

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee Room 4, Tŷ Hywel and videoconference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 9 May 2023	0300 200 6565
Meeting time: 09.00	SeneddLJC@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest
(09.00)

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

(09.00 – 09.05)

(Page 1)

Attached Documents:

LJC(6)-14-23 – Paper 1 – Draft report

Made Negative Resolution Instruments

2.1 SL(6)350 – The Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2023

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

(09.05 – 09.10)

Made Negative Resolution Instruments

3.1 SL(6)351 – The School Teachers’ Pay and Conditions (Wales) Order 2023

(Pages 2 – 4)



[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-14-23 – Paper 2 – Draft report

- 3.2 SL(6)354 – The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2023

(Pages 5 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-14-23 – Paper 3 – Draft report

LJC(6)-14-23 – Paper 4 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 26 April 2023

Affirmative Resolution Instruments

- 3.3 SL(6)348 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023

(Pages 10 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-14-23 – Paper 5 – Draft report

LJC(6)-14-23 – Paper 6 – Letter from the Minister for Climate Change, 3 April 2023

- 3.4 SL(6)353 – The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023

(Pages 14 – 18)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-14-23 – Paper 7 – Draft report

LJC(6)-14-23 – Paper 8 – Letter from the Minister for Climate Change, 3 April 2023

3.5 SL(6)352 – The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023

(Pages 19 – 23)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-14-23 – Paper 9 – Draft report

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

(09.10 – 09.15)

4.1 SL(6)341 – The Food Additives, Food Flavourings, and Novel Foods (Authorisations) and Food and Feed (Miscellaneous Amendments) (Wales) Regulations 2023

(Pages 24 – 29)

Attached Documents:

LJC(6)-14-23 – Paper 10 – Report

LJC(6)-14-23 – Paper 11 – Welsh Government Response

4.2 SL(6)349 – The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2023

(Pages 30 – 32)

Attached Documents:

LJC(6)-14-23 – Paper 12 – Report

LJC(6)-14-23 – Paper 13 – Welsh Government Response

5 Inter-Institutional Relations Agreement

(09.15 – 09.25)

5.1 Written statement and correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: Interministerial Group on UK–EU Relations

(Pages 33 – 36)

Attached Documents:

LJC(6)–14–23 – Paper 14 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 3 May 2023

LJC(6)–14–23 – Paper 15 – Written statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 3 May 2023

5.2 Written statement by the Minister for Rural Affairs and North Wales, and Trefnydd: The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023

(Pages 37 – 38)

Attached Documents:

LJC(6)–14–23 – Paper 16 – Written statement by the Minister for Rural Affairs and North Wales, and Trefnydd: The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023

5.3 Correspondence from the Minister for Climate Change: Net Zero, Energy and Climate Change Inter–Ministerial Group

(Page 39)

Attached Documents:

LJC(6)–14–23 – Paper 17 – Letter from the Minister for Climate Change, 3 May 2023

6 Papers to note

(09.25 – 09.30)

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

(09.30)

- 8 Legislative Consent Memorandum on the Data Protection and Digital Information (No. 2) Bill**
(09.30 – 09.45) (Pages 40 – 52)
- Attached Documents:
LJC(6)-14-23 – Paper 18 – Legal Advice Note
- 9 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Levelling-up and Regeneration Bill**
(09.45 – 09.55) (Pages 53 – 61)
- Attached Documents:
LJC(6)-14-23 – Paper 19 – Legal Advice Note
LJC(6)-14-23 – Paper 20 – Legal Advice Note
- 10 Legislative Consent Memorandum on the Illegal Migration Bill**
(09.55 – 10.10) (Pages 62 – 70)
- Attached Documents:
LJC(6)-14-23 – Paper 21 – Legal Advice Note
- 11 International agreements**
(10.10 – 10.15) (Pages 71 – 74)
- Attached Documents:
LJC(6)-14-23 – Paper 22 – Draft report
- 12 Forward Work Planning**
(10.15 – 10.25) (Page 75)
- Attached Documents:
LJC(6)-14-23 – Paper 23 – Forward Work Planning paper

Statutory Instruments with Clear Reports

09 May 2023

SL(6)350 – The Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2023

Procedure: Made Negative

These Regulations amend the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 (“the 2003 Regulations”). Regulation 24K of the 2003 Regulations provides that a local authority must not charge an amount to its revenue account to reflect any fluctuation in the fair value of a local authority’s investment in a pooled investment fund. Instead, such amounts must be recorded in a separate account established and used solely for that purpose. These Regulations extend the application of regulation 24K by an additional two financial years to 31 March 2025.

Parent Act: Local Government Act 2003

Date Made: 18 April 2023

Date Laid: 20 April 2023

Coming into force date: 19 May 2023



SL(6)351 – The School Teachers’ Pay and Conditions (Wales) Order 2023

Background and Purpose

The School Teachers’ Pay and Conditions (Wales) Order 2023 (“the Order”) makes provision for the determination of the remuneration of school teachers (within the meaning of section 122 of the Education Act 2002) in Wales and other conditions of employment of school teachers in Wales which relate to their professional duties and working time.

The Order makes this provision by reference to section 2 of a document entitled “School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (revised) – April 2023” (“the Document”). It can be found on the Welsh Government website at: <https://gov.wales/teaching-and-leadership>

The Document is a replacement for the School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (‘the initial 2022 Document’) which was brought into force on 7 December 2022 and had retrospective effect from 1 September 2022 for the school year 2022-23.

The initial 2022 Document introduced changes to teachers’ pay and conditions in line with the recommendations of the Independent Welsh Pay Review Body’s fourth report. Since the implementation of the initial 2022 document, there has been a period of industrial action undertaken by teachers’ unions. Extensive negotiations have led to Welsh Government offering a revised package on pay and conditions to teachers. As part of this package, Welsh Government has agreed to implement a further pay rise for the 2022/23 academic year. The Document being brought into effect by the Order makes changes to pay for 2022/23 only. Further changes to pay and conditions which are to be made as a result of the negotiations will be implemented through a future pay and conditions document.

The Order makes retrospective provision, under section 123(3) of the Education Act 2002, to provide that the provisions set out in section 2 of the Document have effect on and after 1 September 2022 notwithstanding that the Order comes into force after that date (article 2).

The Order revokes the School Teachers’ Pay and Conditions Order (Wales) 2022 (article 3) and replaces the remuneration and other conditions of employment of school teachers in Wales given effect by that Order.

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

The [written statement issued on 19 April 2023](#) by Jeremy Miles MS, Minister for Education and Welsh Language, explains:

“Following extensive negotiations with unions and the WLGA, the Welsh Government presented a new enhanced pay offer for teachers and headteachers.

For the 2022/23 academic year, in addition to the 5% pay rise already awarded, the revised pay offer comprised an additional 3%, of which 1.5% is consolidated and 1.5% is non-consolidated.

Consequently, I will today make the School Teachers’ Pay and Conditions (Wales) Order 2023 which gives effect to section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2022 (revised) – April 2023.

The pay award will be backdated to 1 September 2022. Timing of the implementation of the award will be a matter for employers. Initial discussions with local authorities have been positive, with the aim to arrange for back pay to be passed on as soon as possible, hopefully before the end of April.

The Order being made today brings into effect the pay increases for the current 2022/23 academic year only. The making of a Teachers’ Pay and Conditions Order is an annual process and the proposed further 5% pay increase for the 2023/24 academic year will be implemented in the next Teacher’s Pay and Conditions Order, along with any other changes to conditions following further negotiations.”

Further, the Explanatory Memorandum, in considering Option 2 of the the Regulatory Impact Assessment, notes that the Welsh Government will directly cover the additional funding:

“Briefly, the overall financial impact of increasing teachers’ pay in 2022/23 by an additional 1.5% and making a further 1.5% non-consolidated lump sum payment is £30 million in financial year 2022-23 and £21.3 million in financial year 2023-24. To mitigate the impact of these costs on school and local authority budgets, which have



already been set for 2022-23 and 2023-24, the Welsh Government will fully fund these additional costs through additional in year grant funding to local authorities via the Local Authority Education Grant."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

SL(6)354 – The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2023

Background and Purpose

These Regulations amend The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (the “2021 Regulations”). The amendments will extend the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures, and the associated record keeping requirement, for holdings or part of holdings not previously within a nitrate vulnerable zone (NVZ) from 30 April 2023, to 31 October 2023.

Where holdings are already within an NVZ, the 170kg limit and associated record keeping requirement are unaffected by the amendments made by these Regulations.

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 two 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 to be of interest to the Senedd

We note the breach of the 21-day convention (i.e. the convention 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 Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd, in a letter to the Llywydd dated 26 April 2023. This states as follows:

“The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 seek to tackle the causes of water pollution from agricultural activities across Wales. Phase 2 of the regulations came into force on 1 January 2023, but, in relation to holdings or



part of holdings not previously situated within a nitrate vulnerable zone ("NVZ"), the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and associated reporting requirements were extended until 30 April 2023.

These Regulations extend the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and the associated reporting requirements in relation to holdings or part of holdings not previously situated within an NVZ again from April 2023 to 31 October 2023.

We recently consulted on proposals to introduce a licensing scheme for farm businesses not previously situated within an NVZ to work to a higher annual nitrogen holding limit of 250kg/ha, subject to crop need and other legal considerations. There were more than 1,500 responses to the consultation and stakeholders were concerned that a licensing scheme could be costly and complicated to implement. We are therefore undertaking further work to consider options for the regulation of nitrogen application and need more time to complete this work before implementing the 170kg/ha annual limit. In light of that, we need to extend the transitional period in relation to the 170kg/ha limit for a further six months."

In particular, we note what the letter says regarding the expiration of the transitional period:

"The reason for not adhering to the 21-day convention in this case is that if these Regulations do not come into force before 30 April 2023, then the transitional period in relation to the 170kg limit for holdings or part of holdings not previously situated within an NVZ expires, and there would be a gap in the transitional provision. This extension of the transitional provisions in relation to the 170kg limit and associated reporting requirements while we continue to develop our proposals further provides farm businesses not previously situated within an NVZ with legal certainty."

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

These Regulations come into force on 29 April 2023. Paragraph 4 of the Explanatory Memorandum (EM) accompanying the Regulations confirms that:

"...the legislation must come into force by 29 April 2023 to ensure the transitional period...does not expire and so there is no gap in the transitional provision."

However, Paragraph 8 of the EM states erroneously as follows:

"These Regulations are being made under the negative resolution procedure and will come into force on 30 April 2023."

The 2021 Regulations are defined in paragraph 1 of the EM, and the definition is used in paragraphs 10 and 11 of the EM, but not used in later paragraphs of the EM. This is



unhelpful in assisting the reader to understand which regulations are being referred to. It is not immediately clear to a reader which regulations are being discussed. The Regulatory Impact Assessment, (paragraph 16 of the EM) refers to the *“effective date of the regulations”*. Paragraph 17 of the EM states, that if business as usual were the chosen option, *“the regulations would come into effect from 30 April 2023”*. It isn’t clear whether these references mean the 2021 Regulations (as defined at paragraph 1) or these Regulations. We take them to mean the 2021 Regulations. Paragraph 18 then refers to the *“Regulations”* which we take to mean the 2021 Regulations. Paragraph 20 states *“if the regulations are amended as proposed”* which we take to mean the 2021 Regulations. This is followed in paragraphs 22-24 with the use of *“the regulations”* in each. Again, we take these references to mean the 2021 Regulations.

The lack of clarity between the provision in the Regulations themselves, on the one hand, and what is described in the EM (in some places conflictingly, in the case of the coming into force date), may cause unnecessary confusion for readers of the legislation, particularly given the technical complexity of the subject matter of the 2021 Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee



Our ref: MA/LG/1025/23

Elin Jones MS
Llywydd
Senedd Cymru

26 April 2023

Dear Llywydd,

The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2023

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 29 April 2023, less than 21 days after it has been laid.

A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 seek to tackle the causes of water pollution from agricultural activities across Wales. Phase 2 of the regulations came into force on 1 January 2023, but, in relation to holdings or part of holdings not previously situated within a nitrate vulnerable zone ("NVZ"), the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and associated reporting requirements were extended until 30 April 2023.

These Regulations extend the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and the associated reporting requirements in relation to holdings or part of holdings not previously situated within an NVZ again from April 2023 to 31 October 2023.

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Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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.

We recently consulted on proposals to introduce a licensing scheme for farm businesses not previously situated within an NVZ to work to a higher annual nitrogen holding limit of 250kg/ha, subject to crop need and other legal considerations. There were more than 1,500 responses to the consultation and stakeholders were concerned that a licensing scheme could be costly and complicated to implement. We are therefore undertaking further work to consider options for the regulation of nitrogen application and need more time to complete this work before implementing the 170kg/ha annual limit. In light of that, we need to extend the transitional period in relation to the 170kg/ha limit for a further six months.

The reason for not adhering to the 21-day convention in this case is that if these Regulations do not come into force before 30 April 2023, then the transitional period in relation to the 170kg limit for holdings or part of holdings not previously situated within an NVZ expires, and there would be a gap in the transitional provision. This extension of the transitional provisions in relation to the 170kg limit and associated reporting requirements while we continue to develop our proposals further provides farm businesses not previously situated within an NVZ with legal certainty.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution 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

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

SL(6)348 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023

Background and Purpose

These Regulations amend the Rent Act 1977, specifically to provide for succession to a secure contract where previously the right of succession specified an assured tenancy (assured tenancies were abolished in Wales by the Renting Homes (Wales) Act 2016).

These amendments ensure that existing provision continues by referencing the relevant Welsh occupation contracts alongside references to types of tenancies which now only exist in England.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

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.

The Minister for Climate Change wrote to the Chair of the Legislation, Justice and Constitution Committee on 3 April 2023 in relation to these Regulations. The letter states:

“Regrettably, consequential amendments to the Rent Act 1977 were not included in the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, which were made on 9 November and came into force on 1 December. This has left the statute book in an uncertain position which may have significant consequences for both tenants and landlords.”

Welsh Government response

A Welsh Government response is not required.



Legal Advisers
Legislation, Justice and Constitution Committee
3 May 2023



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
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: MA/JJ/0793/23

Huw Irranca-Davies MS
Chair
Legislation Justice & Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

3 April 2023

Dear Huw,

I am writing in relation to the timescales for the making of subordinate legislation in connection with the implementation of the Renting Homes (Wales) Act 2016 (*'the 2016 Act'*).

Regrettably, consequential amendments to the Rent Act 1977 were not included in the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, which were made on 9 November and came into force on 1 December. This has left the statute book in an uncertain position which may have significant consequences for both tenants and landlords.

Separately, the need to make an amendment to Schedule 12 of the 2016 Act before 31 May 2023, regarding the issuing of written statements of occupation contracts, has also been identified.

I therefore intend to bring forward two affirmative statutory instruments addressing both of these matters. I intend to lay the regulations by 25 April at the latest.

In view of the urgency associated with making both sets of regulations, I wish to draw them to your attention and the importance of them being debated on 16 May 2023 at the latest.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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 Committee's assistance in this matter would be greatly appreciated.

Your sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

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

SL(6)353 – The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023

Background and Purpose

These Regulations make amendments to Schedule 12 to the Renting Homes (Wales) Act 2016 (“2016 Act”). Schedule 12 to the 2016 Act deals with the conversion of tenancies and licences that were in existence prior to the 2016 Act coming into force on 1 December 2022.

Under Schedule 12 of the 2016 Act, the landlord of a converted occupation contract is required to give a written statement of that converted contract to the contract-holder before the end of the period of six months starting with the appointed day (“the information provision period”), that is, it must be given by 31 May 2023. The requirement to provide a written statement where there has been a change in the identity of the contract-holder was disapplied in relation to converted contracts during the information provision period.

The amendments to Schedule 12 to the 2016 Act therefore provide:

- where there has been a change in the identity of the contract-holder (under a converted or substitute contract) during the information provision period, the landlord will be required to provide a written statement within 14 days of either 1 June 2023 or, if later, the day on which the landlord becomes aware of the change in contract-holder;
- where a substitute contract comes into existence during the information provision period, the landlord will have 14 days from 1 June 2023 to provide a written statement; and
- where a substitute contract comes into existence after the information provision period, the landlord will have 14 days from the date of occupation under that substitute contract to provide a written statement.

These Regulations also make consequential amendments to Schedule 12 and the Renting Homes (Amendment) (Wales) Act 2021.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny



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

1. Standing Order 21.2002(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In the Welsh text, in regulation 4(a), in the new sub-paragraph (1A), the word “identity” at the beginning of the sub-paragraph has been translated differently from that already used in section 31 of the 2016 Act, and elsewhere in the 2016 Act such as in sections 39(2) and 42(2).

This means that the word “identity” is translated differently at the beginning of the new sub-paragraph (1A) when compared with the text from section 31(2), which is quoted for modification at the end of that sub-paragraph, even though they refer to the same thing.

A reader of the Welsh text may find this confusing. Although it is acknowledged that “hunaniaeth” could be a valid choice of word for “identity” in the translation of legislation, depending on the context, it would appear preferable for new inserted text to be consistent with the existing style and vocabulary of the original legislation. Such an approach would also be in accordance with the Welsh Government’s drafting guidance – see Writing Laws for Wales, paragraph 7.30.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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.

The Minister for Climate Change wrote to the Chair of the Legislation, Justice and Constitution Committee on 3 April 2023 in relation to these Regulations. The letter states:

“I am writing in relation to the timescales for the making of subordinate legislation in connection with the implementation of the Renting Homes (Wales) Act 2016 (‘the 2016 Act’).

...

Separately, the need to make an amendment to Schedule 12 of the 2016 Act before 31 May 2023, regarding the issuing of written statements of occupation contracts, has also been identified.”

3. 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.

The Explanatory Memorandum notes that:

“Under paragraph 11(1) of Schedule 12, the landlord of a converted occupation contract is required to give a written statement of that converted contract to the contract-holder



before the end of the period of six months starting with the appointed day ("the information provision period"), that is, it must be given by 31/05/23. Paragraph 11(1A) of Schedule 12 (which was inserted by the 2021 Act) provided that the requirement in section 31(2) of the 2016 Act (to provide a written statement where there has been a change in the identity of the contract-holder) was disapplied in relation to converted contracts during the information provision period.

However, it has become apparent that Schedule 12 did not make clear provision about written statements requirements after the end of the information provision period and particularly where, at the end of a converted contract, a substitute contract arises. A substitute contract is a type of contract (specified by paragraph 32 of Schedule 12) that arise after a converted contract ends."

The Explanatory Memorandum also explains that no formal consultation has been undertaken "*Due to the technical nature of the SI*". It is not clear whether the Welsh Government has promoted the amendments relating to written statements given that the Explanatory Memorandum states that the position was not clear.

Welsh Government response

A Welsh Government response is required in relation to the Technical Scrutiny point and the second Merits Scrutiny point.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/JJ/0793/23

Huw Irranca-Davies MS
Chair
Legislation Justice & Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

3 April 2023

Dear Huw,

I am writing in relation to the timescales for the making of subordinate legislation in connection with the implementation of the Renting Homes (Wales) Act 2016 (*'the 2016 Act'*).

Regrettably, consequential amendments to the Rent Act 1977 were not included in the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, which were made on 9 November and came into force on 1 December. This has left the statute book in an uncertain position which may have significant consequences for both tenants and landlords.

Separately, the need to make an amendment to Schedule 12 of the 2016 Act before 31 May 2023, regarding the issuing of written statements of occupation contracts, has also been identified.

I therefore intend to bring forward two affirmative statutory instruments addressing both of these matters. I intend to lay the regulations by 25 April at the latest.

In view of the urgency associated with making both sets of regulations, I wish to draw them to your attention and the importance of them being debated on 16 May 2023 at the latest.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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 Committee's assistance in this matter would be greatly appreciated.

Your sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

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

SL(6)352 – The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023

Background and Purpose

The Education (Wales) Act 2014 (**the 2014 Act**) confers functions on the Education Workforce Council (**the Council**) in relation to persons who are required to register with the Council. The categories of registered persons are set out in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act.

Part 6 of this Order amends Table 1 to add the following categories of registered persons:

- independent school teacher;
- independent school learning support worker;
- independent special post-16 institution teacher;
- independent special post-16 institution learning support worker.

Part 2 of this Order provides that independent school teacher services may only be provided in or for independent schools by persons who are registered with the Council in the category of independent school teacher. This Part also provides that only persons registered in the category of independent school learning support worker may support the provision of independent school teacher services in or for an independent school. However, the requirements to register set out in this Part do not apply to persons who provide the services or support the provision of services as volunteers. Part 3 makes similar provision in respect of independent special post-16 institution teachers and learner support workers.

Part 4 provides that a person is eligible for provisional registration as a youth worker if they are working towards obtaining a youth worker qualification. Also, a person is eligible for provisional registration as a youth support worker if they are working towards obtaining a youth support worker qualification.

Part 4 also imposes duties on the Council to prepare and maintain a list of youth worker qualifications and youth support worker qualifications. The Council must inform the Welsh Ministers, on an annual basis, of any amendments that should be made to the list of youth worker and list of youth support worker qualifications as set out in Schedules 1 and 2 to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 (**the 2016 Order**).

Part 5 makes amendments to the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (**the 2015 Regulations**) in relation to school teachers and learning support workers. The definition of “specified work” in regulation 17 of the 2015 Regulations is amended to make sure all teachers who are head teachers or have another senior leadership role are



captured in the category of school teacher. The amendments also simplify the requirements in relation to school learning support workers and make clear that a school teacher does not also have to register in the category of learning support worker unless that person is employed or otherwise engaged as a school learning support worker in a school in Wales. The amendments also amend the requirements in relation to further education learning support workers to make clear that a further education teacher does not also have to register in the category of further education learning support worker unless that person is employed or otherwise engaged as a further education learning support worker in a further education institution in Wales.

Part 7 of this Order amends the Education Workforce Council (Registration Fees) Regulations 2017 to make provision in relation to the amount of registration fee payable by the new categories of registration.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Part 6 of the Order amends Schedule 2 to the 2014 Act by adding four new categories of registered persons:

- independent school teacher;
- independent school learning support worker;
- independent special post-16 institution teacher;
- independent special post-16 institution learning support worker.

Article 2 of the Order deals with the interpretation of the Order. Article 2 signposts to the meaning of “independent school teacher” and “independent special post-16 institution teacher” in Schedule 2 to the 2014 Act. However, it does not signpost to the meaning of “independent school learning support worker” or “independent special post-16 institution learning support worker” in Schedule 2 to the 2014 Act.

It is unclear why two of the new categories are included in article 2 of this Order while the other two new categories are not.



2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Schedule 1 to the 2016 Order sets out a list of approved youth worker qualifications (i.e. qualifications approved for the purposes of registration as a youth worker).

This Order updates the list; however, this Order includes two qualifications that are already in the list, namely:

- postgraduate diploma in youth and community development awarded by Bradford College;
- undergraduate degree in youth and community work awarded by the University of Bedfordshire.

It is unclear why these qualifications have been included in this Order.

We also note the inconsistent approach taken in this Order to updating the list. For example, two new awarding bodies (University of Bolton and University of Wolverhampton) have been included in respect of the undergraduate degree in community development and youth work. However, different approaches have been taken to the inclusion of those awarding bodies, meaning that the list in the 2016 Order will now look like this (red text showing the text inserted by this Order):

Qualification in relation [to] England	Awarding body
Undergraduate degree in community development and youth work	Ruskin College, Oxford University of Wolverhampton
Undergraduate degree in community development and youth work	University of Bolton

It may have been clearer if the updated entry for this qualification looked like this:

Qualification in relation [to] England	Awarding body
Undergraduate degree in community development and youth work	Ruskin College, Oxford University of Bolton University of Wolverhampton

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. 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



The title of this Order is “The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023”. However, this Order appears to do more than just create additional categories of persons who are required to register with the Council. For example:

- Part 4 of this Order deals with qualification requirements in respect of youth workers and youth support workers. “Youth worker” and “youth support worker” already exist as registration categories; they are not additional categories.
- Part 5 of this Order amends registration requirements within the already-existing category of “school teacher”; Part 5 does not create an additional category of registration.

Therefore, we wonder whether the title of this Order sufficiently reflects what this Order does.

4. 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

Article 11 of this Order amends the description of “school learning support worker” in Schedule 2 to the 2014 Act. Article 11 amends the description so that the current reference to a school learning support worker ‘providing’ services is changed to a reference to a school learning support worker ‘supporting’ the provision of services.

That change is, as expected, also reflected in amendments made to the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

However, we note that the same change has not been made to the descriptions of “further education learning support worker” and “youth support worker” in Schedule 2 to the 2014 Act – those two descriptions still refer to support workers ‘providing’ services.

Given that the Explanatory Memorandum provides no explanation of the change made in respect of “school learning support worker”, it is unclear whether the same change should be made in respect of the descriptions of “further education learning support worker” and “youth support worker”.

Welsh Government response

A Welsh Government response is required to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



SL(6)341 – The Food Additives, Food Flavourings, and Novel Foods (Authorisations) and Food and Feed (Miscellaneous Amendments) (Wales) Regulations 2023

Background and Purpose

These Regulations make provision, in relation to Wales, on regulated food product authorisations. They also make minor corrections to food law and animal feed law.

- Part 2 of these Regulations provides for the authorisation, in relation to Wales, of the placing on the market and use of the food additive E 960c (*rebaudioside M produced via enzyme modification of steviol glycosides from Stevia*), the renaming of an existing authorisation for food additive E 960 (*steviol glycosides*) to E 960a (*steviol glycosides from Stevia*), associated transitional provisions and makes minor corrections.
- Part 3 of these Regulations provides for the authorisation, in relation to Wales, of the placing on the market and use of the food flavouring "3-(1-((3,5-dimethylisoxazol-4-yl)methyl)-1H-pyrazol-4-yl)-1-(3-hydroxybenzyl)imidazolidine-2,4-dione".
- Part 4 of these Regulations extends an existing authorisation for the novel food "UV-treated baker's yeast (*Saccharomyces cerevisiae*)" to additional specified food categories and authorises a new vitamin D₂ mushroom powder as a novel food for use in specified food categories.
- Part 5 of these Regulations contains minor corrections to various Welsh subordinate instruments on food law and animal feed law.

Part 5 of these Regulations came into force on 14 April 2023. Parts 2, 3 and 4 come into force on 15 May 2023.

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

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulation 2 and paragraph 4(h) of Schedule 1 substitute E-numbers “E 960a and E 960c” in category 05.1 in the table appearing in Part E of Annex 2 to Regulation (EC) No 1333/2008. This authorises the use of those E-numbers as food additives in certain cocoa and chocolate products.

However the provision also inserts a reference to footnote “(1)” in connection with the authorisation, which is not a reference to a footnote appearing within category 05.1 in the table. Information relating to the authorisation therefore appears to be missing.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 2 and paragraph 4(i)(ii) of Schedule 1 substitute E-numbers “E 960a and E 960c” in category 05.2 (other confectionery including breath freshening microsweets) of the table in Part E of Annex 2 to Regulation (EC) No 1333/2008. The substituted entry includes a restriction on the authorisation which reads “only cocoa, milk, dried-fruit-**based [emphasis added]** or fat-based sandwich spreads,...”.

This wording appears to authorise the use of the above E-numbers for two specific types of sandwich spread (namely, dried-fruit-based sandwich spreads and fat-based sandwich spreads). However, it is unclear whether this is the intention of the drafting when comparing the wording of that restriction to similar existing restrictions in category 05.2 of the table, which make reference to “only cocoa, milk, dried fruit or fat-based sandwich spreads,...”.

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 2 and sub-paragraphs (o), (p) and (q) of paragraph 4 in Schedule 1 substitute authorisations for E numbers “E 960a and E 960c” in place of “E 960” for various categories of table-top sweeteners, being sweeteners in liquid form, powder form and tablets respectively. However, the substituted authorisations do not specify whether the additives may be added individually or in combination, which is contrary to other authorisations in the table in Part E of Annex 2 to Regulation (EC) No 1333/2008 which refer to E numbers collectively. It is therefore not immediately clear whether this is a deliberate omission and, if so, how the authorisation for these particular additives should be interpreted.

4. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulation 3 and Schedule 2 amend the Annex to Commission Regulation (EU) No 231/2012 by substituting “E 960a Steviol Glycosides from Stevia” as a heading for the existing entry referring to “E 960 Steviol Glycosides”, and inserting a new entry for E 960c (“Rebaudioside M produced via enzyme modification of steviol glycosides from stevia”).



However Article 4 of Commission Regulation (EU) No 231/2012 (Entry into force) continues to make reference to a specification laid down in the Annex for “steviol glycosides (E 960)”, which no longer appears in the Annex as a result of the amendments made by these Regulations.

5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 6 and Schedule 5 update the list of authorised novel foods in the Annex to Commission Implementing Regulation (EU) 2017/2470 by inserting a new entry authorising a new vitamin D₂ mushroom powder as a novel food for use in specified food categories.

The list of novel foods in the Annex consists of two tables. “Table 1” lists each authorised novel food and its associated conditions of use and other requirements (for example, various maximum permitted levels of vitamin D₂ in different food categories). “Table 2” lists each authorised novel food and its corresponding specifications.

The Annex (as amended by these Regulations) now contains entries for two types of “Vitamin D₂ mushroom powder”. While the name ascribed to these novel foods in the Annex is the same, the specifications and conditions of use for the two entries differ. Accordingly, there appears to be scope for confusion for a reader of the legislation in determining which specification for Vitamin D₂ mushroom powder in Table 2 corresponds to the relevant conditions and other requirements for use appearing in Table 1.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

6. 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.

Part 5 of these Regulations makes correcting amendments to three Welsh statutory instruments to address technical scrutiny points 2, 3 and 5 identified in this Committee’s report on the Food and Feed (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022.

The Explanatory Memorandum to these Regulations notes (at paragraph 3) that the other two technical scrutiny points identified by the Committee in that report were addressed prior to publication of those Regulations.

Welsh Government response

A Welsh Government response to the technical scrutiny points is required.



Committee Consideration

The Committee considered the instrument at its meeting on 24 April 2023 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Government Response: The Food Additives, Food Flavourings, and Novel Foods (Authorisations) and Food and Feed (Miscellaneous Amendments) (Wales) Regulations 2023

Technical Scrutiny point 1: The Government accepts the reporting point however does not consider the missing footnote text will cause substantive confusion. The text of footnote (1) is consistent throughout Part E of Annex 2 to EUR 2008/1333, so it will be evident to the reader of the legislation what the footnote reference signifies.

The Government proposes to make the correction within the next food additive authorisation statutory instrument amending EUR 2008/1333. We anticipate this will be taken forward in the first quarter of 2024.

Technical Scrutiny point 2: The second entry for E 960 Steviol glycosides (now E 960a and E 960c) in category 05.2 covers all sandwich spreads that are based on cocoa, milk, dried fruit or fat (or any combination of these things).

The Government notes there is an inconsistency between the wording of this entry and other entries in 05.2. The Government further notes that there are existing wider inconsistencies in the wording of the other entries within category 05.2, and across the other categories of Part E of Annex 2 to EUR 2008/1333 as it was retained.

The Explanatory Notes to this instrument and the accompanying Explanatory Memorandum confirm that the purpose of Part 2 is give effect to the authorisation of a new method of production of an existing additive. The existing entries for E 960 steviol glycosides in Part E of Annex 2 to EUR 2008/1333 are being restated against the revised E-numbers 960a and E 960c. The Government considers it is clear there is no intention that any change is being made to the food categories for which the additive is permitted or to any of the listed restrictions or exceptions.

The Government does not consider that the inconsistencies between the entries give rise to scope for substantive confusion. The correct intended scope of the entries (including the specific entry in question) is well established and commonly understood by stakeholders.

In relation to the specific entry in question, the Government proposes to make a further clarification within the next food additive authorisation statutory instrument amending EUR 2008/1333.

Technical Scrutiny point 3: In Part E of Annex 2 to EUR 2008/1333, the table entries for food additives E 960a and E960c in categories 11.4.1, 11.4.2 and 11.4.3 do not contain maximum numerical limits, but are to be applied *quantum satis*. “*Quantum satis*” is defined in Article 3(2)(h) of EUR 2008/1333. It is therefore not necessary to include the footnote number (1). That footnote specifies that additives

can be added individually or in combination, and so is relevant only where there is a fixed maximum numerical level prescribed.

The footnote reference (1) is superfluous within any existing entry covering multiple additives where use is permitted *quantum satis*. The Government is satisfied that the inconsistent use of the footnote reference in the existing entries of Part E of Annex 2 will not give rise to interpretation difficulties for the affected entries as the operation of the principle of *quantum satis* is clear.

Technical Scrutiny point 4: The Government does not consider that the point identifies a defect in the instrument or a failure to fulfil a statutory requirement. The point references Article 4 of Commission Regulation (EU) No 231/2012, which is the entry into force provision, and which became effectively spent when the Regulation came fully applicable in December 2012. The Government does not consider that it is necessary for this instrument to seek to amend Article 4.

Technical Scrutiny point 5: In the Annex to EUR 2017/2470, each entry in Table 1 has a corresponding specification in Table 2. The entries in Table 1 relate to the corresponding specifications in Table 2 in the same order as written. The Government does not consider there is scope for confusion.

Details of authorised novel foods are further accessible by reference to the register of novel foods. This will be updated once Part 4 of this instrument comes into force. The register is publicly accessible at https://data.food.gov.uk/regulated-products/novel_authorisations.

SL(6)349 – The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2023

Background and Purpose

These Regulations amend the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (“the 2005 Regulations”). The 2005 Regulations prescribe matters relating to appeals brought under sections 94 and 95 of the School Standards and Framework Act 1998 (“the 1998 Act”) as amended by the Education Act 2002.

The Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) Regulations 2020 (“the 2020 Regulations”) made temporary amendments to the 2005 Regulations to allow, in certain circumstances relating to the incidence or transmission of coronavirus—

- (a) appeal panels of two members;
- (b) appeal panels to hold hearings by remote access or to decide appeals on the basis of written information.

Regulation 2(2) of the 2020 Regulations provided that those amendments ceased to have effect on 31 January 2021, but that was subject to saving provisions in regulation 3 of the 2020 Regulations. That date was amended to 30 September 2021 by the Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) (Amendment) Regulations 2020 (“the further 2020 Regulations”). The date was further amended to 30 September 2022 by the Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) (Amendment) Regulations 2021 (“the 2021 Regulations”).

Regulation 2 of these Regulations revokes the 2020 Regulations, the further 2020 Regulations and the 2021 Regulations. The effect is that the 2005 Regulations continue in effect unamended by the 2020 Regulations, the further 2020 Regulations and the 2021 Regulations.

Regulation 3 of these Regulations makes a number of amendments to the 2005 Regulations. Regulation 3(5)(a) of these Regulations inserts a new paragraph A1 into Schedule 2 to the 2005 Regulations. Paragraph A1 allows admission authorities to decide in certain circumstances whether an appeal hearing is to be held in person, by remote access (“a remote appeal”) or partly in person and partly by remote access (“a hybrid appeal”) (paragraph A1(1) of Schedule 2 to the 2005 Regulations as inserted by these Regulations). If the admission authority decides to have a remote appeal or a hybrid appeal it must make all necessary arrangements for the appeal panel to have access to the necessary remote access



equipment (paragraph A1(3) of Schedule 2 to the 2005 Regulations as inserted by these Regulations).

Regulation 3 of these Regulations further amends the 2005 Regulations to allow the admission authority to decide that an appeal may be decided on the basis of written information in certain circumstances (paragraph A1(5) of Schedule 2 to the 2005 Regulations as inserted by these Regulations).

Further provision in relation to admission appeals arrangements is made in a code under section 84 of the 1998 Act.

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

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

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Paragraphs (3) and (4) of regulation 3 amend regulations 3 and 5 of the 2005 Regulations by inserting the words "Schedule 1" and "Schedule 2" at the end of the respective regulations. The Explanatory Notes to these Regulations state:

Regulation 2 of these Regulations revokes the 2020 Regulations, the further 2020 Regulations and the 2021 Regulations. The effect is that the 2005 Regulations continue in effect unamended by the 2020 Regulations, the further 2020 Regulations and the 2021 Regulations.

If the effect is that the 2005 Regulations continue in effect unamended, why are the above amendments necessary? The words "Schedule 1" and "Schedule 2" already appear in the 2005 Regulations.

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.



Committee Consideration

The Committee considered the instrument at its meeting on 2 May 2023 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Government Response to the Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2023

Technical Scrutiny point 1: The Welsh Government agrees with the reporting point. The result of the amendment made by the Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2023 (“the 2023 Regulations”) to regulation 3 of the 2005 Regulations is that there are two references to Schedule 1 next to each other (i.e. Schedule 1 Schedule 1). Similarly, the result of the amendment made by the 2023 Regulations to regulation 5 of the 2005 Regulations is that there are two references to Schedule 2 next to each other (i.e. Schedule 2 Schedule 2). There should only be one reference to Schedule 1, and one reference to Schedule 2. However, we do not consider that this will mislead the reader as the references are to the same numbered Schedule.

The Welsh Government will be making further Regulations in respect of school admissions and will look to correct the errors and we anticipate making these during the current Senedd term.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

3 May 2023

Dear Huw,

In accordance with the Inter-Institutional Relations Agreement, I can report that I attended a meeting of the Interministerial Group on UK-EU Relations on 20 March, on behalf of the Minister for Economy. I was unable to provide prior notice of the meeting as it was called at very short notice by the UK Government.

The meeting was held in preparation for the subsequent UK-EU meetings of the Withdrawal Agreement Joint Committee and the Partnership Council under the Trade & Cooperation Agreement held on 24 March. The discussions of the IMG are outlined in a Written Statement [Written Statement: Meeting of the Interministerial Group on UK-EU Relations \(3 May 2023\) | GOV.WALES](#)

We will provide a written update on the arrangements for the next meeting, which will include the date and likely agenda items, in due course.

Bae Caerdydd • Cardiff Bay
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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.

I am copying this letter to the Chairs of the Culture, Communications, Welsh Language, Sport, and International Relations Committee, of the Economy Trade and Rural Affairs Committee, and to the Minister for Economy, and to the Counsel General and Minister for the Constitution.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Meeting of the Interministerial Group on UK-EU Relations

DATE 3rd May 2023

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

I represented the Welsh Government at a virtual meeting of the Interministerial Group (IMG) on UK-EU Relations on 20 March, on behalf of the Minister for Economy. The meeting was chaired by the Minister for Europe at the Foreign, Commonwealth and Development Office, Leo Docherty MP. Angus Robertson MSP, the Scottish Government's Cabinet Secretary for the Constitution, External Affairs and Culture also attended and a senior official from the Northern Ireland Civil Service was present as an observer.

The IMG was held in advance of the meetings of the Withdrawal Agreement Joint Committee (WAJC) and the UK-EU Partnership Council (PC) under the Trade and Cooperation Agreement, both scheduled for 24 March. It considered the draft agendas for both meetings.

I welcomed the overall improved tone of positive engagement with the EU.

The IMG considered the planned PC agenda covering energy, regulation, security and Union Programmes. I raised the following main issues:

- concerns about energy supplies next winter,
- the importance of Wales' relations with Ireland through energy collaboration,
- the potential negative impact of the proposed UK Bill of Rights Bill on the European Convention on Human Rights, and
- the need to come to a solution on Horizon, noting that research and development funding was crucial for Welsh universities.

In relation to the WAJC, which was scheduled to discuss citizens' rights, I highlighted our interest in gaining further clarity on how EU citizens with pre-settled status would be treated and set out the Welsh Government's interest in being included in discussions on this.

The PC itself was held on 24 March with Welsh Government officials attending virtually. The WAJC was also held on 24 March, without the Welsh and Scottish Governments being invited.

The joint UK-EU statement on both meetings is available here. [Joint statement on the Withdrawal Agreement Joint Committee and Trade and Cooperation Agreement Partnership Council meetings, 24 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/joint-statement-on-the-withdrawal-agreement-joint-committee-and-trade-and-cooperation-agreement-partnership-council-meetings-24-march-2023)



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023
DATE	3 May 2023
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023 to apply in relation to Great Britain.

The above titled SI is made by the Secretary of State in exercise of powers conferred by Articles 8(5), 17(1), 28(1), 28(4), 37(5), 48(5), 105(6) of and Annex 2 of the Regulation (EU) 2016/2031 ("Plant Health Regulations).

Under the powers conferred by Article 28 of the Plant Health Regulations the SI makes provision for a demarcated area for the GB quarantine pest, *Thaumetopoea processionea* L. ("Oak Processionary Moth"), consisting of an area where this pest is established ("the infested zone") and a buffer zone around that infested zone. This applies in relation to England only.

The SI makes two minor corrections. The first amends the Commission Delegated Regulation (EU) 2019/829. It makes a minor, technical correction to specify certain requirements on the authorisation application, which is seeking to temporarily allow the introduction or movement of regulated pests or plant commodities in GB. The SI also amends the Commission Implementing Regulation (EU) 2019/2072. It makes a minor, technical correction to revise the movement and import requirements for seed potatoes.

The regulations were laid before Parliament on 2 May 2023 and come into force on 24 May 2023.

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

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The purpose of this instrument is to protect biosecurity and support trade between Great Britain (“GB”) and third countries by introducing protective measures against high-risk pests of plants. Within the demarcated area for Oak Processionary Moth, the movement of high-risk oak trees will only be permitted if professional operators comply with prescribed biosecurity and movement conditions. This SI prohibits the movement of high-risk oak trees to any area outside of the demarcated area.

In addition, this instrument makes two corrections, firstly, to Commission Implementing Regulation (EU) 2019/2072 (“the Phytosanitary Conditions Regulation”) to revise the movement and import requirements for seed potatoes. Secondly, it amends Commission Delegated Regulation (EU) 2019/829 (“the Temporary Derogations Regulation”) to specify certain requirements on the authorisation application, which is seeking to temporarily allow the introduction or movement of regulated pests or plant commodities in GB.

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

[The Plant Health and Phytosanitary Conditions \(Oak Processionary Moth and Plant Pests\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2023/01/13/1354201000000001/eng/full/text.html)

Why consent has been 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 to preserve the interconnected nature of the GB plant health regime. The amendments which apply to Wales have been considered fully and the changes are technical in nature and contain no diversion of policy.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JJ/PO/116/2023

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

Llyr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee

3 May 2023

Dear Chairs,

I am writing further to my letter of February 2023, and in accordance with the inter-institutional relations agreement, to report on the latest meeting of the Net Zero, Energy and Climate Change Inter-Ministerial Group, held on 23 March 2023, with discussions focused on the UK Emissions Trading Scheme and UK Net Zero Growth Plan.

The meeting was attended by Michael Matheson MSP, Cabinet Secretary for Net Zero, Energy and Transport; Katrina Godfrey, Permanent Secretary at the Northern Ireland Department of Agriculture, Environment, and Rural Affairs; Graham Stuart MP, Minister of State Energy Security and Net Zero; James Cartlidge MP, Exchequer Secretary to the Treasury; and Baroness Vere, Under Secretary of State, Department for Transport.

Yours sincerely,

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

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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.

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