

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Virtual – Video conference via Zoom	P Gareth Williams
Meeting date: 27 November 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)

(Page 1)

Attached Documents:

LJC(6)-33-23 – Paper 1 – Draft report

**Affirmative Resolution Instruments**

### 2.1 SL(6)416 – The Representation of the People (Electoral Registers Publication Date) (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)414 – The Education (Student Loans) (Repayment) (Amendment) (No. 3) Regulations 2023**

(Pages 2 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–33–23 – Paper 2 – Draft report

LJC(6)–33–23 – Paper 3 – Written Statement by the Minister for Education and Welsh Language, 9 November 2023

**3.2 SL(6)415 – The Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023**

(Pages 6 – 8)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–33–23 – Paper 4 – Draft report

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

(13.40 – 13.45)

**4.1 SL(6)404 – The Environmental Protection (Single-use Plastic Products) (Civil Sanctions) (Wales) Regulations 2023**

(Pages 9 – 12)

Attached Documents:

LJC(6)–33–23 – Paper 5 – Report

LJC(6)–33–23 – Paper 6 – Welsh Government response

**5 Inter-Institutional Relations Agreement**

(13.45 – 13.50)

**5.1 Correspondence from the Minister for Economy: Inter-Ministerial Group for Trade**

(Page 13)

Attached Documents:

LJC(6)-33-23 – Paper 7 – Letter from the Minister for Economy, 17 November 2023

**5.2 Correspondence from the Minister for Finance and Local Government: Inter-ministerial Group for Housing, Local Government and Communities**

(Page 14)

Attached Documents:

LJC(6)-33-23 – Paper 8 – Letter from the Minister for Finance and Local Government, 21 November 2023

**5.3 Correspondence from the First Minister of Wales: 40th British-Irish Council Summit**

(Page 15)

Attached Documents:

LJC(6)-33-23 – Paper 9 – Letter from the First Minister of Wales, 23 November 2023

**6 Papers to note**

(13.50 – 13.55)

**6.1 Correspondence from the Minister for Economy to the Llywydd: The Trade (Comprehensive and Progressive Agreement on Trans-Pacific Partnership) Bill**

(Page 16)

Attached Documents:

LJC(6)-33-23 – Paper 10 – Letter from the Minister for Economy to the Llywydd, 23 November 2023

**7 Motion to elect a temporary Chair under Standing Order 17.22 for the Committee meeting on 4 December 2023**

(13.55 – 14.00)

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

(14.00)

**9 SICM(6)3 – The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023: Draft report**

(14.00 – 14.10)

(Pages 17 – 25)

Attached Documents:

LJC(6)–33–23 – Paper 11 – Draft report

LJC(6)–33–23 – Paper 12 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 23 November 2023

LJC(6)–33–23 – Paper 13 – Letter to the Minister for Rural Affairs and North Wales, and Trefnydd, 15 November 2023

**10 Draft principles for legislating via UK Bills**

(14.10 – 14.40)

(Pages 26 – 31)

Attached Documents:

LJC(6)–33–23 – Paper 14 – Draft paper

LJC(6)–33–23 – Paper 15 – Letter from the Counsel General and Minister for the Constitution, 13 November 2023

LJC(6)–33–23 – Paper 16 – Written Statement by the Counsel General and Minister for the Constitution, 10 November 2023

## **11 Procedures for the scrutiny of legislation relating to the United Kingdom Internal Market Act 2020 and UK-wide common policy frameworks**

(14.40 – 14.50)

(Pages 32 – 56)

Attached Documents:

LJC(6)-33-23 – Paper 17 – Letter from the Business Committee, 22  
November 2023

LJC(6)-33-23 – Paper 18 – Advice Note

## Statutory Instruments with Clear Reports 27 November 2023

### **SL(6)416 – The Representation of the People (Electoral Registers Publication Date) (Wales) Regulations 2023**

#### **Procedure: Affirmative**

These Regulations set a revised date for the end of the period during which revised versions of the registers of local government electors in Wales must be published by electoral registration officers ("EROs"), under section 13(1)(a) of the Representation of the People Act 1983, following the annual canvass in 2024.

Regulation 28 of the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023 extends the deadline for EROs to publish revised versions of the registers of UK parliamentary electors maintained for areas in Wales, for the year 2024, to 1 February 2025.

Regulation 2(2) of these Regulations similarly extends the deadline by which EROs must publish revised versions of the registers of local government electors maintained for areas in Wales, for the year 2024, to 1 February 2025.

The Explanatory Memorandum to these Regulations notes that,

"This effectively allows EROs in Wales an additional two months to publish their revised local government electoral registers to take account of the requirement for EROs to review the eligibility of EU citizens registered in Wales to vote in Police and Crime Commissioner elections."

**Parent Act:** Representation of the People Act 1983

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 11 December 2023



# Agenda Item 3.1

## **SL(6)414 – The Education (Student Loans) (Repayment) (Amendment) (No.3) Regulations 2023**

### **Background and Purpose**

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (“the 2009 Regulations”), which make provision for the repayment of income-contingent student loans in England and Wales.

Regulation 2 amends the 2009 Regulations to cap the interest that would otherwise be payable on certain undergraduate and postgraduate student loans (under regulations 21A, 21B and 21C). It puts in place a long-term interest rate cap, assessed on a monthly basis (replacing the existing regulation 20B, which was calculated on a quarterly basis and required quarterly amending Regulations to be made). The cap is calculated in relation to a month, first, by calculating the 12 month rolling average in two data sets published by the Bank of England and, then, by taking the lower of the two. The Authority<sup>1</sup> is required to publish the interest rate cap for each month.

Regulation 3 makes amendments to the 2009 Regulations consequential on the change made by regulation 2.

Regulation 4 concerns the scope of the fixed instalment rate, which is relevant to the repayment of student loans by overseas borrowers. It provides for the fixed instalment rate for plan 1 student loans to be calculated in the same way as for plan 2, plan 3 and plan 5 student loans.

### **Procedure**

Composite Negative

The Regulations were made by both the Welsh Ministers and the Secretary of State, before being laid before both the Senedd and the United Kingdom Parliament.

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. The United Kingdom Parliament can also annul the Regulations, in accordance with the rules for annulment that apply to the United Kingdom Parliament.

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<sup>1</sup> The Authority” means - (a) in relation to a plan 1, 2 or 3 loan and subject to regulation 7 - (i) the Welsh Ministers in the case of a loan made or deemed made by them, or (iii) the Secretary of State in any other case; and (c) in relation to a plan 5 loan and subject to regulation 7, the Secretary of State.



## Technical Scrutiny

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

### **1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh**

These Regulations have been made as a composite instrument, meaning the Regulations have been: (a) made by both the Welsh Ministers and the Secretary of State, and (b) laid before both the Senedd and the United Kingdom Parliament. As a result, the Regulations have been made in English only.

The Explanatory Memorandum explains that:

*“The 2009 Regulations were made as composite regulations by the Welsh Ministers (in relation to Wales) and the Secretary of State. They govern repayments of student loans by borrowers who have taken out income-contingent loans for courses which begin on or after September 1998. The 2009 Regulations contain provisions (not devolved to the Welsh Ministers) which are made by the Secretary of State in relation to England and Wales which concern the tax system operated by His Majesty’s Revenue and Customs (HMRC). Some other provisions are made by the Welsh Ministers in relation to Wales and the Secretary of State in relation to England.*

*As the regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually. Therefore, the 2023 Regulations are made in English only.”*

## Merits Scrutiny

The following three points are 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**

We note the purpose and intended effect of the legislation. The Explanatory Memorandum explains that:

*“To avoid the need to make quarterly regulations, the 2023 Regulations introduce a permanent provision that creates a system with an in-built cap that would be applied whenever the student loans interest rates would otherwise exceed the PMR. This would provide for Plan 2, Plan 3 and Plan 5 interest rates to be RPI plus up to 3% (depending on the plan type, as per the current regulations) unless the PMR was less than this, in which case the PMR cap would apply. This would mean the Plan 2, Plan 3 and Plan 5 interest rates could change any month when the cap is in force and would see the cap being applied based on the latest published PMR data. Where a PMR cap is applied, all borrowers will see a reduction in the rate of interest applied to their loan balance compared to the uncapped position. For*



*operational reasons the PMR cap adjustment would be implemented on the first day of the relevant month (where it was applicable to do so)."*

**3. 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 that there has been no consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

*"No consultation has been undertaken. A consultation was not deemed necessary as the 2023 Regulations are being implemented to uphold the requirements in the Teaching and Higher Education Act 1998. Furthermore, this is an area of the student finance system where there is very limited scope for Wales to take a different approach for Welsh borrowers and the limited time available to legislate in respect of Welsh loans in response to the UK Government's changes for English borrowers, did not allow for a consultation to be undertaken."*

**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**

Regulation 2(b) inserts the new regulation 20BA in the 2009 Regulations. As such regulation 20BA(6) provides that *"The Authority must publish the interest rate cap in relation to every month, as soon as practicable and by whatever means and in whatever media the Authority thinks fit."* Can the Welsh Government give an indication as to where the monthly interest rate cap will be published?

## Welsh Government response

A Welsh Government response is required for point four only.

### Legal Advisers

Legislation, Justice and Constitution Committee

21 November 2023



Senedd Cymru

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

—

Welsh Parliament

**Pack Page 4**

**Legislation, Justice and Constitution Committee**



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Student loan interest rates**

**DATE**            **09 November 2023**

**BY**                **Jeremy Miles MS, Minister for Education and Welsh Language**

The Welsh Government must ensure that interest rates on student loans do not exceed the prevailing market rate.

We have acted several times in the past two years to cap the interest rate on student loans to protect Welsh borrowers. Additional rate caps may be required if the prevailing market rate continues to be below student loan interest rates.

To further protect Welsh students from continuing high interest rates, we have established a legislative system to automatically apply an interest rate cap whenever the interest rates on student loans would otherwise exceed the prevailing market rate. Welsh borrowers with Plan 2 (undergraduate) or Plan 3 (postgraduate) student loans will see an interest rate cap being applied and adjusted monthly when student loan interest rates are high.

This system will ensure the application of an interest rate cap is both transparent and responsive to changing rates and will safeguard Welsh borrowers from repaying more on their student loans in the future.

Changes to interest rates do not affect monthly student loan repayments, which are charged as a fixed proportion of income. Loan repayments are income contingent. Students repay their loan only if they earn above a threshold, and remaining debts are written off after thirty years.

Living costs should never be a barrier to studying at university, which is why the Welsh Government provides a generous student support package, including grants for living costs. Welsh students have less to repay on average than their English peers. The Welsh Government also provides a debt write-off of up to £1,500 for each borrower entering repayment, a scheme unique in the UK.

# Agenda Item 3.2

## **SL(6)415 – The Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023**

### **Background and Purpose**

The Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023 (“the 2023 Regulations”) make amendments to the following regulations:

- i) The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022 (“the Explanatory Information Regulations”)

Regulation 2 amends regulations 3 and 8 of the Explanatory Information Regulations. The amendments made to regulation 3 are to clarify the prescribed matters for which the explanatory information must be contained in the written statement of an occupation contract. The amendments to regulation 8 correct textual and punctuation errors in the English language text.

- ii) The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022

Regulation 3 amends Schedules 1 to 3 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 to clarify when compensation is payable to the contract-holder: In the event of the late provision of the written statement, compensation is payable from the occupation date. Amendments to Part 3 of Schedule 2 correct errors in the English language text of terms 47 and 60 and reflect section 180(3)(a) of the Renting Homes (Wales) Act 2016 in term 60.

- iii) The Renting Homes (Prescribed Forms) (Wales) Regulations 2022.

Regulation 4 amends the guidance notes for contract-holders in form RHW17 (landlord’s notice of termination: periodic standard contract with two-month minimum notice period (other than introductory standard contract or prohibited conduct standard contract)). This removes information relating to converted contracts in form RHW17, which is no longer relevant.

### **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 two points are 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

In regulation 4, in the opening words before paragraph (a), the location of the existing text in form RHW17 is identified in the English text as being found "*in the guidance notes for contract-holders*". This is consistent with the actual heading found in the English text of form RHW17.

However, the Welsh text has identified the location of the existing text in form RHW17 as being found in the "*nodiau cyfarwyddyd ar gyfer deiliaid contract*". But this differs from the actual heading found above those guidance notes in the Welsh text of form RHW17 which was translated as "*canllawiau i ddeiliaid contract*". Therefore, the Welsh text fails to correctly identify the location of the existing text in form RHW17 for amendment.

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

In regulation 4(a)—

- a) in the Welsh text, the amendment will create a new sentence that will state:

*"Gall contract meddiannaeth fod â chyfnod hysbysu byrraf a ganiateir o ddau fis **oherwydd mae'r** contract meddiannaeth yn dod o fewn Atodlen 8A i Ddeddf Rhentu Cartrefi (Cymru) (adran 174A o'r Ddeddf honno)".*

But, the words "**oherwydd mae'r**" appear to be grammatically incorrect in the syntax of a single complete sentence, in which case it should state "**oherwydd bod y**".

If "oherwydd bod y" had been used in the sentence created by the amendment it would also be more consistent with a similar provision found in the existing Welsh text of paragraph b) under the heading "Two-month minimum notice period" in form 25 of the same Schedule;

- b) in the English text, the amendment also fails to correct another existing error because the year "2016" is missing from the title of the Renting Homes (Wales) Act **2016** at the end of paragraph b).

## 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 to each of the reporting points.



**Legal Advisers**  
**Legislation, Justice and Constitution Committee**  
**20 November 2023**



## **SL(6)404 – The Environmental Protection (Single-use Plastic Products) (Civil Sanctions) (Wales) Regulations 2023**

### **Background and Purpose**

The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (**the Act**) aims to address the environmental damage caused by the use and disposal of single-use plastic products (**SUPP**) in Wales. Section 5 of the Act creates an offence of supplying prohibited SUPP.

These Regulations provide that a local authority, as regulator, may impose civil sanctions in relation to section 5 offences as an alternative to criminal prosecutions. The civil sanctions are:

- fixed monetary penalties,
- variable monetary penalties,
- compliance notices,
- stop notices, and
- enforcement undertakings.

For example, if a local authority is satisfied beyond reasonable doubt that a person has committed a section 5 offence, the local authority may, where it is appropriate to do so, imposed a fixed penalty of £200 on the person instead of prosecuting the person.

The Regulations also provide for guidance relating to the use of civil sanctions, and for the publication of information on the enforcement action taken by local authorities.

### **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 four 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**

Regulation 6 states:



*The regulator may recover any fixed monetary penalty, variable monetary penalty or non-compliance penalty on the order of a court, as if payable under a court order.*

We would be grateful if the Welsh Government could clarify the meaning of regulation 6, in particular why it is necessary to say that a penalty recoverable “on the order of a court” is treated as payable “under a court order”. Without an explanation, the reference to an order of the court and a court order seems circular.

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

Regulation 14 provides for the publication of information regarding civil sanctions. For example, a local authority must publish reports specifying the cases in which civil sanctions have been imposed. However, regulation 14(3) states that regulation 14 does not apply in cases where the Welsh Ministers consider that publication would be inappropriate.

We would be grateful if the Welsh Government could:

- (a) clarify the intent behind regulation 14(3),
- (b) give examples of when publication might be inappropriate, and
- (c) explain how the Welsh Government’s opinion as to what is inappropriate will be communicated to local authorities.

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

Paragraph 2 of Schedule 1 sets out the requirements of a notice of intent to impose a fixed monetary penalty. As regards paragraph 2:

- (a) Should a notice of intent also include information as to how the discharge payment may be made?
- (b) What does “requirement” mean in paragraph 2(2)(d)(iii)? Schedule 1 does not expressly refer to any “requirement” (unlike Schedule 2). Should “requirement” be changed to “penalty”?

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

Paragraph 1(4) of Schedule 2 says that before serving a variable monetary penalty notice, the regulator may require a person to provide information in order to establish the amount of any financial benefit arising as a result of a section 5 offence.

However, it is unclear what happens if the person refuses to provide information, i.e. how is this requirement enforced?



## 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 to each of the reporting points.

## Committee Consideration

The Committee considered the instrument at its meeting on 20 November 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**

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## **Government Response: The Environmental Protection (Single-use Plastic Products) (Civil Sanctions) (Wales) Regulations 2023**

Technical Scrutiny point 1: The Environmental Protection (Single-use Plastic Products) (Civil Sanctions) (Wales) Regulations 2023 ('the Regulations') are made under section 17 of the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. Section 17 applies functions in Part 3 of the Regulatory Enforcement and Sanctions Act 2008 ('the Act') to the Regulations. Section 52 of the Act provides for the enforcement of monetary penalties and regulation 6 of the Regulations mirrors wording in that enabling power. Regulation 6 provides for the enforcement of monetary penalties through the civil courts and while we note its expression could be clearer, we don't believe it's unclear.

Technical Scrutiny point 2: Section 65 of the Act provides for the publication of enforcement action and regulation 14 of the Regulations mirrors wording in that enabling power. Regarding the questions put by the Committee: a) the intent behind regulation 14(3) is to enable discretion in circumstances where it may be inappropriate for certain cases to be publicised b) data protection considerations could, for example, lead the Welsh Ministers to conclude it may be inappropriate for certain cases to be publicised, and c) the Welsh Ministers could communicate the exercise of the discretion through written contact with local authorities.

Technical Scrutiny point 3: Section 40(3) of the Act provides for the content of the notice of intent and paragraph 2 of Schedule 1 to the Regulations reflects requirements in that enabling power. Regarding the questions put by the Committee: a) in terms of legislative provision, no, the provision reflects the requirements of its enabling power. However, the content of the notice listed in the provision is not exhaustive and, as such, in terms of practical application, the notice may address additional administrative matters including how the discharge payment may be made, and b) 'requirement' means the requirement to pay the fixed monetary penalty. While we note the expression of paragraph 2(2)(d)(iii) could be clearer, we don't believe it's unclear.

Technical Scrutiny point 4: Paragraph 1(4) of Schedule 2 to the Regulations provides a discretion to require information. The provision neither includes a mechanism to enforce the requirement nor prevents the issue of the notice (or consideration of other enforcement options) when a person refuses to provide information.

Vaughan Gething AS/MS  
Gweinidog yr Economi  
Minister for Economy

Agenda Item 5.1



Llywodraeth Cymru  
Welsh Government

Our ref/ein cyf: VG-PO-0388-23

Paul Davies MS  
Chair of Economy, Trade, and Rural  
Affairs Committee

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

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

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

17 November 2023

Dear Paul, Huw

Further to my letter of 16 November, I am writing to inform you that the Inter-Ministerial Group (IMG) for Trade which was scheduled for Monday 20 November 2023 has been postponed.

My officials were informed in the late afternoon of Thursday 16 November that due to the UK Government's reshuffle and the existing diary commitments of the new UK Government Minister for Trade, the meeting would need to be re-arranged. I will write to Greg Hands, Minister for Trade, setting out my thoughts on the topics that would have been discussed.

I will write to inform you when the next IMG for Trade is scheduled to be held.

Yours sincerely,

**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy

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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.

# Agenda Item 5.2

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



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

21 November 2023

Dear Huw,

## **Inter-Institutional Relations Agreement: Inter-ministerial Group (IMG) for Housing, Local Government and Communities**

I am writing in accordance with the inter-institutional relations agreement to notify you of a meeting of the IMG for Housing, Local Government and Communities, which will take place on the 13 December 2023.

The virtual meeting will be hosted by the Scottish Government. The meeting agenda will include substantive items on supply of affordable housing and building safety. As lead Minister for this IMG I have asked the Minister for Climate Change to attend the meeting, as the agenda items fall within her portfolio.

An update will be provided after the meeting.

Yours sincerely,

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

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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  
Legislation, Justice and Constitution Committee  
Senedd Cymru

Llywodraeth Cymru  
Welsh Government

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

23 November 2023

Dear Chair

**Inter-Institutional Relations Agreement: 40<sup>th</sup> British-Irish Council Summit**

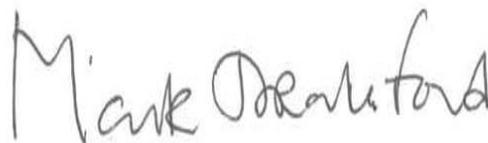
I am writing in accordance with the inter-institutional relations agreement to notify you of the 40<sup>th</sup> Summit meeting of the British-Irish Council, which will take place this week and is being hosted by the Government of Ireland.

I will be attending the summit in person. As well as the usual opportunity for a general update on issues, the theme of the Summit is 'Transforming Children's Lives: Tackling Child Poverty and Improving Wellbeing'

A communiqué will be agreed by the Council at the Summit detailing the discussions held, and I will write to share these with you. I will also update the Senedd with a written statement in due course.

I have also copied this letter to the Climate Change, Environment, and Infrastructure Committee, the Local Government and Housing Committee, the Culture, Communications, Welsh Language, Sport, and International Relations Committee, and the Equality and Social Justice Committee.

Yours sincerely



**MARK DRAKEFORD**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Elin Jones MS  
By Email: [Llywydd@senedd.wales](mailto:Llywydd@senedd.wales)

23 November 2023

Dear Llywydd,

The Trade (Comprehensive and Progressive Agreement on Trans-Pacific Partnership) Bill ('the Bill') was introduced into the UK Parliament, the House of Lords, on 8 November 2023.

The Bill covers the implementation of the CPTPP Free Trade Agreement. The Bill includes a diverse range of policy areas, and potential implications on Wales' policymaking must therefore be fully considered. Our initial analysis is that the Bill makes relevant provision for the purposes of Standing Order 29 and will therefore require a Legislative Consent Memorandum to be laid. We are working through the detail required. However, consideration of how certain provisions in the legislation could potentially influence Wales' future policymaking activities in certain areas means that our analysis is proving more complicated than originally anticipated. Whilst the Legislative Consent Memorandum will be laid as soon as possible, this will be outside the normal two-week Standing Order 29 deadline. It is hoped the Legislative Consent Memorandum will be laid in time for it to be considered by the Business Committee during December.

I am copying this letter to the Minister for Finance and Local Government, Rebecca Evans MS, Counsel General and Minister for the Constitution, Mick Antoniw MS, Minister for Rural Affairs, North Wales and Trefnydd, Lesley Griffiths MS, the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS, and the Chair of the Economy, Trade and Rural Affairs Committee, Paul Davies, MS.

Yours sincerely,



**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy

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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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**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**

Ein cyf/Our ref: LJCC2023-11-15

22 November 2023

Huw Irranca Davies MS  
Chair  
Legislation , Justice and Constitution Committee

Dear Huw,

Thank you for your letter of 15<sup>th</sup> November 2023 seeking responses to questions in relation to the Statutory Instrument Consent Memorandum on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023. My response is set out in the following Annex.

Yours sincerely,

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

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**Back Page 22**  
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## Annex

1. *At paragraph 10 of the Memorandum, you state that the Welsh Government plans to lay a similar instrument for approval by the Senedd to changes references, in existing legislation made by the Senedd, to “retained EU law” to “assimilated law”. It appears this draft instrument, the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023, was laid on 7 November 2023. Please could you confirm therefore that your approach has been to use a Welsh Statutory Instrument to make changes to legislation made by the Senedd and the Welsh Ministers, while proposing the use of a UK Statutory Instrument for changes to UK Acts. If so, please could you explain why a single Welsh statutory instrument was not considered appropriate on this occasion.*

I can confirm we have adopted the approach you note above. The conferring of concurrent powers on Welsh Ministers occurred at a late stage in the UK Government’s process for updating legislation. It was neither practical, efficient nor readily achievable in the time available, to ask for Wales to be removed from the scope of the already well-advanced UK Government’s Statutory Instrument so that we could introduce a Statutory Instrument to cover all UK legislation applying to devolved matters in Wales.

2. *You will be aware that my Committee has previously recommended that the Welsh Government should table motions to seek the Senedd’s agreement to the inclusion of provisions subject to statutory instrument consent memoranda. Please could you confirm whether you intend to table a motion for such a debate in respect of the provisions subject to the Memorandum.*

There will be a motion laid for a debate, scheduled to be held in the Senedd on 12th December 2023, on the Statutory Instrument Consent Memorandum on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

15 November 2023

Dear Lesley,

**Statutory Instrument Consent Memorandum on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023**

Thank you for your [letter of 25 October 2023](#) in respect of the statutory instrument consent memorandum (the Memorandum) which you laid in respect of the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.

We considered the Memorandum at our meeting on [13 November 2023](#). We would be grateful if you could clarify two matters:

1. At paragraph 10 of the Memorandum, you state that the Welsh Government plans to lay a similar instrument for approval by the Senedd to changes references, in existing legislation made by the Senedd, to "retained EU law" to "assimilated law". It appears this draft instrument, [the Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023](#), was laid on 7 November 2023. Please could you confirm therefore that your approach has been to use a Welsh Statutory Instrument to make changes to legislation made by the Senedd and the Welsh Ministers, while proposing the use of a UK Statutory Instrument for changes to UK Acts. If so, please could you explain why a single Welsh statutory instrument was not considered appropriate on this occasion.
2. You will be aware that my Committee has previously recommended that the Welsh Government should table motions to seek the Senedd's agreement to the inclusion of

provisions subject to statutory instrument consent memoranda. Please could you confirm whether you intend to table a motion for such a debate in respect of the provisions subject to the Memorandum.

As we are required to report to the Senedd in respect of the Memorandum by 28 November, I would be grateful if you could respond by 22 November 2023.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

# Agenda Item 10

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

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**Mick Antoniw AS/MS**  
**Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad**  
**Counsel General and Minister for the Constitution**



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: CG/PO/379/2023

Huw Irranca-Davies MS  
Chair – Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
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13 November 2023

Dear Huw,

As you will be aware, the King's Speech took place on 7 November. I issued a written statement on 10 November in response.

I look forward to engaging with your Committee on the UK Government's new legislative programme as it applies in Wales, including through legislative consent processes. I will provide further information throughout the new Parliamentary session once available.

Yours sincerely,

**Mick Antoniw AS/MS**  
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

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Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **The UK Government’s Legislative Programme**

**DATE**        **10 November 2023**

**BY**            **Mick Antoniw MS, Counsel General and Minister for the  
Constitution**

On 7 November 2023, His Majesty the King formally opened the new session of the UK Parliament and outlined the UK Government’s proposed legislation for the new session.

Further information on the content of the King’s Speech was subsequently made available in a [publication](#) from the Prime Minister’s Office. The Secretary of State for Wales issued a [written statement](#) on 8 November setting out the Bills intended to extend and apply to Wales.

Prior to the King’s Speech, the UK Government provided Welsh Government with a list of indicative topics likely be legislated on in the new Parliamentary Session, and varying forms of engagement have taken place at official level on a range of the potential areas of legislation.

The last Parliamentary session resulted in several Acts of Parliament being passed on devolved matters without the consent of the Senedd, showing a lack of respect for the will of the Senedd and the Sewel Convention as reflected in section 107(6) of the Government of Wales Act 2006. I have made clear to UK Government Ministers that that approach must not continue, and I take some encouragement from the improved engagement we have seen on this new legislative programme to date.

Our fundamental position remains that primary legislation in devolved areas should be enacted by the Senedd. However, the Welsh Government also remains of the view that there can be circumstances when it is sensible for provision, which is in the Senedd’s legislative competence, to be included in UK Parliamentary Bills, with the explicit consent of the Senedd. The Minister for Climate Change has recently written to the Legislation, Justice and Constitution Committee and the Local Government and Housing Committee to outline our work with UK Government to outlaw blanket “no DSS” and “no Children” practices in

residential lettings in Wales. The First Minister also confirmed in Plenary our engagement with UK Government on proposals for leasehold reform. We will continue to work with UK Government where doing so is consistent with our principles.

Six of the Bills mentioned in the King's Speech and supporting documentation are carried over from the last session. We have already laid legislative consent memoranda in relation to three of those — the Data Protection and Digital Information (No.2) Bill, the Economic Activity of Public Bodies (Overseas Matters) Bill and the Victims and Prisoners Bill. We will continue to engage with UK Government to ensure the devolved interests and concerns in relation to each of those Bills are addressed.

I look forward to sharing further information about relevant Bills when it is possible to do so, and to working with the Senedd on legislative consent processes throughout this new Parliamentary session.

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

22 November 2023

**Procedures for the scrutiny of legislation relating to the United Kingdom Internal Market Act 2020 and UK-wide common policy frameworks**

Dear Huw,

At our meeting on 14 November, the Business Committee considered procedural changes that may be required for the scrutiny of legislation relating to the United Kingdom Internal Market Act 2020 (UKIMA) and UK-wide common policy frameworks.

This follows recommendations made by committees, including the Legislation, Justice and Constitution Committee, concerning the potential impact of UKIMA and common policy frameworks on legislation considered by the Senedd and other parliaments within the United Kingdom.

On 14 November, the Business Committee agreed to seek the views of the Legislation, Justice and Constitution Committee on proposals for new Standing Orders that would seek to address those recommendations.

I enclose a paper outlining the proposed changes for your consideration. We would be grateful to receive the Legislation, Justice and Constitution Committee's views on the proposals. I have also written to the Health and Social Care Committee and the Chairs' Forum to seek their views. I intend for the Business Committee to return to consider these matters further in early 2024 and would therefore be grateful to receive your views by 15 December 2023.

Please be aware that the paper is private and not for publication or circulation other than to Committee members.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is centered on the page.

**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.

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