

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 4, Tŷ Hywel

Meeting date: Monday, 26 September 2022

Meeting time: 11.30 – 16.10

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/12968>

Hybrid

Attendance

Category	Names
Members of the Senedd:	Huw Irranca-Davies MS (Chair) Rhys ab Owen MS Alun Davies MS James Evans MS
Witnesses:	Sir Nicholas Green, Law Commission Dr Charles Mynors, Law Commission Nicholas Paines, Law Commission
Committee Staff:	P Gareth Williams (Clerk) Gerallt Roberts (Second Clerk) Sarah Sargent (Second Clerk)

1 Introductions, apologies, substitutions and declarations of interest

There were no apologies or substitutions.



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

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

The Committee considered the instrument was content that the negative procedure should apply.

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

Made Negative Resolution Instruments

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

The Committee considered the instrument and was content.

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

The Committee considered the instrument and was content.

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

The Committee considered the instrument and was content.

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

The Committee considered the instrument and was content.

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

Made Negative Resolution Instruments

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

The Committee considered the instrument and Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified.

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

The Committee considered the instrument and Welsh Government response and agreed to report to the Senedd in line with the reporting points identified. The Committee also agreed to seek further clarification from the Welsh Government.

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

The Committee considered the instrument and Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and Welsh Government response and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

Affirmative Resolution Instruments

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting point identified.

5 Instrument that raises no reporting issues under Standing Order 21.7

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

The Committee considered the instrument and was content.

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

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

The Committee considered and noted the response from the Welsh Government.

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

The Committee considered and noted the response from the Welsh Government. The Committee also noted that these Regulations were withdrawn by the Welsh Government and replaced by Regulations the Committee considered under item 4.9.

7 Written Statements under Standing Order 30C

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

The Committee noted the statement and the commentary and agreed to write to the Welsh Government to seek further clarity.

8 Inter-Institutional Relations Agreement

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

The Committee noted the Written Statement and the letter from the Counsel General, and that it had been sent in accordance with the Inter-Institutional Relations Agreement.

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

The Committee noted the letter from the Minister, and that it had been sent in accordance with the Inter-Institutional Relations Agreement.

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

The Committee noted the Written Statement and the letter from the Minister, and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

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

The Committee noted the letter from the Minister, and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

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

The Committee noted the Written Statement and the letter from the First Minister, and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

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

The Committee noted the letter from the Minister, and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

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

The Committee noted the Written Statement and the letter from the Minister, and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

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

The Committee noted the letter from the Minister.

9 Papers to note

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

The Committee noted the Written Statement.

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

The Committee noted the letter and agreed to respond to the Finance Committee.

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

The Committee noted the letter from the Minister.

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

The Committee noted the letter from the Minister to the Llywydd.

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

The Committee noted the letter and agreed to consider further at a future meeting.

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

The Committee noted the letter and agreed to respond to the Public Accounts and Public Administration Committee.

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

The Committee noted the letter from the Secretary of State

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

The Committee noted the letter and written statement.

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

The Committee noted the letter from the Counsel General.

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

The Committee noted the letter and agreed to respond to the European Affairs Committee.

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

The Committee noted the letter and agreed to respond to the newly appointed Secretary of State.

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

The Committee noted the letter from the Minister.

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

The Committee noted the letter from the Counsel General.

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

The Committee noted the letter from the Counsel General.

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

The Committee noted the letter from the Counsel General.

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

The Committee noted the letter from the Minister to the Llywydd.

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

The Committee noted the letter from the Constitution, Europe, External Affairs and Culture Committee.

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

The Committee noted the letter from the Minister to the Llywydd.

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

The Committee agreed the motion.

11 International agreements

The Committee considered the following international agreements:

- The Second Additional Protocol to the Council of Europe Convention on Cybercrime (the “Budapest Convention”)
- The Protocols relating to the accession of Finland and Sweden to NATO

and agreed to consider its draft report on the agreements at a future meeting. The Committee also agreed to draw the international agreements to the attention of relevant Senedd Committees.

12 Monitoring report

The Committee considered the latest monitoring report.

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

The Committee heard evidence from the Law Commission for England and Wales on the Historic Environment (Wales) Bill.

14 Historic Environment (Wales) Bill: Consideration of evidence

The Committee considered the evidence received from the Law Commission for England and Wales on the Historic Environment (Wales) Bill.

15 Legislative Consent Memorandum on the Schools Bill

The Committee considered the Legislative Consent Memorandum on the UK Schools Bill and agreed to consider its report at a future meeting.

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

The Committee considered the Supplementary Legislative Consent Memorandum (Memorandum No.2) on the UK Infrastructure Bank Bill and agreed to consider its report at a future meeting.

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

The Committee considered the Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Procurement Bill and agreed to consider its report at a future meeting.

18 United Kingdom Internal Market Act 2020: Services exclusions

The Committee considered the letter from the Minister for Economy and the written statement by the Counsel General. The Committee formally noted that a letter seeking further clarity has been sent to the Minister for the Economy.

19 Annual report

The Committee considered a draft of its annual report and agreed to consider and agree minor amendments to the report outside of Committee.

20 Forward work programme

The Committee discussed matters relating to its forward work programme, including correspondence from the Business Committee in relation to the Historic Environment (Wales) Bill and the Social Partnership and Public Procurement (Wales) Bill.