Wales)
(Amendment) Order 2022**

(Pages 8 – 9)

Attached Documents:

LJC(6)–23–22 – Paper 4 – Written Statement by the Minister for Finance and
Local Government, 15 July 2022

**3.4 SL(6)241 – The Conduct of Members (Principles) (Wales) (Amendment) Order
2022**

(Pages 10 – 11)

Attached Documents:

LJC(6)–23–22 – Paper 5 – Written Statement by the Minister for Finance and
Local Government, 15 July 2022

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

(11.40 – 11.55)

Made Negative Resolution Instruments

4.1 SL(6)233 – The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No.3) Regulations 2022

(Pages 12 – 18)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 6 – Draft report

4.2 SL(6)237 – The Education (Student Finance) (Ukrainian Nationals and Family Members) (Miscellaneous Amendments) (Wales) Regulations 2022

(Pages 19 – 22)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 7 – Draft report

LJC(6)-23-22 – Paper 8 – Letter from the Minister for Education and Welsh Language to the Llywydd, 7 July 2022

4.3 SL(6)238 – The Agricultural Wages (No.2) (Wales) Order 2022

(Pages 23 – 26)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 9 – Draft report

4.4 SL(6)243 – The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022

(Pages 27 – 37)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 10 – Draft report

LJC(6)-23-22 – Paper 11 – Written Statement by the Minister for Climate Change, 15 July 2022

4.5 SL(6)247 – The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022

(Pages 38 – 44)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 12 – Draft report

LJC(6)-23-22 – Paper 13 – Written Statement by the Minister for Climate Change, 16 August 2022

4.6 SL(6)256 – The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential and Miscellaneous Amendments) Regulations 2022

(Pages 45 – 47)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 14 – Draft report

4.7 SL(6)257 – The Food Information (Amendment of Transitional Provisions) (Wales) Regulations 2022

(Pages 48 – 50)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 15 – Draft report

4.8 SL(6)258 – The Non-Commercial Movement of Pet Animals (Amendment) (Wales) (No.2) Regulations 2022

(Pages 51 – 52)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 16 – Draft report

Affirmative Resolution Instruments

4.9 SL(6)242 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022

(Pages 53 – 60)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 17 – Draft report

LJC(6)-23-22 – Paper 18 – Letter from the Minister for Climate Change, 18 July 2022

LJC(6)-23-22 – Paper 19 – Written Statement by the Minister for Climate Change, 15 July 2022

Composite Negative Resolution Instruments

4.10 SL(6)244 – The Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations 2022

(Pages 61 – 62)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-23-22 – Paper 20 – Draft report

5 Instrument that raises no reporting issues under Standing Order 21.7

(11.55 – 12.00)

(Page 63)

Attached Documents:

LJC(6)-23-22 – Paper 21 – Draft report

5.1 SL(6)234 – Strategic Priorities and Objectives Statement to Ofwat issued under section 2B of the Water Industry Act 1991

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

(12.00 – 12.05)

6.1 SL(6)227 – The Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022

(Pages 64 – 67)

Attached Documents:

LJC(6)–23–22 – Paper 22 – Report

LJC(6)–23–22 – Paper 23 – Welsh Government response

6.2 SL(6)229 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022

(Pages 68 – 79)

Attached Documents:

LJC(6)–23–22 – Paper 24 – Report

LJC(6)–23–22 – Paper 25 – Welsh Government response

7 Written Statements under Standing Order 30C

(12.05 – 12.10)

7.1 WS–30C(6)011 – The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022

(Pages 80 – 84)

Attached Documents:

LJC(6)–23–22 – Paper 26 – Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 15 July 2022

LJC(6)–23–22 – Paper 27 – Commentary

8 Inter–Institutional Relations Agreement

(12.10 – 12.25)

8.1 Written Statement and correspondence from the Counsel General and Minister for the Constitution: Inter-Ministerial Standing Committee

(Pages 85 – 87)

Attached Documents:

LJC(6)-23-22 – Paper 28 – Written Statement by the Counsel General and Minister for the Constitution, 12 July 2022

LJC(6)-23-22 – Paper 29 – Correspondence from the Counsel General and Minister for the Constitution, 12 July 2022

8.2 Correspondence from the Minister for Rural Affairs, North Wales and Trefnydd: The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022

(Pages 88 – 89)

Attached Documents:

LJC(6)23-22 – Paper 30 – Letter from the Minister for Rural Affairs, North Wales and Trefnydd, 12 July 2022

8.3 Written Statement and correspondence from the Minister for Economy: Interministerial Group on UK-EU Relationships

(Pages 90 – 91)

Attached Documents:

LJC(6)-23-22 – Paper 31 – Letter from the Minister for Economy, 14 July 2022

LJC(6)-23-22 – Paper 32 – Written Statement by the Minister for Economy, 14 July 2022

8.4 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Aquatic Animal Health (Amendment) Regulations 2022

(Pages 92 – 93)

Attached Documents:

LJC(6)-23-22 – Paper 33 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 20 July 2022

8.5 Written Statement and correspondence from the First Minister: British–Irish Council Summit in Guernsey

(Pages 94 – 96)

Attached Documents:

LJC(6)–23–22 – Paper 34 – Written Statement by the First Minister, 21 July 2022

LJC(6)–23–22 – Paper 35 – Letter from the First Minister, 21 July 2022

8.6 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: Inter–Ministerial Group for Environment, Food and Rural Affairs

(Pages 97 – 99)

Attached Documents:

LJC(6)–23–22 – Paper 36 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 4 August 2022

8.7 Written Statement and correspondence from the Minister for Economy: Ministerial Forum for Trade

(Pages 100 – 102)

Attached Documents:

LJC(6)–23–22 – Paper 37 – Written Statement from the Minister for Economy, 9 August 2022

LJC(6)–23–22 – Paper 38 – Letter from the Minister for Economy, 8 August 2022

8.8 Correspondence from the Minister for Climate Change: The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

(Pages 103 – 107)

Attached Documents:

LJC(6)–23–22 – Paper 39 – Letter from the Minister for Climate Change, 19 August 2022

LJC(6)–23–22 – Paper 40 – Letter to the Minister for Climate Change, 25 July 2022

9 Papers to note

(12.25 – 12.40)

9.1 Written Statement by the Counsel General and Minister for the Constitution: Statement on the progress of the Independent Commission on the Constitutional Future of Wales

(Page 108)

Attached Documents:

LJC(6)-23-22 – Paper 41 – Written Statement by the Counsel General and
Minister for the Constitution, 15 July 2022

9.2 Correspondence from the Finance Committee: Historic Environment (Wales) Bill

(Pages 109 – 110)

Attached Documents:

LJC(6)-23-22 – Paper 42 – Letter from the Finance Committee, 18 July 2022

9.3 Correspondence from the Minister for Climate Change: Welsh Government response to the Committee's report on the Legislative Consent Memoranda on the Online Safety Bill

(Pages 111 – 112)

Attached Documents:

LJC(6)-23-22 – Paper 43 – Letter from the Minister for Climate Change, 27
July 2022

9.4 Correspondence from the Minister for Climate Change to the Llywydd: Data Protection and Digital Information Bill

(Pages 113 – 114)

Attached Documents:

LJC(6)-23-22 – Paper 44 – Letter from the Minister for Climate Change to the
Llywydd, 27 July 2022

9.5 Correspondence from Dr Robert Jones, Wales Governance Centre: Proposal for an inquiry into racial disproportionality within the criminal justice system in Wales

(Pages 115 – 118)

Attached Documents:

LJC(6)-23-22 – Paper 45 – Letter from Dr Robert Jones, Wales Governance Centre, 28 July 2022

9.6 Correspondence from the Public Accounts and Public Administration Committee: Welsh Government's Legislative Consent Memorandum on the Procurement Bill

(Page 119)

Attached Documents:

LJC(6)-23-22 – Paper 46 – Letter from the Public Accounts and Public Administration Committee, 1 August 2022

9.7 Correspondence from the Secretary of State for Business, Energy and Industrial Strategy; and the First Minister: Trade Union (Wales) Act 2017

(Pages 120 – 124)

Attached Documents:

LJC(6)-23-22 – Paper 47 – Letter from the Secretary of State for Business, Energy and Industrial Strategy, 1 August 2022

LJC(6)-23-22 – Paper 48 – Letter from the First Minister, 8 September 2022

LJC(6)-23-22 – Paper 49 – Letter to the Secretary of State for Business, Energy and Industrial Strategy, 21 July 2022

9.8 Written Statement and correspondence from the Counsel General and Minister for the Constitution: Electoral Commission's Evaluation Report of Welsh Electoral Pilots

(Pages 125 – 127)

Attached Documents:

LJC(6)-23-22 – Paper 50 – Written Statement by the Counsel General and Minister for the Constitution, 2 August 2022

LJC(6)-23-22 – Paper 51 – Letter from the Counsel General and Minister for the Constitution, 2 August 2022

9.9 Correspondence from the Counsel General and Minister for the Constitution: Follow-up to evidence session, 20 June 2022

(Pages 128 – 145)

Attached Documents:

LJC(6)-23-22 – Paper 52 – Letter from the Counsel General and Minister for the Constitution, 4 August 2022

LJC(6)-23-22 – Paper 53 – Letter to the Counsel General and Minister for the Constitution, 30 June 2022

9.10 Correspondence from the House of Lords European Affairs Committee: Inquiry into the future UK-EU relationship

(Page 146)

Attached Documents:

LJC(6)-23-22 – Paper 54 – Letter from the House of Lords European Affairs Committee, 23 August 2022

9.11 Correspondence from the Secretary of State for Levelling Up, Housing and Communities: Intergovernmental relations: proposals for UK Bills to legislate in devolved areas

(Pages 147 – 151)

Attached Documents:

LJC(6)-23-22 – Paper 55 – Letter from Secretary of State for Levelling Up, Housing and Communities, 31 August 2022

LJC(6)-23-22 – Paper 56 – Letter to the Secretary of State for Levelling Up, Housing and Communities, 20 July 2022

LJC(6)-23-22 – Paper 57 – Letter to the Public Administration and Constitutional Affairs Committee, the Constitution Committee and the Constitution, Europe, External Affairs and Culture Committee, 20 July 2022

9.12 Correspondence from the Minister for Finance and Local Government: Welsh Government's Legislative Consent Memorandum on the Procurement Bill

(Pages 152 – 162)

Attached Documents:

LJC(6)-23-22 – Paper 58 – Letter from Minister for Finance and Local Government, 1 September 2022

LJC(6)-23-22 – Paper 59 – Letter to Minister for Finance and Local Government, 28 July 2022

**9.13 Correspondence from the Counsel General and Minister for the Constitution:
Access to justice: Summary of engagement**

(Pages 163 – 171)

Attached Documents:

LJC(6)-23-22 – Paper 60 – Letter from the Counsel General and Minister for the Constitution, 5 September 2022

LJC(6)-23-22 – Paper 61 – Letter to the Counsel General and Minister for the Constitution, 12 July 2022

**9.14 Correspondence from the Counsel General and Minister for the Constitution:
EU Exit-derived statutory instruments**

(Pages 172 – 174)

Attached Documents:

LJC(6)-23-22 – Paper 62 – Letter from the Counsel General and Minister for the Constitution, 5 September 2022

LJC(6)-23-22 – Paper 63 – Letter to the Counsel General and Minister for the Constitution, 19 July 2022

**9.15 Correspondence from the Counsel General and Minister for the Constitution:
Intergovernmental agreements**

(Pages 175 – 178)

Attached Documents:

LJC(6)-23-22 – Paper 64 – Letter from the Counsel General and Minister for the Constitution, 5 September 2022

LJC(6)-23-22 – Paper 65 – Letter to the Counsel General and Minister for the Constitution, 19 July 2022

9.16 Correspondence from the Minister for Climate Change to the Llywydd: The Social Housing (Regulation) Bill

(Page 179)

Attached Documents:

LJC(6)-23-22-Paper 66 – Letter from the Minister for Climate Change, 8 September 2022

9.17 Correspondence from the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee: Impact of Brexit on Devolution

(Pages 180 – 181)

Attached Documents:

LJC(6)-23-22 – Paper 67 – Letter from the Constitution, Europe, External Affairs and Culture Committee, 22 September 2022

9.18 Correspondence from the Minister for Social Justice and the Counsel General and Minister for the Constitution: Bill of Rights Bill

(Pages 182 – 183)

Attached Documents:

LJC(6)-23-22 – Paper 68 – Minister for Social Justice and the Counsel General and Minister for the Constitution, 22 September 2022

10 Motion under Standing Order 17.42 to resolve to exclude the public from items 11 and 12, and items 14 to 20

(12.40)

11 International agreements

(12.40 – 12.50)

(Pages 184 – 189)

Attached Documents:

LJC(6)-23-22 – Paper 69 – Briefing

12 Monitoring report

(12.50 – 13.00)

(Pages 190 – 200)

Attached Documents:

LJC(6)-23-22 – Paper 70 – Draft report

Break (13.00 – 13.30)

13 Historic Environment (Wales) Bill: Evidence session with the Law Commission

(13.30 – 14.30)

(Pages 201 – 216)

The Rt Hon. Lord Justice Green, Chair of the Law Commission

Nicholas Paines KC, Law Commissioner for the Law in Wales

Charles Mynors, Lawyer responsible for the Planning Law in Wales project

[Historic Environment \(Wales\) Bill, as introduced](#)

[Explanatory Memorandum](#)

[Explanatory Memorandum: Annex A – Explanatory Notes](#)

[Explanatory Memorandum: Annex B1 – Table of Origins](#)

[Explanatory Memorandum: Annex B2 – Table of Destinations](#)

[Explanatory Memorandum: Annex C – Explanation of changes made to existing provisions \(Drafters' Notes\)](#)

[Explanatory Memorandum: Annex D – Correspondence from the Law Commission](#)

Attached Documents:

LJC(6)-23-22 – Paper 71 – Briefing

14 Historic Environment (Wales) Bill: Consideration of evidence

(14.30 – 14.45)

(Pages 217 – 232)

Attached Documents:

LJC(6)-23-22 – Paper 72 – Letter from the Counsel General and Minister for the Constitution, 17 August 2022

LJC(6)-23-22 – Paper 73 – Letter to the Counsel General and Minister for the Constitution, 19 July 2022

15 Legislative Consent Memorandum on the Schools Bill

(14.45 – 14.55)

(Pages 233 – 240)

[Legislative Consent Memorandum: Schools Bill](#)

Attached Documents:

LJC(6)-23-22 – Paper 74 – Legal advice note

LJC(6)-23-22 – Paper 75 – Letter from the Minister for Education and Welsh Language to the Llywydd, 19 July 2022

16 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the UK Infrastructure Bank Bill

(14.55 – 15.05)

(Pages 241 – 250)

[Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) – UK Infrastructure Bank Bill](#)

Attached Documents:

LJC(6)-23-22 – Paper 76 – Legal advice note

LJC(6)-23-22 – Paper 77 – Letter from the Minister for Finance and Local Government, 22 July 2022

LJC(6)-23-22 – Paper 78 – Letter to the Minister for Finance and Local Government, 8 July 2022

17 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Procurement Bill

(15.05 – 15.25)

(Pages 251 – 267)

[Supplementary Legislative Consent Memorandum \(Memorandum No. 2\): Procurement Bill](#)

Attached Documents:

LJC(6)-23-22 – Paper 79 – Legal advice note

18 United Kingdom Internal Market Act 2020: Services exclusions

(15.25 – 15.35)

(Pages 268 – 276)

Attached Documents:

LJC(6)-23-22 – Paper 80 – Briefing

LJC(6)-23-22 – Paper 81 – Letter from the Minister for Economy, 22 August 2022

LJC(6)-23-22 – Paper 82 – Written Statement by the Counsel General and
Minister for the Constitution: Legal challenge to the UK Internal Market Act
2020, 18 August 2022

19 Annual report

(15.35 – 16.05)

(Pages 277 – 321)

Attached Documents:

LJC(6)-23-22 – Paper 83 – Draft report

20 Forward work programme

(16.05 – 16.15)