

# 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: 20 March 2023	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

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## 1 Introductions, apologies, substitutions and declarations of interest

(13.30)

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

(13.30 – 13.35)

(Pages 1 – 2)

Attached Documents:

LJC(6)-10-23 – Paper 1 – Draft report

### Affirmative Resolution Instruments

#### 2.1 SL(6)331 – The Alcoholic Beverages (Amendment) (Wales) Regulations 2023

### Made Negative Resolution Instruments

#### 2.2 SL(6)334 – The Valuation for Rating (Prescribed Assumptions) (Wales) Regulations 2023



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

(13.35 – 13.40)

#### **Made Negative Resolution Instruments**

#### **3.1 SL(6)329 – The Council Tax (Exceptions to Higher Amounts) (Wales) (Amendment) Regulations 2023**

(Pages 3 – 4)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–10–23 – Paper 2 – Draft report

#### **3.2 SL(6)330 – The Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023**

(Pages 5 – 6)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–10–23 – Paper 3 – Draft report

### **4 Inter–Institutional Relations Agreement**

(13.40 – 13.45)

#### **4.1 Correspondence from the Minister for Climate Change: Interministerial Group on Net Zero, Energy and Climate Change**

(Page 7)

Attached Documents:

LJC(6)–10–23 – Paper 4 – Letter from the Minister for Climate Change, 15 March 2023

## **5 Papers to note**

(13.45 – 13.55)

### **5.1 Correspondence from the Business Committee: Consent in Relation to Statutory Instruments made by UK Ministers**

(Pages 8 – 11)

Attached Documents:

LJC(6)-10-23 – Paper 5 – Letter from the Business Committee, 10 March 2023

LJC(6)-10-23 – Paper 6 – Letter to the Business Committee, 24 February 2023

### **5.2 Correspondence from the Business Committee: Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill**

(Pages 12 – 15)

Attached Documents:

LJC(6)-10-23 – Paper 7 – Letter from the Business Committee, 10 March 2023

LJC(6)-10-23 – Paper 8 – Letter to the Business Committee, 22 February 2023

### **5.3 Correspondence from the Business Committee: The Member Bill procedure**

(Pages 16 – 18)

Attached Documents:

LJC(6)-10-23 – Paper 9 – Letter from the Business Committee, 10 March 2023

LJC(6)-10-23 – Paper 10 – Letter to the Business Committee, 24 February 2023

### **5.4 Correspondence from the Business Committee to the Local Government and Housing Committee: Supplementary LCM (Memorandum No.5) for the Social Housing (Regulation) Bill**

(Pages 19 – 22)

Attached Documents:

LJC(6)-10-23 – Paper 11 – Letter from the Business Committee to the Local Government and Housing Committee, 10 March 2023

LJC(6)-10-23 – Paper 12 – Letter from the Local Government and Housing Committee to the Business Committee, 23 February 2023

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

(13.55)

**7 Legislative Consent Memorandum on the Strikes (Minimum Service Levels) Bill**

(13.55 – 14.05)

(Pages 23 – 30)

Attached Documents:

LJC(6)-10-23 – Paper 13 – Draft report

**8 Monitoring Report**

(14.05 – 14.15)

(Pages 31 – 42)

Attached Documents:

LJC(6)-10-23 – Paper 14 – Monitoring Report

**9 Forward Work Programme**

(14.15 – 14.35)

(Pages 43 – 54)

Attached Documents:

LJC(6)-10-23 – Paper 15 – Forward Work Programme

**10 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Retained EU Law (Revocation and Reform) Bill**

(14.35 – 14.45)

(Pages 55 – 59)

Attached Documents:

LJC(6)-10-23 – Paper 16 – Legal Advice Note

LJC(6)-10-23 – Paper 17 – Letter to the Business Committee, 13 March 2023

LJC(6)-10-23 – Paper 18 – Letter to the Counsel General and Minister for the Constitution, 16 March 2023

## **11 Supplementary Legislative Consent Memorandum (Memorandum No. 6) on the Social Housing (Regulation) Bill**

(14.45 – 14.55)

(Pages 60 – 63)

Attached Documents:

LJC(6)-10-23 – Paper 19 – Legal Advice Note

## **12 International Agreements**

(14.55 – 15.05)

(Pages 64 – 67)

Attached Documents:

LJC(6)-10-23 – Paper 20 – Draft report

## Statutory Instruments with Clear Reports 20 March 2023

### **SL(6)331 – [The Alcoholic Beverages \(Amendment\) \(Wales\) Regulations 2023](#)**

#### **Procedure: Affirmative**

These Regulations amend retained EU Regulations concerning the labelling of alcohol content and multiple grape varieties for wine to take into account the requirements set down in Annex 7A (Wine and Distilled Spirits) to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand (the UK-NZ FTA). The aim of the legislation is to ensure that the UK is compliant with Annex 7A to the UK-NZ FTA.

To implement the changes agreed in the UK-NZ FTA, the UK Government, Scottish Government and Welsh Government need to introduce legislation which will amend the relevant Retained EU Law. These Regulations amend retained EU Regulations concerning the labelling of alcohol content and multiple grape varieties for wine to take into account the requirements set down in Annex 7A (Wine and Distilled Spirits) to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand (the UK-NZ FTA). The aim of the legislation is to ensure that the UK is compliant with Annex 7A to the UK-NZ FTA.

To implement the changes agreed in the UK-NZ FTA, the UK Government, Scottish Government and Welsh Government need to introduce legislation which will amend the relevant Retained EU Law.

**Parent Act:** The Food Safety Act 1990, The Agriculture Act 2020

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 28 April 2023



# Statutory Instruments with Clear Reports

## 20 March 2023

### **SL(6)334 – The Valuation for Rating (Prescribed Assumptions) (Wales) Regulations 2023**

#### **Procedure: Made Negative**

Non-domestic rates (“NDR”) are a local tax which raise revenue on properties that are used for non-domestic purposes, for example public buildings, shops, factories, offices, leisure facilities, schools and hospitals.

Appeals may be made by ratepayers under the heading of Material Change of Circumstances (“MCC”), with a view to reducing the rateable value of their properties, and in turn their NDR liability. During the COVID-19 pandemic, increased volumes of MCC appeals were lodged on the basis that government measures and restrictions had the effect of reducing the rateable values of properties. This did not align with the policy intent of the existing legislation. To address this in relation to the 2017 rating list and specific circumstances of the COVID-19 pandemic, the Valuation for Rating (Wales) (Coronavirus) Regulations 2021 were made, and then, to address the issue retrospectively, the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021 was passed.

This exemplified a broader risk of rating list exposure arising from a lack of clarity with respect to the intended scope of MCC provisions for updating property rateable values between revaluations. These Regulations clarify the assumptions that are to be made when determining the rateable value of a hereditament in accordance with paragraph 2 of Schedule 6 to the Local Government Finance Act 1988. The Regulations apply to the 2023 rating lists onwards.

**Parent Act:** The Local Government Finance Act 1988

**Date Made:** 03 March 2023

**Date Laid:** 07 March 2023

**Coming into force date:** 01 April 2023



## **SL(6)329 – The Council Tax (Exceptions to Higher Amounts) (Wales) (Amendment) Regulations 2023**

### **Background and Purpose**

Section 12B of the Local Government Finance Act 1992 allows local authorities to apply a higher amount of council tax (a council tax premium) to dwellings occupied periodically. The Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015 (“the 2015 Regulations”) prescribe classes of dwelling that are exempt from a council tax premium.

The Council Tax (Exceptions to Higher Amounts) (Wales) (Amendment) Regulations 2023 (“the Regulations”) amend regulation 9 (Class 6) of the 2015 regulations to include properties subject to a planning condition:

- Preventing occupancy for a continuous period of at least 28 days in any one year period;
- Specifying that the dwelling may be used for holiday let only; or
- Preventing occupancy as a person’s sole or main residence.

The effect of the Regulations is that such a property cannot be charged a council tax premium.

### **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 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.**

Paragraphs 4.5 to 4.9 of the Explanatory Memorandum provide the Welsh Government’s rationale for making properties subject to the specified planning conditions exempt from a council tax premium:



4.5 The [Non-Domestic Rating (Amendment of Definition of Domestic Property) (Wales) Order 2022] amends the minimum number of days a self-catering property is required to be made available to let in any 12-month period, from 140 to 252, and must be actually let, from 70 to 182, for the property to be classified as non-domestic from 1 April 2023 onwards.

4.6 Self-catering properties which do not meet the new criteria will be classified as domestic property and will be liable for council tax. This will include a premium where the local authority has determined to apply such a charge.

4.7 The Welsh Government is aware that some self-catering and periodically occupied properties are subject to planning restrictions which prevent sole or main occupancy or specifies their use as holiday let accommodation only. Such properties cannot be sold or let long-term as a home for a member of the local community – without a change of planning conditions – and are arguably not limiting the local housing stock by being let to holiday makers. The owners of such properties potentially have fewer options to respond to the new letting criteria.

4.8 The 2023 Regulations add properties subject to a planning condition which specifies that a dwelling may only be used for holiday let or which prevents occupancy of the property as a person's sole or main residence to class 6 set out in regulation 9 of the 2015 Regulations. These properties will become a class of dwelling in relation to which a billing authority may not make a determination to apply a higher amount of council tax. This class relates to properties which are occupied periodically. Such properties would become liable for council tax at the standard rate if they do not meet the letting criteria for non-domestic property, but they could not be charged a council tax premium.

4.9 These exceptions will apply from 1 April 2023, in conjunction with the increased thresholds for properties providing self-catering accommodation to be classified as non-domestic.

## Welsh Government response

A Welsh Government response is not required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**14 March 2023**



## **SL(6)330 – The Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023**

### **Background and Purpose**

Sections 59 and 60 of the Town and Country Planning Act 1990 give the Welsh Ministers the power to make a special development order that grants planning permission for a development specified within the Order.

This special development Order grants planning permission (subject to conditions) for the construction and operation of an inland border control post for the Port of Holyhead and additional parking for up to 60 heavy goods vehicles (“HGVs”) at Plot 9, Parc Cybi, Holyhead.

The Order sets limits on the extent and physical form of border control facilities and HGV parking that can be provided by the Welsh Government and border departments on the site. It also requires the construction and operation of mitigation measures.

### **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**

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument:

#### **1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts**

There is an inconsistent cross-reference between the English and Welsh texts in paragraph 31(3) of the Schedule. The English text refers to paragraph 17(2) but the Welsh text refers to paragraph 16(2). It appears that the English version is accurate based on the context of the relevant provisions (noise mitigation measures).



## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**14 March 2023**



Senedd Cymru

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

—

Welsh Parliament

**Pack Page 6**

**Legislation, Justice and Constitution Committee**

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: JJ/PO/81/2023

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

Llyr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee

15 March 2022

Dear Chairs,

I am writing in accordance with the inter-institutional relations agreement to let you know that a virtual meeting of the Interministerial Group on Net Zero, Energy and Climate Change is scheduled to take place on 23 March.

I will be representing the Welsh Government. The meeting will focus on the UK Emissions Trading Scheme and UK Net Zero Growth Plan.

The Group will publish a joint communique after the meeting. I will also publish a Written Statement.

Yours sincerely,

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

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.

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution  
Committee

10 March 2023

**Standing Order 30A – Consent in Relation to Statutory Instruments made by UK  
Ministers**

Dear Huw,

Thank you for your letter of 24 February drawing our attention to Government responses to two of your recent reports on Statutory Instrument Consent Memoranda.

Business Committee considered the letter on 28 February and noted that Senedd officials are already in discussion with Welsh Government counterparts about ways in which Standings Orders 29 and 30 might be updated. We agreed that options for reviewing Standing Order 30A (alongside related Standing Orders) will be brought to the Business Committee in due course as part of its broader programme of procedural reviews.

In the meantime, I have indicated that I intend to write to the First Minister to clarify my expectations on the matter of Senedd consent in relation to statutory instruments made by UK Ministers. I will provide you with a copy of this letter once it has been sent.

I would like to thank you for the continued work of your Committee in relation to this issue.

Kind regards,



**The Rt Hon. Elin Jones MS**

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Rt Hon Elin Jones MS  
Llywydd  
Chair, Business Committee

24 February 2023

Annwyl Lywydd

### Standing Order 30A – consent in relation to statutory instruments made by UK Ministers

Following my letter of 23 November 2022, we met on 14 December 2022 to discuss the issues it raised.

In light of those discussions, I thought you would be interested to see the government responses to two recent reports on statutory instrument consent memoranda, which rejected our recommendations that motions be tabled by the Welsh Government to seek the Senedd's agreement to the inclusion of a relevant provision in each of the relevant statutory instruments laid before the UK Parliament by UK Government Ministers. The reports and responses are set out below:

- i. Report on the Statutory Instrument Consent Memorandum for The Climate Change (Targeted Greenhouse Gases) Order 2022 and Response from the Minister for Climate Change – 17 January 2023
- ii. Report on the Statutory Instrument Consent Memorandum for The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 and Response from the Minister for Rural Affairs and North Wales, and Trefnydd – 23 January 2023

Both responses recognise the Committee's concerns and welcome further engagement to clarify and/or review Standing Order 30A.

This represents a positive development and we look forward to assisting the Business Committee in taking these matters forward.

Your sincerely

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

10 March 2023

**Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill**

Dear Huw,

Thank you for your letter of 22 February drawing our attention to two recommendations in your report on the Welsh Government's Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill, which are relevant to the Business Committee:

*Recommendation 5.* If the 23 June 2026 sunset date remains in the Bill, the Business Committee, in its preparation for the Seventh Senedd, should ensure that its successor is aware that there will be a priority need for an appropriate committee to be urgently established so that regulations to be made before that sunset date may be considered and, further, that Plenary sittings may be needed for Members of the new Seventh Senedd to consider and vote on any regulations subject to the draft affirmative procedure.

*Recommendation 14.* The Business Committee should urgently consider whether the autumn term should be extended to 22 December 2023, in order to accommodate additional meetings of this Committee and additional Plenary sittings which may be required for the consideration of regulations arising from the Bill.

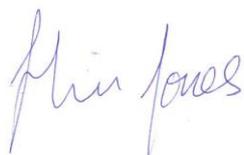
We considered these recommendations at our meeting on 28 February and agreed to return to *Recommendation 14* in the coming weeks when confirming recess dates for



the autumn term, including the Christmas 2023 recess. We will do this with the requirements of the Retained EU Law (Revocation and Reform) Bill, in terms of committee and Plenary sitting time, in mind and will provide you with a further update then.

In relation to Recommendation 5, we will return to this matter when considering our legacy work towards the end of the Sixth Senedd, including any recommendations that we wish to make to our successor committee at that time. This will be informed, of course, by the final shape of the legislation and the position around subordinate legislation at that time.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is positioned below the text 'Kind regards,'.

**The Rt Hon. Elin Jones MS**

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Th Rt Hon. Elin Jones MS  
Llywydd  
Chair, Business Committee

22 February 2023

Annwyl Lywydd

**Report on the Welsh Government's Legislative Consent Memoranda on the Retained EU Law  
(Revocation and Reform) Bill**

Our report on the Welsh Government's Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill has been laid today. I have enclosed a copy of the report for your information.

I wish to draw your attention specifically to recommendations 5 and 14 of the report which I reproduce below:

**Recommendation 5.** If the 23 June 2026 sunset date remains in the Bill, the Business Committee, in its preparation for the Seventh Senedd, should ensure that its successor is aware that there will be a priority need for an appropriate committee to be urgently established so that regulations to be made before that sunset date may be considered and, further, that Plenary sittings may be needed for Members of the new Seventh Senedd to consider and vote on any regulations subject to the draft affirmative procedure.

**Recommendation 14.** The Business Committee should urgently consider whether the autumn term should be extended to 22 December 2023, in order to accommodate additional meetings of this Committee and additional Plenary sittings which may be required for the consideration of regulations arising from the Bill.

I look forward to receiving your response in due course.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair



# Y Dwyllgor Busnes Agenda Item 5.3

## Business Committee

### Senedd Cymru

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### Welsh Parliament

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Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

10 March 2023

### The Member Bill procedure

Dear Huw,

Thank you for your letter of 24 February regarding the Business Committee's proposed review of the Member Bill procedure.

Business Committee considered the letter at our meeting on 28 February and noted that we would consider an update on our procedural work programme in the coming weeks, following the conclusion of our current work on proxy voting. This will give the Committee a chance to consider further the prioritisation of our work on a range of procedural matters, including a potential review of the Member Bill procedure. We will keep you informed of our intentions in relation to such a review.

Kind regards,



**The Rt Hon. Elin Jones MS**

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Rt Hon Elin Jones MS  
Y Llywydd and Chair of the Business Committee

24 February 2023

Annwyl Lywydd

### Business Committee's review of the Member Bill procedure

You will recall that we wrote to you in May 2022 in respect of the Member Bill procedure. Within your response of 26 May 2022, you told us that the Business Committee had agreed to consider a further paper regarding the potential for reviewing the selection process for Member Bills when this can be accommodated within the Committee's wider procedural work programme.

At our meeting of 30 January we took evidence from Peter Fox MS as Member in charge of the Food (Wales) Bill, and the Member Bill procedure featured during our subsequent discussions.

We would be grateful to receive an update on when the Business Committee is likely to begin reviewing the selection process.

Yours sincerely,



Huw Irranca-Davies  
Chair

John Griffiths MS  
Chair of the Local Government and Housing Committee

10 March 2023

**Supplementary LCM (Memorandum No.5) for the Social Housing (Regulation) Bill**

Dear John,

Thank you for your letter of 23 February concerning the limited time that was available to scrutinise the Supplementary LCM (Memorandum No.5) on the Social Housing (Regulation) Bill.

Business Committee considered the letter on 28 February and noted the concerns that you raised, both in relation to this SLCM and the LCM process in general. We appreciate the impact that limited scrutiny time has on the degree of scrutiny that is possible. During our consideration of your letter, the Minister for Rural Affairs and North Wales, and Trefnydd reflected that the issues in this case had been caused by the late agreement of amendments at Westminster and limited prior engagement between the UK Government and the Welsh Government.

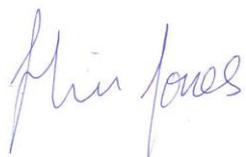
At the same meeting, we received a letter from the Minister for Rural Affairs and North Wales, and Trefnydd in relation to similar issues on a different LCM. In that letter, the Minister stated that the Welsh Government remains committed to laying LCMs “in a timely fashion and to ensuring the Senedd is given as much opportunity for scrutiny as possible”. The letter also asserts that the Welsh Government will continue to raise with the UK Government the importance of better engagement and will ask that the UK Government accommodates Senedd processes in their Bill timetabling considerations.

As you will be aware, the Minister for Climate Change echoed similar sentiments during the Plenary debate on the LCM on the Social Housing (Regulation) Bill, also on 28 February.

In the same debate, the Minister confirmed that further amendments had been tabled to the Bill at Westminster and that these may trigger a further requirement for consent. The Minister confirmed her intention to write to the UK Government to reflect the impact of this on the Senedd's ability to effectively scrutinise the Bill. As a Business Committee, we will continue to keep these matters under review.

I would like to thank your Committee for the work that it has undertaken to date and will enclose a copy of this letter to the Legislation, Justice and Constitution Committee who have previously raised similar concerns.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is positioned below the closing of the letter.

**The Rt Hon. Elin Jones MS**

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Elin Jones MS  
Y Llywydd  
Chair, Business Committee

23 February 2023

Annwyl Lywydd,

### Supplementary LCM (Memorandum No.5) for the Social Housing (Regulation) Bill

You will be aware that the Local Government and Housing Committee has been considering legislative consent memoranda in relation to the Social Housing (Regulation) Bill and that we have reported on the initial LCM and Supplementary Memoranda 2-4. Business Committee agreed on 7 February to invite us to consider Supplementary Memorandum (No.5) and to report by 27 February.

Supplementary Memorandum (No.5) was laid by the Welsh Government on 15 February, therefore our meeting scheduled for 16 February was our only opportunity to consider it, as the following week was the Senedd's half term recess. Given this very short timescale, we were unable to consider a legal advice note at our meeting, however we were able to receive an oral update from Legal Services on its provisions. Members felt strongly that having only one meeting to consider and report on a legislative consent memorandum is insufficient.

You will be aware from our previous correspondence of the Committee's concerns around the increased use of UK Bills and the legislative consent convention to legislate in devolved areas, in particular the lack of opportunity Members have to scrutinise the provisions within the time allocated. As I have stated previously, we strongly believe that the short amount of time allocated to the legislative consent process is insufficient to enable us to fully understand the impact of provisions on the lives of people in Wales.

Unfortunately, due to the timing restrictions, we will be unable to issue a report on our consideration of SLCM (No.5). However, we note that Memorandum No. 5 says there are approximately 530 social housing properties in Wales that are owned / managed by English Registered Providers who will be subject to the changes introduced by the Bill and that the vast majority of social housing properties in

Wales are not affected. We also note that the Memorandum states that the Bill will lead to "*positive change for all tenants of English RPS, including those Welsh tenants who will be impacted by the changes*".

In our previous reports on the Memoranda relating to the Social Housing (Regulation) Bill, we noted our concerns at the short amount of time allocated to the legislative consent process, however most Members felt that they were able to recommend that the Senedd gives its consent to legislate on these devolved matters on this occasion. One Member of the Committee, Mabon ap Gwynfor MS, disagreed with the majority view and believed that consent should not be granted.

Given the time available for scrutiny of SLCM (No.5), the Committee is not in a position to come to a view on whether to recommend to the Senedd that it gives or withholds legislative consent in relation to the provisions included in the latest memorandum.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely



John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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Rt Hon Elin Jones MS

Y Llywydd and Chair of the Business Committee

13 March 2023

Annwyl Lywydd

**Retained EU Law (Revocation and Reform) Bill – Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4)**

I understand that, on Tuesday 7 March 2023, the Business Committee set my Committee a provisional reporting deadline of Tuesday 14 March for a further supplementary legislative consent memorandum on the Retained EU Law (Revocation and Reform) Bill, which at that point had not yet been laid before the Senedd. You will know that Memorandum No. 4 was eventually laid on Friday 10 March.

At our meeting this afternoon, while we were able to note Memorandum No. 4, there has been no time for any sort of meaningful analysis or consideration. This is regrettable.

I wrote to the Counsel General last week and expressed my Committee's concerns that, as Bills which are subject to legislative consent memoranda near the end of the scrutiny process in the UK Parliament, the Welsh Government should do more to ensure the Senedd is given critical information in a more timely manner. We do, however, recognise that the complexities of the Welsh Government engaging with the UK Government on England and Wales legislation contributes to the difficulties.

Given the significance and complexity of the Bill, my Committee's report on the earlier Memoranda required careful and detailed consideration. Given the time constraints, we do not believe it is practical or even possible for us to give such consideration to Memorandum No. 4 and produce a report that could meaningfully and usefully inform the Senedd's forthcoming debate on a legislative consent motion for the Bill. This too is regrettable.

I trust you will find this helpful in your deliberations as a Committee.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair

Mick Antoniw MS  
Counsel General and Minister for Constitution

16 March 2023

Dear Mick

The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill

At our meeting this week we noted your response to our report on the Welsh Government's Legislative Consent Memoranda on the Retained EU Law (Revocation and Reform) Bill.

We welcome, in particular, your support for our recommendations 3, 7, 8, 9, 10, 11, 15 and 17.

You will know that conclusion 6 in our report stated that the Welsh Government needs to urgently engage and closely coordinate with the Senedd on the implications of the Bill on the Welsh Government's programme for government and any impact on Senedd business. We welcome your commitment to have preliminary discussions about potential implications for business in the Senedd and request that we are involved in any discussions that may take place.

I am copying this letter to the Llywydd.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

# Agenda Item 11

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

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# Agenda Item 12

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