

# Agenda – Legislation, Justice and Constitution Committee

---

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 29 January 2024	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

## Remote

---

### 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)-04-24 – Paper 1 – Draft report

#### 2.1 SL(6)446 – The Non-Domestic Rating (Heat Networks Relief) (Wales) Regulations 2024

### 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)440 – The Agricultural Holdings (Units of Production) (Wales) Order 2024**

(Pages 2 – 3)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 2 – Draft report

**3.2 SL(6)441 – The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024**

(Pages 4 – 7)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 3 – Draft report

**3.3 SL(6)442 – The Independent Schools (Provision of Information) (Wales) Regulations 2024**

(Pages 8 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 4 – Draft report

**3.4 SL(6)443 – The Independent School Standards (Wales) Regulations 2024**

(Pages 10 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 5 – Draft report

**3.5 SL(6)444 – The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024**

(Pages 12 – 14)

[Regulations](#)

## [Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 6 – Draft report

### **3.6 SL(6)448 – The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024**

(Pages 15 – 19)

## [Regulations](#)

## [Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-24 – Paper 7 – Draft report

LJC(6)-04-24 – Paper 8 – Letter from the Minister for Finance and Local Government to the Llywydd, 17 January 2024

### **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)

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

### **4.1 SL(6)437 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023**

(Pages 20 – 24)

Attached Documents:

LJC(6)-04-24 – Paper 9 – Report

LJC(6)-04-24 – Paper 10 – Welsh Government response

### **5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7 – previously considered**

(13.45 – 13.50)

### **6 Inter-Institutional Relations Agreement**

(13.50 – 13.55)

**6.1 Written Statement and correspondence from the Minister for Finance and Local Government: Interministerial Group meeting for Housing, Communities & Local Government**

(Pages 25 – 28)

Attached Documents:

LJC(6)-04-24 – Paper 11 – Written Statement from the Minister for Finance and Local Government, 24 January 2024

LJC(6)-04-24 – Paper 12 – Letter from the Minister for Finance and Local Government, 23 January 2024

**6.2 Correspondence from the Counsel General and Minister for the Constitution: Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2023**

(Page 29)

Attached Documents:

LJC(6)-04-24 – Paper 13 – Letter from the Counsel General and Minister for the Constitution, 25 January 2024

**7 Papers to note**

(13.55 – 14.00)

**7.1 Written Statement and correspondence from the Counsel General and Minister for the Constitution: The future of Welsh law – A programme for 2021 to 2026**

(Pages 30 – 43)

[The future of Welsh law: A programme for 2021 – 2026](#)

Attached Documents:

LJC(6)-04-24 – Paper 14 – Letter from the Counsel General and Minister for the Constitution, 19 January 2024

LJC(6)-04-24 – Paper 15 – Written Statement from the Counsel General and Minister for the Constitution, 19 January 2024

**7.2 Correspondence from the Minister for Climate Change: Infrastructure (Wales) Bill**

(Pages 44 – 49)

Attached Documents:

LJC(6)-04-24 – Paper 16 – Letter from the Minister for Climate Change, 22 January 2024

**7.3 Correspondence with the Chair of the Independent Remuneration Board of the Senedd: Inquiry into UK–EU governance**

(Pages 50 – 53)

Attached Documents:

LJC(6)-04-24 – Paper 17 – Letter from the Chair of the Independent Remuneration Board of the Senedd, 23 January 2024

LJC(6)-04-24 – Paper 18 – Letter to the Chair of the Independent Remuneration Board of the Senedd, 19 December 2023

**7.4 Correspondence with the Business Committee: Review of Standing Order 26C – Consolidation Acts of the Senedd**

(Pages 54 – 57)

Attached Documents:

LJC(6)-04-24 – Paper 19 – Letter from the Business Committee, 24 January 2024

LJC(6)-04-24 – Paper 20 – Letter to the Business Committee, 28 September 2023

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

(14.00)

**9 Legislative Consent Memoranda on the Trade (Comprehensive and Progressive Agreement for Trans–Pacific Partnership) Bill**

(14.00 – 14.10)

(Pages 58 – 63)

Attached Documents:

LJC(6)-04-24 – Paper 21 – Legal Advice Note

## **10 Welsh Government Draft Budget 2024–25**

(14.10 – 14.25)

(Pages 64 – 88)

Attached Documents:

LJC(6)-04-24 – Paper 22 – Draft report

LJC(6)-04-24 – Paper 23 – Letter from the Counsel General and Minister for the Constitution, 23 January 2024

LJC(6)-04-24 – Paper 24 – Letter to the Counsel General and Minister for the Constitution, 17 January 2024

LJC(6)-04-24 – Paper 25 – Letter to the Counsel General and Minister for the Constitution, 10 October 2023

## **11 Legislative Consent Memorandum on the Automated Vehicles Bill**

(14.25 – 14.35)

(Pages 89 – 97)

Attached Documents:

LJC(6)-04-24 – Paper 26 – Legal Advice Note

## **12 The Data Protection and Digital Information Bill: Update**

(14.35 – 14.40)

## Statutory Instruments with Clear Reports 29 January 2024

### **SL(6)446 – The Non-Domestic Rating (Heat Networks Relief) (Wales) Regulations 2024**

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

The Non-Domestic Rating (Heat Networks Relief) (Wales) Regulations 2024 (“the Regulations”) gives effect to a new relief from non-domestic rating (NDR) liability. The regulations prescribe conditions to be satisfied to be eligible for heat networks relief, and define a heat network as a facility which supplies thermal energy from a central source to other locations, for the purposes of space heating, space cooling or heating domestic hot water.

The Non-Domestic Rating Act 2023 (“the 2023 Act”), which gained Royal Assent on 26 October 2023, made provision for a new full relief from NDR liability for eligible heat networks. The 2023 Act inserted Schedule 4ZA into the Local Government Finance Act 1988, including provisions for the new NDR heat networks relief. The new provisions will have effect in relation to financial years from 1 April 2024.

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

**Date Made:** 15 January 2024

**Date Laid:** 17 January 2024

**Coming into force date:** 01 April 2024



# Agenda Item 3.1

## **SL(6)440 – The Agricultural Holdings (Units of Production) (Wales) Order 2024**

### **Background and Purpose**

Certain agricultural tenancies carry succession rights. In these cases, under the Agricultural Holdings Act 1986, a close relative of the deceased or retiring tenant can apply to the Agricultural Land Tribunal ('ALT') for a direction as to whether the relative is entitled to succeed to a tenancy. One of the tests in establishing a right of succession involves satisfying the ALT that the applicant does not already occupy a "commercial unit of agricultural land" elsewhere. If this were the case, the close relative would not be eligible for automatic succession.

This Order sets out figures for agricultural incomes which are associated with various farming activities and are used in determining whether or not the land in question is a "commercial unit of agricultural land" during the relevant period.

The current Order in force is the Agricultural Holdings (Units of Production) (Wales) Order 2023, which covers the period from 12 September 2022 to 11 September 2023. This Order covers the period from 12 September 2023 to 11 September 2024.

### **Procedure**

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

### **Technical Scrutiny**

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

#### **1. Standing Order 21.2(x) that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd.**

Paragraphs 3 to 6 of the Explanatory Memorandum sets out the following matters of special interest to this Committee:

*"3. The Welsh Ministers are required under the 1986 Act, to prescribe by Order, such units of production relating to agricultural land as is considered appropriate, for a twelve-month period specified in the order. The current Order in force is the Agricultural Holdings (Units of Production) (Wales) Order 2023 which covers the period from 12 September 2022 to 11 September 2023. Given the ALT cannot decide relevant succession cases without the relevant*



figures, there must be a UPO to cover the 12 month period from 12 September 2023 to 11 September 2024.

4. *Units of Production Orders historically always contain an element of retrospectivity due to the availability of the base statistics from DEFRA which then have to be manipulated by Welsh Government to produce the relevant Welsh figures. These figures did not become available until 13 September 2023. (Emphasis added).*
5. *Cases which have progressed to the ALT from 12 September 2023 have been put on hold until such a time as the Order is made. There are currently six applications which would be affected by a new Order.*
6. *The legislation will need to apply retrospectively from 12 September 2023 to the coming into force date of the Order. This is expressly permitted by Schedule 6, Paragraph 4b of the Agricultural Holdings Act 1986 which provides the Minister shall by order for any period of 12 months specified in the order determine in relation to any prescribed units of production the amount which is to be regarded as the net annual income from that unit in that period."*

The Committee notes that several succession cases brought forward by individuals across Wales have effectively been put on hold since September 2023 as they have had to wait for the new figures provided by this Order to resolve their claims. The Committee acknowledges that before the Order is drafted, the Welsh Government must wait for the relevant data from DEFRA. However, this data was received on 13 September 2023. It is not clear why, by the time this Order comes into effect, that a further five months have elapsed during which time individuals have been unable to progress their succession cases.

## Merits Scrutiny

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

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**23 January 2024**



# Agenda Item 3.2

## **SL(6)441 – The Firefighters’ Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024**

### **Background and Purpose**

This Order amends Schedule 2 to the Firemen’s Pension Scheme Order 1992 (which sets out the Firefighters’ Pension (Wales) Scheme) and Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007 (which sets out the New Firefighters’ Pension Scheme (Wales)) to extend the period during which persons who were employed in Wales as retained firefighters have access to a pension scheme.

This Order also amends the Firefighters’ Compensation Scheme (Wales) Order 2007 to allow awards to be made in relation to injury sustained while a person is performing certain duties other than fire-fighting under a temporary secondary employment with the same fire and rescue authority. In those cases, any injury will be treated as if it were sustained under the person’s primary employment, and consequently an award will be based on service and pay under that primary employment. The amendments also provide that where a person is performing duties under a secondary retained employment with the same fire and rescue authority, any injury will be treated as if it were sustained under the person’s regular service employment, meaning that an award will be based on the person’s service and pay under that regular service contract.

### **Procedure**

Negative.

This Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

### **Technical Scrutiny**

The following 6 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In article 3(1) of the Order, there is a difference between the English and Welsh texts in terms of the reference to the heading of Schedule 2 of the Firemen’s Pension Scheme Order 1992.

The English text refers to “*the Firefighters’ Pension Scheme*”, whereas the Welsh text refers to “*Cynllun Pensiwn y Dynion Tân **1992***” (emphasis added).



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

In Schedule 1 to the Order, in paragraph 1(2)(a), the new definitions are described as being inserted “*at the appropriate place*” in rule 2(1) of the New Firefighters’ Pension Scheme (Wales). However, in the Welsh text, the definitions have not been listed in alphabetical order. The second definition “*cyfnod cyflogaeth arbennig*” (“*special employment period*”) should appear before the first definition “*cyfnod cyfyngedig estynedig*” (“*extended limited period*”).

This has the potential to confuse the instruction to insert the definitions in the appropriate place in rule 2(1) of the New Firefighters’ Pension Scheme (Wales) in the Welsh text.

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

In Schedule 1 to the Order, in paragraph 6(3), in the new rule 5C(7), there is a difference between the English and Welsh texts.

In the English text, it states “*Where the authority **do not** hold records of that person’s pay for that period...*” (emphasis added). However, in the corresponding Welsh text, those words are translated as meaning “*Where the authority **do** hold records of that person’s pay for that period...*” (emphasis added). This means that both language texts have the opposite meaning and contradict each other.

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

In Schedule 1 to the Order, in paragraph 6(3), in the new rule 5C(8), reference is made to “*a whole-time regular **competent** firefighter*” (emphasis added). This is the only occasion that “*regular **competent** firefighter*” (emphasis added) is used, rather than the defined term “*regular firefighter*” (as defined in the New Firefighters’ Pension Scheme (Wales)).

Further information is required as to whether the use of this undefined term is intentional and, if so, why the term has not been defined for the purposes of the New Firefighters’ Pension Scheme (Wales).

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

In Schedule 1 to the Order, in paragraph 7(3), the opening words state that the subsequent amendments numbered as paragraphs (a) to (c) are made “*In rule 16...*” (of Part 12 of the New Firefighters’ Pension Scheme (Wales)). However, in paragraph 7(4), a further amendment is made to another paragraph in the same rule but without identifying that the paragraph to be amended is also found in rule 16 of Part 12.

Therefore, the structure of the paragraph is incorrect and paragraph 7(4) should have been numbered as paragraph (d) of paragraph 7(3) in Schedule 1 to this Order. The numbering of



the following sub-paragraphs in paragraph 7 would also need to be adjusted to follow this re-numbering.

A similar error also occurs in paragraph 7(6) and (7) of Schedule 1 to the Order, where sub-paragraph (7) should have been numbered as paragraph 7(6)(d), with the subsequent sub-paragraphs re-numbered to facilitate this correction.

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

In Schedule 2 to the Order, in the heading of paragraph 1, there is a difference between the English and Welsh text. The English text refers to “Part 1” but in the Welsh text it is translated as “Schedule 1”.

### **Merits Scrutiny**

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

#### **7. 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**

The name used to refer to the pension scheme set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992 is inconsistent in both the English and Welsh texts.

The correct legal name of the scheme is the Firefighters’ Pension (Wales) Scheme, as renamed by the Fire and Rescue Services Act 2004 (Firefighters’ Pension Scheme) (Wales) Order 2004.

However, to use examples in the English text, in the Explanatory Note to the Order the Firefighters’ Pension (Wales) Scheme is referred to as “*the Firefighters’ Pension Scheme (Wales) 1992*”. Whereas in footnote (1) on page 4 of the Order, the Scheme is referred to as “*the 1992 Firefighters’ Pension Scheme*”.

This Order is complex and technical in nature and it is considered that the use of different names to refer to the same pension scheme is likely to cause confusion for the reader.

#### **8. 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**

The Explanatory Memorandum (“EM”) states as follows, at paragraph 2.1:

*“The Committee will wish to note that neither the Firefighters’ Pension (Wales) Scheme Order 1992 [sic] nor the Firefighters’ Compensation Scheme (Wales) Order 2007 was created bilingually, hence the form of the 2024 Orders amending those earlier orders. Welsh Ministers have determined that it would not be proportionate to revoke and remake the 1992 Order or the 2007 Order bilingually.”*

By way of clarification (aside from the substantive point explained in the EM), it should be noted that the reference above to the “*Firefighters’ Pension (Wales) Scheme Order 1992*”



should instead be a reference to the Firemen's Pension Scheme Order 1992, which was made monolingually. As explained, the Firefighters' Compensation Scheme (Wales) Order 2007 was also made monolingually. The Firefighters' Pension Scheme (Wales) Order 2007 was made bilingually.

## Welsh Government response

A Welsh Government response is required in relation to reporting points 1 to 7.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**23 January 2024**



Senedd Cymru

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

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**

Pack Page 7

# Agenda Item 3.3

## **SL(6)442 – The Independent Schools (Provision of Information) Regulations 2024**

### **Background and Purpose**

These Regulations revoke and replace the Independent Schools (Provision of Information) (Wales) Regulations 2003 (“the 2003 Regulations”). These Regulations apply in relation to Wales.

These Regulations relate to applications for registration of independent schools under section 160(1) of the Education Act 2002 and information to be provided periodically by the proprietors of independent schools under section 168 of that Act.

Regulation 2 and Part 1 of the Schedule contain interpretation provisions.

Regulation 3 and Part 2 of the Schedule make provision for the form and content of an application to register an independent school under section 160(1) of the Education Act 2002.

Regulation 4 makes provision for the submission by the proprietor of an independent school of an initial return within 90 days of the admission date or, if later, a request by the registration authority. Part 3 of the Schedule prescribes the information to be included in the initial return.

Regulation 5 makes provision for the submission by the proprietor of an independent school of annual returns to the registration authority. Part 4 of the Schedule prescribes the information to be included in the annual return.

Regulation 6 provides that if it is satisfied that a proprietor of an independent school has failed to comply with any requirement of regulation 4 or 5, the registration authority may remove the school from the register. Regulation 7 provides that it is an offence for a proprietor of an independent school to fail to comply with any requirement of regulation 4 or 5.

Regulation 8 revokes the 2003 Regulations. Regulations 9, 10 and 11 revoke other instruments and provisions that amend either the 2003 Regulations or the Independent School Standards (Wales) Regulations 2003.

Regulation 12 makes transitional provision for the 2003 Regulations in cases where an initial return is required or annual return requested before the coming into force of these Regulations.

The Immigration Rules, which are referred to in paragraph 32 of the Schedule to these Regulations, can be found at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-index>.

### **Procedure**

Negative



The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

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

### **1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

The Regulations refer to an online application which is accessed from the pages of the website maintained by the Welsh Government. In terms of accessibility, it may be helpful for the reader to be provided with a hyperlink to the application in the Explanatory Memorandum or Explanatory Notes.

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 January 2024**



# Agenda Item 3.4

## **SL(6)443 – The Independent School Standards (Wales) Regulations 2024**

### **Background and Purpose**

The Independent School Standards (Wales) Regulations 2024 (“the Regulations”) prescribe the standards that are to be met by independent schools for the purposes of registration, reporting and inspection in accordance with the Education Act 2002 (“the 2002 Act”).

The Regulations revoke and replace the existing Independent School Standards (Wales) Regulations 2003.

The Schedule to the Regulations sets out the standards in accordance with the categories specified in section 157(1) of the 2002 Act:

- Quality of education provided,
- Spiritual, moral, social and cultural development of pupils,
- Welfare, health and safety of pupils,
- Suitability of proprietors, staff and supply staff,
- Premises of and boarding accommodation at independent schools,
- The provision of information,
- The manner in which complaints are to be handled.

Among other things, these standards:

- Increase the frequency of DBS checks to every three years,
- Require independent schools to actively promote knowledge and understanding of Part 1 of the United Nations Convention on the Rights of the Child,
- Make it clear that the proprietor of an independent school is ultimately responsible for compliance with the standards, and
- Require independent schools to make specific information such as term dates and inspection reports available to parents and, where appropriate, local authorities.

### **Procedure**

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.



## Merits Scrutiny

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

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

According to the Explanatory Memorandum, the Regulations are part of a package addressing deficiencies in the current legislative framework. In particular, paragraph 20 of the Explanatory Memorandum provides:

*These deficiencies in the regulatory framework and the way the Standards can be enforced have been acknowledged by Welsh Ministers through responses to the Children's Commissioner for Wales's review of the exercise of functions of the Welsh Government under section 72 of the Care Standards Act 2000, where the need for fundamental reform to update the regulatory system for independent schools was acknowledged. The same commitment to review the Independent Schools Regulations was made in the Welsh Government's response to recommendations in the Children's Commissioner for Wales's Annual Report 2020-21 and in the response to the Independent Inquiry into Child Sexual Abuse (IICSA).*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 January 2024**



Senedd Cymru

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

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**

**Pack Page 11**

# Agenda Item 3.5

## **SL(6)444 – The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024**

### **Background and Purpose**

The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 (“these Regulations”) prescribe the grounds on which a direction may be given under section 167A of the Education Act 2002 (“section 167A direction”) prohibiting a person from taking part in the management of an independent school in Wales, or placing a restriction on a person’s ability to do so. The Regulations also make provision about the procedure for giving a section 167A direction, the circumstances in which a section 167A direction may be varied or revoked and provision about appeals in respect of section 167A directions.

Section 167A directions may be given in respect of a person who has been convicted of, been given a caution in respect of, or is subject to a relevant finding in respect of a relevant offence, or has engaged in relevant conduct, if the appropriate authority (the Welsh Ministers) considers that the person is therefore unsuitable to take part in the management of an independent school (regulation 2). Section 167A of the Education Act 2002 provides the “appropriate authority” with the powers to issue a direction. An appropriate authority means a registration authority or such other public authority as may be prescribed. The registration authority is the Welsh Ministers and therefore the appropriate authority for the purposes of the section 167A direction is the Welsh Ministers.

Regulation 2 prescribes the grounds on which a section 167A direction may be given and describes what amounts to a relevant offence, relevant finding, and relevant conduct for this purpose. Regulation 2 also provides that references to convictions and cautions include those that are spent provided there has been an order made excluding the operation of provisions of the Rehabilitation of Offenders Act 1974, which prohibit spent convictions and cautions being used as a ground to exclude a person from any office, profession, occupation or employment.

Before making a section 167A direction, the appropriate authority must give the person an opportunity to make representations as to why the direction should not be given and notice of that opportunity (regulation 3). Regulation 3 makes provision about the giving of the notice and the period within which representations may be made. All reasonable steps must be taken to notify a person in respect of whom a section 167A direction has been made.

The appropriate authority may vary or revoke a direction where a person seeks to have it revoked on one of the grounds set out in regulation 5, or in the absence of variation or revocation being sought, where new information comes to light or where there has been a



material change in circumstances of the person subject to the direction, provided in all cases that the appropriate authority considers it appropriate to vary or revoke (regulation 4).

Under regulation 5, a person subject to a section 167A direction may seek to have it varied or revoked on the grounds that the conviction, caution or finding in question has been quashed, that the conviction or caution in question is spent or becomes protected, or that a period of five years has passed since the finding in question was made. A person subject to a direction on conduct grounds may seek to have it varied or revoked on the grounds that new information has come to light or where there has been a material change in circumstances of the person subject to the direction.

Section 167B(1) of the Education Act 2002 provides for a right of appeal against decisions in respect of section 167A directions. Regulation 6 contains a restriction on the power of the First-tier Tribunal to entertain appeals in relation to section 167A directions which are given on the grounds of convictions. Regulation 7 provides for the First-tier Tribunal's powers on allowing an appeal in relation to a section 167A direction. Where the First-tier Tribunal considers that the decision to give the direction, or the decision not to vary or revoke it, is not appropriate it may order the appropriate authority to vary or revoke the direction.

Regulation 8 sets out the circumstances in which a person subject to a direction under section 142 of the Education Act 2002 immediately before the coming into force of section 167A of the Education Act 2002 will be treated as being subject to a section 167A direction starting with the day the Regulations come into force.

These Regulations come into force on 14 February 2024 and are laid as part of a suite of regulations with the Independent School Standards (Wales) Regulations 2024 and the Independent Schools (Provision of Information) (Wales) Regulations 2024.

## 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(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

The term “the appropriate authority” is used throughout these Regulations, but has not been defined and given a meaning. The meaning given by the definition of “the appropriate



authority" in section 167A(6)(b) of the Education Act 2002 is not implied into these Regulations because the Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978 (see *Writing Laws for Wales*, 4.12). In addition, the meaning given to the term in the Explanatory Note and in footnote (1) on page 4 will not define "the appropriate authority" for the purposes of these Regulations as they are not an operative part of the instrument. Therefore, the term "the appropriate authority" should have been defined in regulation 1(2) because it is used throughout these Regulations.

## 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.**

We note the complexity of these Regulations, and the potential difficulty in interpreting and applying them due to their content and the nature of the drafting. As such, we are pleased to note paragraph 62 of the Explanatory Memorandum, which states, "*Guidance will be published for independent schools alongside the Regulations coming into force in early 2024.*"

## Welsh Government response

A Welsh Government response is required in relation to reporting point 1.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**23 January 2024**



Senedd Cymru

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

—

Welsh Parliament **Pack Page 14**

**Legislation, Justice and Constitution Committee**

## **SL(6)448 – The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024**

### **Background and Purpose**

The Non-Domestic Rating Act 2023 (“the 2023 Act”) implements a number of changes to the system of non-domestic rating in England and Wales.

The Non-Domestic Rating Act 2023 (Consequential Amendments to Secondary Legislation) (Wales) Regulations 2023 (“the 2023 Regulations”) came into force on 27 October 2023 and made technical amendments to secondary legislation in relation to Wales consequential on the 2023 Act.

The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024 (“the Regulations”) address matters raised in the three technical reporting points in the Legislation, Justice and Constitution Committee’s [report on the 2023 Regulations](#).

Certain amendments made by the 2023 Regulations should have been expressed as having effect for financial years beginning on or after 1 April 2024. Instead these provisions took effect from the date that the 2023 Regulations came into force, 27 October 2023.

The Regulations resolve this issue by:

- restating the law as it applied before 27 October 2023 with immediate effect (Part 2), and
- re-making the amendments in the 2023 Regulations to take effect from 1 April 2024 (Part 3).

### **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.**

In accordance with regulation 1(3) and (4), Parts 1 and 2 of the Regulations come into force on 19 January 2024 and Part 3 comes into force on 1 April 2024.

The italic date information set out below the title of the Regulations refers only to 19 January 2024 as the coming into force date. The Welsh Government is asked why this does not follow the usual format for instruments that have more than one coming into force date, either by providing that the Regulations come into force “in accordance with regulation 1(3) and (4)” or by specifying the two separate coming into force dates (see Statutory Instrument Practice at paragraph 3.10.4).

## Merits Scrutiny

The following two 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.**

It is noted that, in light of the premature commencement of the amendments in the 2023 Regulations, the law was incorrect from 27 October 2023 until 19 January 2024 (the date that the Regulations come into force).

Paragraph 18 of the Explanatory Memorandum provides that:

*Copies of the 2024 Regulations will be issued free of charge to all known recipients of the 2023 Regulations to ensure that users who require a copy are not unnecessarily disadvantaged by having to pay for it. The Welsh Government is not aware of any adverse effects arising from the omissions in the 2023 Regulations. Any such impacts would have been brought to the attention of the Welsh Government by stakeholders, particularly local billing authorities.*

**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.**

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 the Minister for Finance and Local Government in a [letter to the Llywydd](#) dated 17 January 2024.

In particular, we note what the letter says regarding the need to bring the Regulations into force as soon as possible to address the issues raised by this Committee in its report on the 2023 Regulations, and to ensure the intended policy effect of the relevant secondary legislation is preserved.



This urgency is also cited in paragraph 19 of the Explanatory Memorandum as a reason why no consultation has been carried out in relation to the Regulations.

## **Welsh Government response**

A Welsh Government response is required to the technical reporting point only.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**23 January 2024**



Senedd Cymru

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

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**

**Pack Page 17**



Ein cyf/Our ref: MA-RE-3052-23

Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

17 January 2024

Dear Elin,

**THE NON-DOMESTIC RATING (MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO SECONDARY LEGISLATION) (WALES) REGULATIONS 2024**

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 19 January, 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.

This statutory instrument is made under the powers provided by sections 43(4B)(b), 44(9)(b) of, and paragraphs 1, 2(2)(a) and (ga) of Schedule 9 to, the Local Government Finance Act 1988 (“the 1988 Act”), paragraph 8(1) and (4)(b) of Schedule 1 to the Rating (Empty Properties) Act 2007(1), section 236(1) of the Localism Act 2011 and section 17(2) of the Non-Domestic Rating Act 2023 (“the 2023 Act”).

The Non-Domestic Rating Act 2023 (Consequential Amendments to Secondary Legislation) (Wales) Regulations 2023 (“the 2023 Regulations”) amended references to the 1988 Act in secondary legislation, as a consequence of changes introduced by the 2023 Act. Some of these amendments should have been expressed as having effect from financial years beginning on or after 1 April 2024, when relevant provisions in the 2023 Act (although already in force) will take effect. The Legislation, Justice and Constitution Committee raised this and other reporting points in their report on the 2023 Regulations and the Welsh Government confirmed that amending regulations would be made as soon as possible in response.

---

(1) 2007 c. 9. The power to make an order under paragraph 8(1) of the Rating (Empty Properties) Act 2007 may be exercised to make regulations by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4).

The 2024 Regulations omit certain provisions in regulations 2 and 4, and regulation 5 of the 2023 Regulations and restates provisions in certain secondary legislation as they applied immediately before regulations 2, 4 and 5 came into force. It also makes amendments to secondary legislation in consequence to the 2023 Act. It is considered necessary to bring this statutory instrument into force as soon as possible, to address the issues raised by the Legislation, Justice and Constitution Committee and ensure the intended policy effect of the relevant secondary legislation is preserved.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Peredur Owen Griffiths MS, Chair of the Finance Committee, Siwan Davies, Director of Senedd Business, Bethan Davies, 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 "Rebecca Evans". The signature is written in a cursive style with a period at the end.

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

# Agenda Item 4.1

## **SL(6)437 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023**

### **Background and Purpose**

The Regulations amend the National Health Service (General Medical Services Contracts) Regulations 2023 (“the Principal Regulations”). The Committee considered the Principal Regulations at its meeting of 25 September 2023. The Regulations have been made to correct errors of a technical nature, or which are related to drafting convention, which were identified by the Committee in its report on the Principal 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**

The following eight 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**

Regulation 4(a) inserts a definition of “authorised person” into the Principal Regulations. The English text of the definition cross-refers to persons captured by regulation **62(a) to (d)** of the Pharmaceutical Regulations, while the Welsh text cross-refers to persons captured by regulation **62(a) to (c)** of the Pharmaceutical Regulations. It is unclear which version is correct, meaning that the definition of “authorised person” is unclear.

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

Regulation 4(a) inserts a definition of “the Health and Care Professions Council” into the Principal Regulations. This definition makes reference to “article 5(1) of the Health Professions Order 2001 (registration)”. The bracketed word should read “establishment and maintenance of register” as this is the title of article 5 of the Health Professions Order 2001. Article 9 is entitled “registration”.



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

Regulation 4(m)(i) amends the definition of “national disqualification” in the Principal Regulations by replacing the word “sections” with “section”. This is unnecessary as even as amended, the wording of the definition still refers to multiple sections.

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

Regulation 16(b)(viii) states that the “(c.14)” citation should be inserted after “Social Security Act 1998” in Schedule 1 to the Principal Regulations. The Social Security Act 1998 appears twice in Schedule 1, therefore regulation 16(b)(viii) should specify whether the citation is to be inserted on the first occasion or on each occasion that it occurs.

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

Regulation 16(b)(xii) inserts c.22 as the citation for the Reserve Forces (Safeguard of Employment) Act 1985. The correct citation is c.17. Similarly, regulation 16(b)(xv) inserts c.28 as the citation for the Local Government Finance Act 1992. The correct citation is c.14.

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

Regulation 18(r) substitutes the word “paragraph” with “sub-paragraph” in paragraph 66(1) of Schedule 3 to the Principal Regulations. However, the word “paragraph” appears three times in paragraph 66(1) and the amendment does not specify that it is only to apply to the first occasion upon which “paragraph” occurs. Although the other two uses of the word are in sub-paragraphs, they still form part of paragraph 66(1) and therefore it should have been made clear that the amendment only applies to the first occasion upon which “paragraph” appears. This would be consistent with the approach taken in regulation 18(ff).

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

Reporting point 40 in our report on the Principal Regulations drew attention to the fact that a Fitness to Practice Panel is now known as a Medical Practitioners Tribunal. Regulation 18(nn)(ii)(cc) amends paragraph 117(6)(a) of Schedule 3 to the Principal Regulations to reflect this change, however the term “Fitness to Practice” also appears in paragraph 117(6)(b) of the Principal Regulations and the Regulations do not amend this wording.

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

Regulation 18(oo)(iii)(aa) inserts wording into paragraph 119(3)(v) of Schedule 3 to the Principal Regulations. As amended, the wording of paragraph 119(3)(v) would read “in a case where the contract is with two or more individuals practising in partnership or with a company



*and one or more of those individuals has refused to comply with a request by the Local Health Board to be medically examined"* (added words shown in italics). It is not clear whether the added wording is intended to relate to the partnership, the company or both. If it is just intended to relate to the partnership then the new wording should have been added after the word "partnership" rather than "company". If it is intended to relate to the company or both the partnership and the company, then it would be necessary to clarify who in the company would constitute "the individuals".

## Merits Scrutiny

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

### **9. 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**

In its response to our report on the Principal Regulations, the Welsh Government confirmed that it would make amendments to correct the issues raised in points 8 and 54 of our report. Point 8 related to a reference to a repealed provision in the definition of "optometrist independent prescriber" in the Principal Regulations and point 54 noted an incorrect reference to the National Health Service Act 2006 in the Explanatory Note to the Principal Regulations. The Regulations do not make these amendments.

### **10. 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 Committee notes that no consultation took place in relation to these Regulations. The Explanatory Memorandum notes:

*No consultation has been undertaken on the amendment Regulations as the amendments being made do not alter or have any impact on the policy or how it is applied.*

## Welsh Government response

A Welsh Government response is required to all but the final reporting point.

## Committee Consideration

The Committee considered the instrument at its meeting on 22 January 2024 and reports to the Senedd in line with the reporting points above.



**Government Response: *The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023***

**Technical Scrutiny point 1**

The Welsh Government notes the discrepancy in the Welsh text and will be liaising with the S.I. Registrar to investigate the possibility of a correction slip so that the relevant provision will refer to paragraph “(d)” rather than “(c)”.

**Technical Scrutiny point 2**

The Welsh Government notes this point. The drafting in its current form does not alter the definition and consequently an amendment is not required.

**Technical Scrutiny point 3**

The Welsh Government notes this point although does not consider it materially affects the operation of the provision.

**Technical Scrutiny point 4**

The Welsh Government notes this point. However, the Government considers no correction is required.

**Technical Scrutiny point 5**

The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises.

**Technical Scrutiny point 6**

The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises.

**Technical Scrutiny point 7**

The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises.

**Technical Scrutiny point 8**

The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises.

### **Merits Scrutiny point 9**

The Welsh Government notes this point, reiterates its commitment to amend the principal Regulations when the opportunity arises and will be liaising with the S.I. Registrar to investigate the possibility of whether a correction slip may be used to rectify the two provisions.

---

**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

---

**TITLE** Outcome of the third Interministerial Group meeting for Housing, Communities & Local Government

**DATE** 24 January 2024

**BY** Rebecca Evans, Minister for Finance and Local Government

In accordance with the inter-institutional relations agreement, the third meeting of the Interministerial Group (IMG) for Housing, Communities and Local Government was held on 13 December 2023.

As lead Minister for this IMG, I asked the Minister for Climate Change to attend the meeting on behalf of the Welsh Government, as the agenda items fell within her portfolio.

The Minister for Housing, Paul McLennan MSP attended for the Scottish Government and chaired the meeting. Mark O'Donnell, Deputy Secretary of Housing, Urban Regeneration and Local Government; Paul Price, Director of Social Housing Policy and David Polley, Director of Housing Supply Policy represented the Northern Ireland Executive. From the UK Government, Jacob Young, Parliamentary Under Secretary of State for Levelling Up and Lee Rowley, Minister of State for Housing, Planning and Building Safety.

The group welcomed a presentation by Professor Ken Gibb of CaCHE on research on the impacts of regulation on the Private Rented Sector, issues and challenges.

Following the presentation, the group discussed the challenges each government faces around affordable homes and housing supply. The group also discussed progress made on building safety, cladding remediation, insurance, mortgage and lending markets and RAAC.

They acknowledged the positive working relationship between officials across the areas of housing and building safety and agreed for this official level engagement to continue.

It was confirmed that the UK Government and officials from the Northern Ireland Executive will work together on preparations for the next meeting of the IMG, scheduled for March / April 2024.

The meeting communiqué agreed by Ministers can be found [here](#).



Eich cyf/Your ref  
Ein cyf/Our ref

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

SeneddLJC@senedd.wales

23 January 2024

Dear Chair

## **Outcome of the Interministerial Group meeting for Housing, Communities & Local Government**

In accordance with the inter-institutional relations agreement, the third meeting of the Interministerial Group (IMG) for Housing, Communities and Local Government was held on 13 December 2023. As lead Minister for this IMG, I asked the Minister for Climate Change to attend the meeting on behalf of the Welsh Government, as the agenda items fell within her portfolio.

The Minister for Housing, Paul McLennan MSP attended for the Scottish Government and chaired the meeting. Mark O'Donnell, Deputy Secretary of Housing, Urban Regeneration and Local Government; Paul Price, Director of Social Housing Policy and David Polley, Director of Housing Supply Policy represented the Northern Ireland Executive. From the UK Government, Jacob Young, Parliamentary Under Secretary of State for Levelling Up and Lee Rowley, Minister of State for Housing, Planning and Building Safety.

The group welcomed a presentation by Professor Ken Gibb of CaCHE on research on the impacts of regulation on the Private Rented Sector, issues and challenges.

Following the presentation, the group discussed the challenges each government faces around affordable homes and housing supply. The group also discussed progress made on building safety, cladding remediation, insurance, mortgage and lending markets and RAAC.

They acknowledged the positive working relationship between officials across the areas of housing and building safety and agreed for this official level engagement to continue.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

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.

It was confirmed that the UK Government and officials from the Northern Ireland Executive will work together on preparations for the next meeting of the IMG, scheduled for March / April 2024.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a period at the end.

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

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

Agenda Item 6.2

Llywodraeth Cymru  
Welsh Government

Our ref: CG/PO/22/2024

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

25 January 2024

Dear Huw,

I am writing to inform you that the [Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Provision\) Regulations 2023](#) ("the Regulations") were laid before UK Parliament on 24 January 2024.

Officials received a final version of the Regulations for review on 18 January.

The Regulations are a mix of devolved and reserved provision which does not amend primary legislation within the Senedd's competence.

Following a review of the suggested consequential amendments we do not believe it would be more appropriate to introduce our own legislation. The Regulations only make consequential provision flowing from sections 2 and 5 of the Retained EU Law (Revocation and Reform) Act 2023. The Regulations have no wider policy impact and no policy discretion is exercised in devolved areas in the Regulations. In light of this Welsh Government considers it appropriate to give consent for these Regulations to contain devolved provision.

I will release a written statement confirming Welsh Government's willingness to consent to the Regulations within 3 working days of the Regulations being formally laid.

Yours sincerely,



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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: CG/PO/20/2024

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

19 January 2024

Dear Huw

## **The future of Welsh law: A programme for 2021 to 2026 Laying of a revised programme**

I enclose a copy of the Government's revised programme to improve the accessibility of Welsh law, which is being laid before Senedd Cymru in accordance with section 2(6) of the Legislation (Wales) Act 2019. This satisfies the commitment made recently in paragraph 71 the 2022-23 Annual Report on the programme, which I sent to you on 1 November.

Yours sincerely

### **Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.



Llywodraeth Cymru  
Welsh Government

# The future of Welsh law

## A PROGRAMME FOR 2021-2026



Original programme laid:  
21 September 2021

Revised programme laid:  
19 January 2024

Pack Page 31



“And by the common counsel and agreement ... they examined the old laws, and some of them they allowed to continue, others they amended, others they wholly deleted, and others they laid down anew.”

*Book of Iorwerth 1240*

## Programme to improve the accessibility of Welsh law (revised)

### *Introduction*

1. The Government's first programme to improve the accessibility of Welsh law, [The Future of Welsh Law, a programme for 2021 to 2026](#), was laid before the Senedd on 21 September 2021. Under section 2(6) of the Legislation (Wales) Act 2019 the programme may be revised and, if revised, must be laid before the Senedd.
2. The Welsh Ministers and the Counsel General have revised the programme to now reflect:
  - a. that the primary legislation for a code of law on the historic environment is now in place, with further work ongoing on subordinate legislation,
  - b. a new commitment to create a code of law in relation to planning,
  - c. details of a new project to improve the publication of subordinate legislation,
  - d. a commitment to modernise the form and structure of legislation, and
  - e. the completion of some elements of the programme.

### *Summary*

3. This revised programme to improve the accessibility of Welsh law contains projects to:
  - a. Prepare a taxonomy of subjects of Welsh law.
  - b. Expand functionality on the legislation.gov.uk site so users may access Welsh law by subject.
  - c. Draft a consolidation Bill to bring the law on planning in Wales together.
  - d. Implement the subordinate legislation necessary to support the consolidation of historic environment and planning law.
  - e. Prepare a Bill to remove provisions that are obsolete, spent, or are no longer of practical utility or benefit in Wales.
  - f. Scope additional subject areas with a view to identifying further consolidation projects.
  - g. Ensure Welsh law is available in an up-to-date form on legislation.gov.uk, and enable the Welsh and English language texts of Welsh legislation to be viewed side by side.
  - h. Expand and improve the Cyfraith Cymru/Law Wales website.
  - i. Identify opportunities to improve digital accessibility of legislation.
  - j. Review the Government's approach to developing bilingual legislation.

- k. Update, as necessary, guidance on drafting legislation as well as preparing and publishing additional guidance on the processes and procedures involved in preparing consolidation Bills.
4. Projects that have been completed from the original programme are listed at the end.

### Developing the programme

5. In late 2019 the Government published a consultation, “The Future of Welsh Law”, which set out the approach we intend to take to improving accessibility of the law. This explained that the following steps need to be taken concurrently for progress to be made:
  - a. **classification** of legislation by subject matter so that we have a structure for future work and a method by which users can locate and use legislation;
  - b. **consolidation** of existing law: this is time consuming and complex, but will make the most significant contribution to making the law accessible;
  - c. **codification** of the law will maintain the order we achieve through classification and consolidation;
  - d. **clarification** and **communication** of the law will see effective publication, up-to-date texts, explanation, guidance and illustrative materials.
6. The Senedd has endorsed the Government’s ambitions by enacting the Legislation (Wales) Act 2019 (“the 2019 Act”). Under the 2019 Act, the Welsh Ministers and the Counsel General must prepare and lay a programme to improve the accessibility of Welsh law.
7. Each programme must make provision to consolidate and codify Welsh law, maintain codified law, promote awareness and understanding of Welsh law, and facilitate use of the Welsh language.
8. As noted in the introduction to this revised programme, section 2(6) of the 2019 Act provides that the Welsh Ministers and the Counsel General may at any time revise the programme, and if they do so the Counsel General must lay a copy of the revised programme before the Senedd. This is the first revised programme.

### Programme

9. In preparing the original and revised programme we have taken account of existing commitments - for example to consolidate the law on the historic environment, and to simplify and modernise planning law - and sought to identify further projects which meet one or more of the following criteria:
  - a. the project concerns one of the areas of the law most in need of consolidation due to the complexity of the existing law;
  - b. the project would have a significant impact on the citizen due to the nature of the law concerned;

- c. the project is feasible taking account of what can be achieved within the context of competing legislative priorities, the availability of resource and the current devolution settlement;
- d. the project is topical or otherwise connected to the expected work of the Government over the coming Senedd term.

10. Details of each project in the programme is set out below.

#### *Classification of Welsh law*

11. In the *Future of Welsh law* (2019) the Government set out its intentions to organise the legislation applicable to Wales according to its subject matter, and to establish a method whereby users can employ technological solutions to locate Welsh legislation. This form of classification of the law is important firstly to help users find legislation more easily, and secondly to provide an organisational structure for future consolidation and codification work.

12. During this Senedd term we will:

- a. review and revise the existing draft taxonomy of subjects (originally prepared and consulted upon in 2019) so as to establish which enactments in devolved areas of law should belong to each tier of the taxonomy.
- b. work with The National Archives team responsible for [legislation.gov.uk](http://legislation.gov.uk) to provide additional functionality on that site so that users may access Welsh law by subject.

#### *Consolidation of Welsh law*

13. The purpose of consolidating legislation is to revise legislation that has become out-dated, heavily amended and disorganised. Legislation on most subjects has proliferated over time and the sheer number of Acts and Instruments on the subject often makes it hard to find, let alone understand. Consolidation involves bringing together all or most of the (generally primary) legislation on a specific subject so that it can be easily found, and by modernising the form and drafting of the law to make it easier to understand and apply. Consolidation will often bring together a number of existing Acts on a subject, updating and harmonising the provisions, to create a new, single, Act at the end.

14. The primary legislation for the first consolidation project (on historic environment law) has been completed. The Government intends to prepare further consolidation Bills during this Senedd term for scrutiny by Senedd Cymru; if approved they will become Acts of Senedd Cymru.

15. We will develop a consolidation Bill which simplifies and modernises the law on planning:

This Bill forms an important part of wider, longer term improvements needed to the planning system. The need for the Bill is long standing and was clearly demonstrated when the Law Commission's report on Planning Law in Wales concluded that it is an area of law needing urgent attention. Their report highlighted the detrimental impacts and inefficiencies the inaccessibility, quality and complexity of the law is having on the operation of the planning system. The

need to consolidate this area of law and the recommended scope of the Bill were accepted by the previous Welsh Government in their interim response to the Report published in May 2019<sup>1</sup>, with a detailed response published in November 2020 setting out the Government's position on each of the 192 recommendations in the Report<sup>2</sup>.

The consolidation will bring together provisions relating to planning from numerous Acts, including the Town and Country Planning Act 1990; the Planning and Compensation Act 1991; the Local Government (Wales) Act 1972; the Environment Act 1995; the Planning and Compulsory Purchase Act 2004; the Planning Act 2008; the Planning (Wales) Act 2015; the Public Health Act 1936; as well as relevant provisions from secondary legislation, where appropriate.

Simplifying and consolidating planning law through this Bill will create a more efficient and effective planning system designed for the specific needs of Wales. This will be done by creating a planning framework which enables all stakeholders operating, using or engaging in the system to clearly access and understand the law directly affecting them. Importantly, it will facilitate use (by public bodies and the private sector) of the variety of powers and tools available to them through land use planning legislation to drive forward a values-based economic recovery from the pandemic.

16. The original programme identified that we would also develop a consolidation Bill to **repeal or disapply** legislative provisions from across the statute book that are **obsolete, spent, or are no longer of practical utility or benefit in relation to Wales**. This Bill remains a commitment for this programme but will no longer be brought forward as a consolidation Bill (instead it will be introduced as a 'law reform' Bill)<sup>3</sup>.
17. Sometimes such Bills are known as 'statute law repeal' Bills and have typically been a periodic feature in UK Parliament legislation; it is anticipated a Bill such as this will feature in most programmes to improve the accessibility of Welsh law. This Bill will help to modernise and simplify the law. Removing unnecessary provisions helps to "declutter" the statute book, and amending these provisions so that they no longer apply in relation to Wales helps to bring clarity about which parts of the Statute apply (and do not apply) to Wales.
18. The Government will review the existing legislation in a number of areas with a view to identifying further consolidation projects to be developed in future. Potential areas for consolidation under consideration include:
  - a. Allotments;
  - b. Building Regulations;
  - c. Hazardous substances planning;
  - d. Housing;
  - e. Public health.

---

<sup>1</sup> [Interim response to the Law Commission report on planning law in Wales | GOV.WALES](#)

<sup>2</sup> [Detailed response to the Law Commission report on planning law in Wales | GOV.WALES](#)

<sup>3</sup> This is a technical change relating to the requirements of the Senedd's Standing Orders, rather than a change of the commitment to bring forward legislation.

19. This consideration will be informed by those areas of law that have been most affected by the United Kingdom's withdrawal from the European Union, with a view to identifying subjects in which the need to reconcile domestic law and retained EU law is most acute.

20. There will also be two projects to supplement the Historic Environment (Wales) Act 2023 and the Bill to consolidate planning law:

- a. a package of subordinate legislation required to implement the Historic Environment (Wales) Act 2023.

Although the Historic Environment (Wales) Act 2023 has become law, it will not be commenced until later in 2024, after the secondary legislation required to support it has been brought into force. A substantial amount of well-established secondary legislation was incorporated into the Act, but much remains to be restated in several sets of regulations covering a range of procedural and other matters affecting scheduled monuments and listed buildings.

- b. a phased project of consolidating key town and country planning subordinate legislation.

Some of this legislation needs to be consolidated due to its age (so the language and format needs to be modernised), but also because of the number of amendments made to them over the years which impacts on their accessibility. A fuller analysis will be undertaken once drafting of the consolidation Bill has concluded, but current priorities include:

- i. The Town and Country Planning (Use Classes) Order 1987;
- ii. The Town and Country Planning General Regulations 1992;
- iii. The Town and Country Planning (Control of Advertisements) Regulations 1992;
- iv. The Town and Country Planning (General Permitted Development) Order 1995;
- v. The Town and Country Planning (Trees) Regulations 1999; and
- vi. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

21. Additionally, during the remainder of this Senedd term work we will also seek to identify other opportunities to consolidate and update subordinate legislation. For example, preparing the 'Representation of the People Order' bilingually ahead of the general election to the Senedd in 2026.

22. The existing National Assembly for Wales (Representation of the People) Order 2007, an English-only text instrument, sets out the manner in which the election and election campaign is conducted and includes provision for legal challenge. It has been amended a number of times and there is no updated version freely available to the public. This legislation will be consolidated and remade bilingually in advance of the Senedd election.

### ***Codification***

23. When we have categorised Welsh law through the classification process, and made progress in consolidating some areas of law, it is important to preserve the order that

will have been achieved. To do this we intend to codify the law. The Legislation (Wales) Act 2019 explains that ‘codifying Welsh law’ includes -

- a. adopting a structure for Welsh law that improves its accessibility;
- b. organising and publishing consolidated Welsh law according to that structure.

24. In practice, codification means publishing the law on particular subjects together in one place and taking steps to preserve the structure of legislation on a particular subject once it has been brought to order. So where we have one Act on a particular subject, either because it has been consolidated or there has been wholesale reform of the law in the area, we should continue to have one Act. When a proposal is made to change the law in relation to the subject that change should be made by amending that Act, not making a new one that sits alongside it, unless there is a very good reason not to.

25. The consolidation of historic environment law has resulted in the Historic Environment (Wales) Act 2023 forming part of a code of law on the historic environment in Wales. This code will also include the subordinate legislation made under the 2023 Act (see paragraph 20.a).

26. Additionally, during this Senedd term we intend to create a code of law relating to planning in Wales through the consolidation of planning law. Although the final content of that code is yet to be determined, a declaration of this status is intended to help persons interested in the law on this topic to find and classify it more easily. This code of planning law will also contain subordinate legislation.

### ***Communication and clarification***

27. The projects set out above involve remaking the law, but modern communication techniques coupled with the expectations of users of legislation, mean that the law itself is routinely supplemented by additional information which helps to clarify the impact and meaning of the law.

28. During this Senedd term we will seek to improve free-to-access publication of the law and information about the law. We will:

- a. Work with the team behind the legislation.gov.uk to ensure that bilingual Acts and Statutory Instruments are available in an up-to-date form in both languages.

Now that the functionality of the legislation.gov.uk site has been upgraded so that texts of legislation can be updated in both Welsh and English, we will continue to work with the legislation.gov.uk team to ensure that both language texts of Welsh law on the site include any amendments made to the legislation after it has originally been made.

- b. Significantly expand and improve the content of the Cyfraith Cymru/Law Wales website to achieve a ‘one stop shop’ for accessing and understanding Welsh law.

As part of this work we will also explore the lessons gained from legislating during the coronavirus pandemic to improve the way the law is explained, for example by working alongside communications experts to produce focussed

guidance and ensuring it is updated as legislation changes; by ensuring updated versions of key legislation (including explanatory notes) are published bilingually on-line; by publishing “question and answer” documents, some aimed at specific stakeholder groups, thereby ensuring that simple, consistent and legally accurate messages are conveyed.

- c. Explore ways to move from a model of promulgating legislation based on 20<sup>th</sup> century printed versions to a modern, digital-based system. This will include considering technological solutions for viewing and interpreting bilingual legislation and moving away from the dual column printed format of Statutory Instruments. We are keen to emphasise the point that in Wales, legislation is made bilingually and both language texts are of equal standing.
  - d. Seek to strengthen the arrangements adopted by the Welsh Government to publish (electronically) subordinate legislation made by or on behalf of the Welsh Ministers, other than by Statutory Instrument. This could include new arrangements for cataloguing, listing and retaining this legislation to ensure it remains available so users may know the law that was in force at a particular point in time.
  - e. Develop the Government’s approach to preparing bilingual legislation, using linguistic technology to its full potential as we seek to improve efficiency, continue to ensure accuracy and use natural syntax and ‘plain language’. We will continue to:
    - i. accelerate the publication of additional standardised Welsh language legislative terminology on TermCymru;
    - ii. identify how the Government’s new translation memory and machine translation system can enable us to work more efficiently, highlight improvements that can be made to the original text, and facilitate improved consultation on technical terms;
    - iii. review internal guidance on style to identify opportunities to make the text clearer and more natural in both languages;
    - iv. agree processes for legislative translators and legislative counsel to collaborate to improve the original drafting as well as ensure that the translation is correct; and
    - v. hone editorial skills by sharing expertise between legislative translators and legislative counsel.
  - f. Continue to explore the potential for using machine learning and artificial intelligence to make Welsh law more accessible.
29. The Government has previously prepared guidance on developing primary legislation. Although it is internal guidance for the Welsh Government Civil Service, it has been published to aid understanding of the law-making process and the development and drafting of legislation. During this Senedd term the Government intends to review and update, as necessary:
- a. The Legislation Handbook on Senedd Bills and the Legislation Handbook on Subordinate Legislation;

- b. Common Legislative Solutions (guidance that helps public officials understand commonly recurring issues and learn from what has been done in the past to resolve them);
- c. Writing Laws for Wales (the legislative drafting guidance of the Office of the Legislative Counsel).

We will also prepare and publish additional guidance on the processes and procedures involved in preparing consolidation Bills.

### ***Other projects***

#### ***Working with the Law Commission***

- 30. We will continue to work with the Law Commission of England and Wales to identify one or more projects relating to Welsh law for inclusion in its future programmes of work.
- 31. The Welsh Ministers intend to refer a project to the Law Commission to support the simplification and modernisation of agricultural law in Wales.

#### ***Form and structure of Welsh legislation***

- 32. We intend to consult on some potential changes to the form and structure of Welsh legislation, with a view to any final changes being agreed with the Llywydd (where these changes affect the form of Senedd Bills), the King's Printer of Acts of Parliament, The Stationery Office, The National Archives (where the changes would affect the printing and publication of Welsh legislation), and others as relevant.
- 33. It is anticipated that the consultation will cover:
  - a. whether both a 'long and 'short' title to a Bill/Act of the Senedd is required;
  - b. overview provisions in Bills/Acts of the Senedd;
  - c. simplifying or omitting the words of enactment in Acts of the Senedd;
  - d. the use and descriptions of dates in Acts of the Senedd (for example, in relation to the date of Royal Assent);
  - e. adopting navigation aids within Acts of the Senedd, and possibly also Welsh Statutory Instruments, such as adding headers in the document to indicate the relevant Part or Schedule;
  - f. the typeface used in both Acts of the Senedd and Welsh Statutory Instruments;
  - g. adopting solutions that support improving both digital and print accessibility.

#### ***Reporting on the programme***

- 34. Under the Legislation (Wales) Act 2019, the Counsel General is required to report annually to the Senedd on the progress of the programme. The first two annual reports have been published and the next report is due in the autumn of 2024.

## *Completed projects*

35. The following projects from the original programme have been completed:

- a. Draft a consolidation Bill to bring the law on the Historic Environment into a single statute.

This commitment has been delivered by the passing of the Historic Environment (Wales) Act 2023 on 28 March 2023, with the Act receiving Royal Assent on 14 June 2023.

- b. The Historic Environment (Wales) Act 2023 forming a code of Welsh law.

This commitment has been delivered (see section 1(1) of the 2023 Act). Further legislative instruments will be included in the code in due course - see above for commitments regarding subordinate legislation.

- c. Remake and update the rules for the conduct of local government elections in Wales.

This commitment has been delivered by making the Local Elections (Principal Areas) (Wales) Rules 2021, the Local Elections (Communities) Rules 2021 and the Local Elections (Miscellaneous and Consequential Amendments) (Wales) Regulations 2022. The Rules, and subsequent regulations, were used for the conduct of local elections in Wales in May 2022.

- d. Explore the potential for using machine learning and artificial intelligence to make Welsh law more accessible.

A time limited project was conducted in 2021-22 to explore to what extent artificial intelligence is being used to prepare legislation, both within the Welsh Government and further afield. The project concluded that in its current state, artificial intelligence was not sufficiently developed to be used in this way. However, as developments in this field are gathering pace, we are committed to doing further work focussing on aspects of the learning gained through this early research, if and when further resource becomes available.

- e. Developing the Government's approach to preparing bilingual legislation.

Certain aspects of this work have already been completed, as follows:

- i. a project to compare the legislative terms in the Translation Service's online terminology database, TermCymru, with the Drafting Glossary, to ensure complete consistency between both term bases;
- ii. workshops conducted by the Translation Service focussing on cooperation between translators and lawyers and how the translation process can help to improve the bilingual text;
- iii. continuation of the terminology standardisation processes linked to Bill projects;

- iv. procuring new translation memory and terminology management software, with the system becoming fully operational in September 2023;
- v. a full review of the legislative reference materials available on BydTermCymru;
- vi. the establishment of a dedicated sub-lot for legislation as part of a new translation Framework Agreement for the Welsh Government;
- vii. publication of the Welsh Linguistic Infrastructure Policy in June 2023;
- viii. the establishment of a new unit within the Welsh Government to be responsible for the linguistic infrastructure of the Welsh language;
- ix. the development of a new domain-specific machine translation tool for justice and the law by Canolfan Bedwyr at Bangor University, funded by the Welsh Government.

We remain fully committed to our efforts to facilitate the use of the Welsh language within legislation and the law and will continue to report on this work in further annual reports.



Llywodraeth Cymru  
Welsh Government

---

## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

---

**TITLE** Revised programme to improve the accessibility of Welsh law

**DATE** 19 January 2024

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

On 1 November 2023 the second Annual Report on [The future of Welsh law: A programme for 2021 to 2026](#) was laid before the Senedd, in accordance with section 2(7) of the Legislation (Wales) Act 2019. Paragraph 70 of that report included a commitment to revise the programme to reflect:

- a. a commitment to create a Code of law in relation to planning, and to show that a Code of law for the historic environment has been created,
- b. information about the project to strengthen the publication of subordinate legislation, and
- c. a commitment to consult on proposals to improve the form and structure of legislation.

The Annual Report also included a commitment to lay the revised programme before the Senedd, in accordance with section 2(6) of the 2019 Act.

I am pleased to inform Members that the revised programme has been laid today. I would also encourage you to read the [2022-2023 Annual Report](#), which includes a mid-term review of the operation of the Legislation (Wales) Act 2019, fulfilling a commitment made during the passage of the Bill.



Ein cyf/Our ref MA/JJ/3057/23

Huw Irranca – Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

22 January 2024

Dear Huw,

### **Infrastructure (Wales) Bill – Minister of the Crown Consents**

Thank you for the Legislation, Justice and Constitution Committee Report in relation to the Infrastructure (Wales) Bill, published in November 2023.

In response to recommendation 2, and further to my letter dated 15 December 2023, I am providing an update on the Welsh Government's discussions with the UK Government regarding the outstanding Minister of the Crown consents and the request to extend our legislative competence.

#### Minister of Crown consent

I am pleased to confirm that Lee Rowley MP, Minister of State for Housing, Planning and Building Safety granted Minister of the Crown Consents in relation to the provisions contained in the Infrastructure (Wales) Bill, as requested.

I am providing a copy of the letter granting Minister of the Crown Consent, for your information, which includes a full list of the provisions for which consent is granted (Annex 1).

#### Legislative competence

Lord Callanan has confirmed the UK Government position is that the Senedd has the power to legislate for projects of all sizes that consist wholly of energy storage in Wales. Unfortunately the UK government have not agreed to extend our request to extend competence in the offshore region, but have agreed for officials to continue discussions in

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto: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.

this area (Annex 2). I have asked my officials to continue this conversation. I have also asked Lord Callanan to provide the necessary contact information to allow my officials to allow the discussion to commence (Annex 3). I am currently awaiting a response from the UK Government.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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



Department for Levelling Up,  
Housing & Communities

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

**Lee Rowley MP**  
*Minister of State for Housing, Planning and  
Building Safety*

**Department for Levelling Up,  
Housing and Communities**  
4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

8 January 2023

Dear Julie,

**RESPONSE TO THE CONSENTS SOUGHT UNDER SCHEDULE 7B OF THE GOVERNMENT OF WALES ACT 2006 IN RELATION TO THE INFRASTRUCTURE (WALES) BILL**

I am writing to you following my letter of June 2023 in which I committed to providing a substantive response to your request for Minister of the Crown Consents in relation to provisions contained in the Infrastructure (Wales) Bill (“the Bill”).

I can confirm Minister of the Crown consent is granted in respect of the following provisions in the Bill:

- Clause 45 – Access to evidence at inquiry;
- Clause 46 – Payment of appointed representative where access to evidence restricted;
- Clause 60 – What may be included in an infrastructure consent order; and,
- Clause 87 – Power to change or revoke infrastructure consent orders

I can also confirm Minister of the Crown consent is granted for the following provisions in the Bill, subject to you consulting with UK Government as and when the regulations prescribed in the provisions are drafted and amendments made to those regulations in the future:

- Clause 30 – Pre-application consultation and publicity;
- Clause 33 – Notice of accepted applications and publicity;
- Clause 121 – Fees for performance of infrastructure consent functions and services;
- Clause 126 – Consultation requirements and duty to respond to consultation; and,
- Clause 137 – Regulations and orders

Whilst not specified in your letter, the department, through its own review of the Bill and discussions with your officials, also considers that clause 34 (Regulations about notices and publicity), clause 88 (Procedure: changing and revoking infrastructure consent orders), and clause 122 (Powers of entry to survey land) require Minister of the Crown consent. I can confirm that Minister of the Crown consent is granted for these clauses.

Yours sincerely,

**Lee Rowley MP**  
**Minister of State for Housing, Planning and Building Safety**



Department for  
Energy Security  
& Net Zero

Lord Callanan  
Parliamentary Under Secretary of  
State for Energy Efficiency and  
Green Finance

**Department for Energy, Security  
& Net Zero**

[www.gov.uk](http://www.gov.uk)

Julie James AS/MS  
Minister for Climate Change  
Welsh Government  
Cardiff Bay  
Cardiff CF99 1SN

Our ref: CC2023/22659  
Your ref: MA-JJ-2518-23

16 November 2023

Dear Julie,

Thank you for your letter to the Secretary of State for Levelling Up, Housing and Communities dated 11 January 2023 referring to your previous letter dated 7 January 2022, and your recent letter to the Minister of State for Energy Security & Net Zero dated 26 October 2023, regarding a proposed transfer of legislative competence for consenting of offshore energy generating stations, and a request for clarification of the Senedd's ability to legislate in respect of energy storage.

Your previous correspondence has been passed to this Department and I am responding as this matter falls within my Ministerial portfolio. Please accept my apologies that you have not had a response to your earlier letters, and for the lengthy delay in replying to you.

You proposed that the Senedd should have legislative competence for the consenting of devolved energy generating stations offshore between the edge of the territorial sea and the edge of the Welsh zone (an area roughly between 12 and 200 nautical miles off the shoreline). I have noted your view that such a change would support modernisation of the consenting process and the potential streamlining of contact for developers. Having considered your proposals, my view is that maintaining the current approach provides clarity for developers and investors by maintaining consistency between the consenting system in England and Wales. It is not evident that the current approach is creating significant difficulties for developers. I would suggest my officials discuss this further with Welsh Government officials to explore any further evidence on this matter, and hope that my Ministerial colleagues and I can continue to have positive engagement with you on shared objectives at existing forums, such as the Net Zero, Energy and Climate Change Inter-Ministerial Group.

You also requested clarification of the Senedd's ability to legislate in respect of energy storage. The UK Government's position is that the Senedd has powers to legislate in respect of planning consenting for projects of all sizes consisting wholly of energy storage (excluding pumped hydroelectric storage) in Wales. I hope this addresses the question.

A handwritten signature in blue ink, appearing to read "Mark Callanan". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Lord Callanan**

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



**Llywodraeth Cymru**  
**Welsh Government**

Eich cyf/Your ref CC2023/22659  
Ein cyf/Our ref MA-JJ-2518-23/2

4<sup>th</sup> December 2023

Dear Lord Callanan

Thank you for your letter dated 16<sup>th</sup> November 2023 in response to my letter (Ref MA-JJ-2518-23).

It is my strong belief that the current consenting system for offshore development does not provide clarity for developers and inconsistent between England and Wales. Offshore generating stations in England above 50MW are classed as DCOs under the terms of the Planning Act 2008 while generating stations offshore in Wales (including offshore wind farm of up to 350MW) are subject to either the consenting arrangements set out by the Electricity Act 1997 or the Transport and Works Act 1982. Both are antiquated pieces of legislation that are not fit for purpose and act as barriers to achieving our Net Zero targets.

We have strong evidence that these antiquated consenting systems are creating difficulties for developers. The Secretary of State for Wales, the Rt Hon David T C Davies MP has also written to me criticising the delays in the consenting of floating offshore wind projects in Wales attributable to this antiquated legislation. We cannot correct this situation until the Senedd is provided with the legislative competence necessary to create a new consenting system beyond territorial waters.

I have requested that my officials seek an early resolution of this problem and would be grateful for details of your lead officials in this area so that discussions can commence.

Yours sincerely

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto: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.

## Independent Remuneration Board of the Senedd

Huw Irranca-Davies

Chair

Legislation, Justice and Constitution Committee

Senedd Cymru

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

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN

[Taliadau@senedd.cymru](mailto:Taliadau@senedd.cymru)

[bwrddtaliadau.cymru](http://bwrddtaliadau.cymru)

0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN

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

[remunerationboard.wales](http://remunerationboard.wales)

0300 200 6565

Dyddiad | Date: 23 01 2024

### Inquiry into UK-EU Governance

Dear Huw,

Thank you for your letter on the Legislation, Justice and Constitution Committee's inquiry into UK-EU governance. Your letter requested a response from the Independent Remuneration Board of the Senedd ('the Board') to recommendation 18 of the report:

*The Senedd Commission and the Remuneration Board should continue to provide appropriate and sufficient support to Members of the Senedd and the Senedd Committees to enable them to directly engage with EU institutions and stakeholders in order to ensure that key issues of importance to Wales are raised directly in Brussels.*

The Board recognises Members' important role in engaging with and maintaining links with EU institutions and stakeholders, and the Board's role in supporting Members with this work. As such the Board agrees with this recommendation.

Provisions for travel and accommodation by Members of the Senedd ('Members') outside of the United Kingdom are set out in sections 4.5, 5.15 and 5.12 of the [Determination on Members' Pay and Allowances](#) ('the Determination'). These provisions enable Members to seek reimbursement for visits to Brussels and the EU institutions, subject to the requirements below and the general principles set out in the Determination.

Members are allowed to claim reimbursement of the costs of travel and accommodation outside of the United Kingdom where such travel:

- would benefit the individual in their role as a Member of the Senedd and the wider Senedd;
- would allow them to gather new ideas that would benefit the Senedd;
- would enable them to promote Wales and the work of the Senedd, and to enhance the reputation of the Senedd in an international context.

Claims for reimbursement of such costs are subject to a maximum of five nights stay and the submission to the Members' Business Support Team of a business case for the travel and a visit report for publication on the Senedd's website.

Section 16 of the Determination sets out that the reimbursement of travel costs incurred by Members on committee business is a matter for the Senedd Commission, not the Determination.

The Board is required by the National Assembly for Wales (Remuneration) Measure 2010 (section 3) to keep the Determination under review to ensure it continues to provide the financial support required by Members in order to perform their duties as Members. The Board is currently consulting on a number of proposed changes to the Determination, to take effect in 2024-25. In light of feedback from Members the proposals include amending the Determination's provisions on international travel and accommodation to allow one business case for international travel to be submitted jointly by more than one Member, instead of requiring each Member to submit an individual business case. The proposals also include the insertion of additional wording into the Determination to clarify that all Members' travel and accommodation costs incurred on committee business are a matter for the Senedd Commission, not the Determination; this is not a material change but clarifies existing arrangements. The Board is therefore not proposing any new or different restrictions on Members' ability to seek reimbursement of the costs of visits to Brussels.

The consultation on these and other proposed changes to the Determination runs until 26 January 2024. The Board will consider responses to the consultation and publish a final Determination for 2024-25 in March 2024.

In advance of the Seventh Senedd the Board is undertaking a full review of all aspects of the Determination. This work is split into five thematic reviews. On behalf of the Board I am leading a review of Members' Remuneration and Personal Support. The draft Terms of Reference for this review, recently shared with Members for consultation until 9 February 2024, includes provisions to support Members' accommodation and travel requirements (see the Terms of Reference in Annex A of the update letter shared with Members following the Board's meeting on 29 & 30 November). I look forward to engaging with Members and political groups in 2024, as part of this exercise, to gauge views on any changes need to existing provisions.

The Board would welcome any evidence from Members on any changes needed to the Determination's provisions on travel and accommodation, where such costs do not relate to committee business. Any feedback provided will be considered as part of the current review of the Determination for 2024-25 and the wider review of Members' Remuneration and Personal Support, for the Seventh Senedd.

Best wishes,



**Dr Elizabeth Haywood,**  
**Chair, Independent Remuneration Board of the Senedd**

*Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.*

Dr. Elizabeth Haywood  
Chair, Remuneration Board

19 December 2023

Dear Dr Haywood,

### Inquiry into UK-EU governance

As you will be aware, the Legislation, Justice and Constitution Committee considers the constitutional impact of Wales's external affairs, including the governance and implementation of UK-EU agreements.

We have recently undertaken a short inquiry into UK-EU governance, to build on our early findings on the role and representation of the Welsh Government and Senedd in UK-EU relations, as outlined in our submission to the House of Lords European Affairs Committee in October 2022.

Our report on the inquiry has now been published, and I would be grateful to receive a response to the report, particularly in relation to recommendation 18, which relates to the Remuneration Board, by 6 February 2024.

Please note that we intend to hold a debate on the report on 21 February 2024.

Yours sincerely,



Huw Irranca-Davies  
Chair

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

24 January 2024

### Limited Review of Standing Order 26C

Dear Huw,

The Business Committee has undertaken a limited review of Standing Order 26C – Consolidation Acts of the Senedd, to consider several issues raised by the Legislation, Justice and Constitution Committee in your letter dated 28 September 2023.

Business Committee agreed to propose that the Senedd agrees an amendment to Standing Orders to clarify when Detailed Committee Consideration is completed, as well as several minor typographical corrections to Standing Order 26C identified through this limited review. We have today laid a report proposing those changes and tabled a motion for the consideration of the Senedd on 31 January.

As you are aware, Business Committee's procedural work programme includes a commitment to a full review of Standing Order 26C once the next Consolidation Bill has been considered by the Senedd.

In considering the other matters raised in your letter, both of which relate to the process through which a Consolidation Bill proceeds from the Detailed Committee Consideration to Detailed Senedd Consideration or Final Stage, we agreed to wait until the full review before reaching a conclusion as to whether to propose any changes to this aspect of the processes under Standing Order 26C. This will enable us to further consider the advantages and disadvantages of amending the Standing Orders in the areas you have raised, in light of the further experience gained through the consideration of a further Consolidation Bill. We will naturally consult with the LJC Committee and others as part of the full review.



In the meantime, should a situation arise in which your Committee is unable to reach unanimous or majority agreement on your recommendation arising from the Detailed Committee Consideration stage on a Consolidation Bill, the clerk will provide procedural advice to you, as Chair, on how to use your casting vote in order to resolve the situation. This advice would be in line with the underlying principles and precedents applied to the use of the casting vote and contained within **guidance**.

May I take this opportunity to thank you for writing to share your experience of considering the first Consolidation Bill introduced to the Senedd and raising with us the matters referred to above.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is positioned above the typed name.

**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.

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

28 September 2023

Annwyl Lywydd,

### **Standing Order 26C – Consolidation Acts of the Senedd**

At our meeting of 18 September 2023 we looked back on our scrutiny of the first Consolidation Bill to be laid before the Senedd, the Historic Environment (Wales) Bill.

We know of the Business Committee's plans to review Standing Order 26C after the second Consolidation Bill has been considered by the Senedd. Nonetheless there are a number of matters which we have agreed to draw to your attention at this stage in the event that you agree there is sufficient time and merit in reviewing our comments ahead of the future full review.

### **Standing Orders 26C.35 and 26C.36**

We are aware that the wording in Standing Order 26C.35 is based on the similar provision in Standing Order 26.26 which relates to the end of Stage 2 proceedings on a Public Bill introduced to the Senedd. In the case of Consolidation Bills, you will know that the requirement in Standing Order 26C.36 for the responsible committee to subsequently report on the outcome of Detailed Committee Consideration is a new addition specific to the Senedd's scrutiny of Consolidation Bills. As such, we are mindful of a potential issue with the idea that Detailed Committee Consideration is completed when the last amendment is disposed of or last section/Schedule has been deemed agreed given the obligation to report, and agreed to draw this to your attention.

### **Standing Orders 26C.36, 26C.39, 26C.40 and 26C.41**

In discussing the matters we wished to include in our report to the Senedd on the outcome of our Detailed Committee Consideration and then agreeing our final report (in accordance with Standing Order 26C.36), we took into account a possibility that we, as the responsible committee, may not be

able to unanimously agree on a recommendation to make to the Senedd about whether the Bill should proceed to Detailed Senedd Consideration or to Final Stage.

We acknowledge that, in other situations, if a Senedd Committee cannot as a whole agree on a matter, voting to determine the way forward is permitted in accordance with Standing Orders 17.34. However, we were mindful that the binary choice between two fixed options does not lend itself to compromise between views. We were also mindful of the interaction between, and consequential implications of, Standing Orders 26C.39 to 41 and Standing Orders 6.20 and 17.37 (the requirements of the casting vote).

In practice this did not prove an issue for us as our recommendation in relation to the Historic Environment (Wales) Bill was unanimous, but we agreed that we would draw the matter to your attention should you consider that the combination of relevant Standing Orders should be reviewed.

### **Standing Order 26C.42**

You will know that, if any Member of the Senedd objects to the recommendation of the responsible committee made in accordance with Standing Order 26C.36, the Standing Orders provide a way of enabling a motion to be tabled and debated which counters the recommendation of the responsible committee (Standing Orders 26C.39 to 26C.42).

In discussing these matters as we were finalising our report to the Senedd, we became aware of the tight timescales involved should a Member of the Senedd wish to act. In the case of the Historic Environment (Wales) Bill, if a non-government Member disagreed with our recommendation in our report laid before the Senedd on 10 March 2023 and wanted to debate a motion under either Standing Order 26C.39 or 26C.40, we believe that the Member needed to have put the request to the Business Committee by 14 March 2023. Again, we agreed that we would draw this matter to your attention.

I hope these comments are helpful and we look forward to participating in any future full review of Standing Order 26C.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies  
Chair

# Agenda Item 9

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

Document is Restricted



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

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

23 January 2024

Dear Huw

Thank you for your letters of 10 October 2023 and 17 January 2024 requesting detail on our proposed spending set out in the Welsh Government's Draft Budget for 2024-25 on justice activities and the accessibility of Welsh law. I am grateful for your understanding with regard to the timing of this response.

### **Breakdown of planned spending across justice-related actions**

A breakdown of planned spending across justice-related actions within the 2024-25 Draft Budget can be found in the annexed table, alongside a narrative description of any year-on-year changes identified. This includes key activity within the Delivering Justice for Wales work programme and programmes delivered in partnership with the Ministry of Justice, such as the Women's Justice and Youth Justice Blueprints.

#### *Improving the level of information provided*

In answering this question and several of the Committee's subsequent questions, it is important to reflect on the systemic issues it raises. The questions raised by the Committee are fair ones and we recognise the public interest in there being answers available to them. We are grateful to the Committee for the attempts it has made, notwithstanding its significant other workload, to provide cross-cutting scrutiny of justice matters, and as the Committee is aware we have undertaken significant work within Welsh Government to give greater weight and prominence to justice considerations, for example through the Cabinet Sub-Committee on Justice.

We recognise the Committee's point that it is useful to the Welsh Government to be able to understand justice-related expenditure. We continue to explore whether there are ways in which we can improve the level of information we can provide about justice expenditure across government. We will, of course, publish an update on the Delivering Justice for

Wales work programme which will provide an update on activity and outcomes as a result of Welsh Government investment in areas that have an impact on the justice system.

However, there remain significant structural limitations on the extent to which the Welsh Government can consider every issue through a “justice prism”, in the absence of a Minister for Justice and a dedicated justice Main Expenditure Group (MEG). This in turn has been considered difficult to justify in the absence of an increase in the number of ministers, and with the current extent of direct “justice functions” held by Welsh Government, although it is of course hoped that both of these things will change in the relatively near future. Increased civil service capacity on justice would also be needed to support those changes, which is of course part of why any devolution of justice functions must be properly funded.

However, as things stand (and as I have indicated in my previous appearances before the Committee) it is not possible to provide comprehensive granular level information about justice expenditure as it remains the case that justice-related activity cuts across portfolios and is allocated from within a number of BELs. In some areas, where a BEL covers a range of different activities, the allocation of a draft settlement will not mean that final decisions have been taken as to how the funds within that BEL would then be prioritised, and further work will be needed to assess the extent to which they will be allocated to justice related expenditure.

### **What impact have price increases had on proposals for justice-related spending for the 2024-25 budget and how will these be managed**

The specific question about price rises is illustrative of the point made in the section above. The impact of price rises will have been considered to the extent relevant within the context of each individual MEG and indeed within individual Budget Expenditure Lines (BELs). It has not, however, been considered cumulatively in specific relation to expenditure on justice related activity, and to seek to do so would in our judgement be disproportionately resource intensive when set against the value it would offer.

In making that judgement we note the issue that has been raised in previous years’ financial scrutiny, that in some areas, where a BEL covers a range of different activities, the allocation of a draft settlement will not mean that final decisions have been taken as to how the funds within that BEL would then be prioritised, and further work will be needed to assess the extent to which they will be allocated to justice related expenditure. This further complicates any assessment that could be made of the impact of price rises.

That said, we have no reason to believe that the impact of price rises on justice expenditure will be significantly different from the impact of price rises on other areas of Welsh Government expenditure. Our settlement for 2024-25 is worth up to £1.3bn less in real terms than expected at the time of the 2021 Spending Review. That is incredibly difficult. In particular, a large proportion of justice related expenditure is on staff costs, including not just civil servants but the devolved judiciary, PCSOs and others. Staff costs have of course increased in cash terms more than initially forecast, and this is itself a response to increased prices and the impact on the cost of living.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

In working to mitigate these pressures, we have been guided by the need to protect frontline public services as far as possible, and to target support towards those at greatest need. We have made difficult choices about where to prioritise and where to deprioritise funding.

One of the factors that we have taken into account is the extent to which planned funding was due to subsidise reserved areas rather than being focused on the constitutional or statutory responsibilities of Welsh Government – which will of course have impacted on some areas of justice related expenditure, as discussed below.

### **What are the practical implications of the budgetary pressures on the Delivering Justice for Wales programme; is delivery of the programme being scaled back and are outcomes and objectives being reassessed in the current financial context?**

As noted above, one of the factors that we have taken into account is the extent to which planned funding was due to subsidise reserved areas. For example, we have reduced Welsh Government funding to the four Welsh police forces and British Transport Police for Police Community Support Officers (PCSOs), down from £21.459 million in 2023-24 to £15.488 million in 2024-25.

We are still providing over £15m of funding for PCSOs despite this area being reserved to the UK Government. This money is provided over and above funding for police forces from the UK Government, providing additional investment in Welsh communities which is not available to forces in England.

We have engaged with policing colleagues across the budget process, as part of our longstanding approach to partnership working in Wales. Policing colleagues are now considering the impact of the budget and Welsh Government officials will meet with them to discuss and agree a joint approach to next steps once their initial assessment is complete.

We have also withdrawn our funding for the Wales Police Schools Programme. The Programme falls within the portfolio responsibility of the Deputy Minister for Mental Health and Wellbeing and has been funded from the Health and Social Services portfolio (the substance misuse budget) which is under particular pressure. I understand that the Deputy Minister will be writing to the Health and Social Care Committee with some further detail of choices made within the substance misuse budget and I will ask if that letter can be shared with the Committee.

Overall, however, we believe we have achieved a proportionate balance between the requirement to respond to changing financial circumstances and the important ambitions in Delivering Justice for Wales. We will shortly be publishing our Delivering Justice for Wales progress report which will detail progress on the Delivering Justice work programme.

### **What engagement took place with voluntary organisations and stakeholders working in the criminal justice system to inform justice related spending proposals for 2024-25.**

### **Information on how Draft Budget allocations on justice will contribute to the reduction of inequality**

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

## **Information about how planned spend on justice in 2024-25 will fulfil the requirements of the Welsh Government's socio-economic duty.**

All of these questions raise the same structural challenges in answering as the question on price rises above, about the extent to which the Welsh Government can consider every issue through a "justice prism", in the absence of a Minister for Justice and a dedicated justice Main Expenditure Group (MEG).

The impact on inequality and the socio-economic duty, and the need for engagement with stakeholders, will have been considered to the extent relevant within the context of each individual MEG and indeed within individual Budget Expenditure Lines (BELs). Some stakeholders have particularly broad areas of interest, and so for example we have engaged with policing colleagues across the budget process, as part of our longstanding approach to partnership working in Wales. Policing colleagues are now considering the impact of the budget and Welsh Government officials will meet with them to discuss and agree a joint approach to next steps once their initial assessment is complete.

The questions raised have not, however, been considered cumulatively in specific relation to expenditure on justice related activity, and to seek to do so would in our judgement be disproportionately resource intensive when set against the value it would offer.

### **If any changes have been made to planned spending for 2024-25 in response to the challenges related to prison capacity**

No specific changes to spending plans have been made, but there are clear risks arising from these challenges. For example, the Welsh Government's budget for prisoner education in Wales is set through consequential funding, and the UK Government remains responsible for the budget for education in prisons. It is understood there are no plans to increase the budget in light of increasing numbers of prisoners, which represents a pressure on prison education funding in the coming years.

Homelessness services across Wales are impacted by prison capacity in two ways; the high numbers of prisoners within the prison system impacts the delivery of homelessness services across Wales. In addition to this, staffing shortages within the prison system and the organisations contracted to provide support and advice to people entering and being discharged from prison further exacerbates the issue.

Prisoners are, at times, discharged ahead of schedule making planning support and accommodation much more difficult for local authorities who are challenged in times of completing assessments to meet the needs of people with complex needs and who present a risk to themselves and the communities where they are being resettled,

This makes an already challenging situation more difficult for local authorities who already face a shortage of housing and support packages for people with high support needs. Due to low numbers of staff in prisons as well as the challenges of recruitment, WG officials have been advised that housing assessments are often delayed on admission to prison with the result that some prisoners on short sentences are at risk of losing their accommodation due to the lack of communication with their landlord who does not know they are in custody. We have no data to quantify this information.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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 factors referred to above have a financial implication for local authorities as well as a heightened risk for former prisoners.

## **Information on how draft budget allocations related to justice will support actions to reduce imprisonment rates in Wales, particularly amongst people with protected characteristics.**

## **Information about preventative action that will be funded by proposed allocations on justice-related spending in 2024-25**

The Delivering Justice for Wales work programme contains many commitments aimed at preventing and reducing imprisonment rates in Wales.

### *Blueprints*

The Blueprints for Women's Justice and Youth Justice support and divert vulnerable people away from crime and towards better futures for themselves, their families, and their communities. Despite challenging budgets, we have maintained funding for the delivery of the Women's Justice and Youth Justice Blueprints as we recognise the important part they play in supporting vulnerable people. For 2024-25 budget the total available budget for delivery of the Blueprints is £1.072m, essentially the same as for 2023-24.

The Women's Justice and Youth Justice Blueprints BEL will be used in 2024-25 to directly support a number of practical programmes which make a real difference to people in Wales. This includes the Women's Pathfinder Whole System Approach, the Visiting Mum programme and VAWDASV support for Welsh women in custody.

The Women's Justice Blueprint has delivered a range of positive outcomes since it was established in 2019, from initiatives such as the Women's Pathfinder Whole System Approach and Visiting Mum, through to sentencer engagement work and establishing prevention schemes across the whole of Wales.

The Women's Pathfinder Whole System Approach is a cornerstone of the Women's Justice Blueprint and is helping women to address issues such as mental health at every stage of the justice system, ensuring we divert women away from unnecessary and disruptive custodial sentences. An independent evaluation of the Women's Pathfinder Whole System Approach and 18-25 Early Intervention Service undertaken by Cordis Bright (2022) highlighted a number of positive findings around how the service has supported women to address needs and vulnerabilities linked to offending. The evaluation also identified improvements in personal outcomes for those referred, including improvements in mental health and wellbeing, physical health and family relationships. Part of the Blueprint budget will be used to support the continuation of the Women's Pathfinder Whole System Approach service in South Wales and Gwent, and its extension across North Wales and Gwent.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

## Homelessness

Within the Draft Budget we have protected funding for homelessness prevention, providing additional revenue funding of £2m in the Homelessness Support and Prevention budget, which now stands at over £214m. Our continued significant investment in homelessness prevention delivers on key policy objectives, in particular tackling poverty and disadvantage, improves outcomes for individuals and families, and reduces pressures on other public services.

We are also providing indicative funding for third sector projects in 2024-25. This includes funding for Housing First, Youth Innovation, Shelter Cymru and of course Cymorth Cymru.

Within the Homelessness Support and Prevention Budget, we have protected funding to the Housing Support Grant (HSG), maintaining it at the current level of £166.8m despite the extraordinarily difficult budgetary position.

The HSG is the main homelessness prevention grant and assists people with a range of support needs to live independently and sustain tenancies, thus reducing pressures on other public services (particularly health and social care).

## VAWDASV

Subject to the final budget settlement, Welsh Government funding for VAWDASV is continuing at the present level of £8.005 million in 2024-25. This reflects our commitment to protecting women and girls across Wales. While this is a positive outcome given the overall budget situation, inflation combined with increasing demand for services mean that many front line VAWDASV services will still be under great pressure in the year ahead. Welsh Government officials will be working with our stakeholders over the coming months to review our VAWDASV funding arrangements to ensure they are as fair and effective as possible.

## **Information about the degree to which preparatory work for the devolution of justice will continue in light of budgetary pressures.**

Work to prepare for the devolution of justice is predominantly covered through the Justice Transformation BEL which will continue to receive £480,000 over the course of the financial year. The costs to be met from the Justice Transformation BEL are primarily staffing costs. However, this BEL is also expected to be used for commissioning external services such as research and analysis for the purposes of furthering our understanding of justice devolution. We expect preparatory work to continue over the next financial year. The upcoming Delivering Justice for Wales progress report will set out ambitions for the year ahead.

## **Tribunal reform**

The work in hand on the tribunal reform project to take forward proposals for a new tribunal system for Wales is resourced from the Justice Transformation BEL, as set out in the annex.

In the last financial year, we published a White Paper “A New Tribunal System for Wales” to consult on our proposals for reform. The consultation closed on 2 October. We received 54

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

responses from respondents from a range of backgrounds and covering the scope of the proposed reforms. We aim to publish a summary of the responses at the end of January.

A new, unified system of tribunals can only be put in place with primary legislation. The scheduling of that legislation is subject to its own separate processes, and we are taking forward preparatory work ahead of that legislation being formally timetabled.

**Information on planned spend in 2024-25 on the delivery of the Welsh Government's programme to improve the accessibility of Welsh law including the proposed changes to the programme announced in the annual report on the programme for 2022-23.**

When I provided evidence to support the Committee's consideration of the Government's draft budget for 2023-24 I explained that the costs of our work to deliver *The Future of Welsh law* are met from across a number of portfolios as part of the wider legislative activity of the organisation. That remains the position for 2024-25 and indeed will do so in future years; I confirm this position applies to the revised programme I laid before the Senedd on 19 January.

In my annual report on progress against the original programme (November 2023), I included a review of the Legislation (Wales) Act 2019 which amongst other matters dealt with resourcing implications. This set out (as I confirmed it would in my letter to you of 2 March 2023) details of the additional staffing which has been put in place to support delivery of the programme. It also explained the limitations of being able to quantify the full range of costs associated with wide range of staff resources involved in (particularly) preparation of the legislative projects, both primary and subordinate.

However, I am able to confirm that in 2024-25 the costs of Legislative Counsel and Legislative Translators working on the Legislation Bill and the Planning Bill and the work of the Legislative Codes Office to support the programme as a whole and deliver specific projects falls to BEL 6720 – Staff Costs.

There are also very modest IT costs associated with the support and maintenance of the Cyfraith Cymru/Law Wales website, expected to be less than £7,000 for 2024-25, which will fall to BEL 6860 – IT costs.

**Information on planned spending in this area to support the Welsh Government's ambition to increase provision of accessible bi-lingual legislation.**

There is no specific additional expenditure solely dedicated to increasing the provision of accessible bilingual legislation in the 2024-25 draft budget. Rather it is the case that all the work in the programme contributes to and supports this important ambition.

**Information on what actions and outcomes the funding for 2024-25 on the Constitutional Commission will be used to deliver.**

The draft budget was necessarily determined prior to the report of the Constitutional Commission being received. However, it was considered prudent to retain budgetary provision for consideration and taking forward of the Commission's recommendations in

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

advance of knowing what those recommendations might be. We are now considering the Commission's report, and will set out our plans for taking it forward in due course.

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniw". The signature is written in a cursive style and is underlined with a single horizontal line.

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.



Llywodraeth Cymru  
Welsh Government

**Welsh Government's draft budget proposals for 2024-25 and allocation of resources to justice related activity**

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Central Services & Administ rati on  Back Page 72	External Bodies & Services	Justice Transformation	490	480	Co-ordinating the Justice Transformation programme across Government and the response to the recommendations of the Commission on Justice in Wales, pursuing and preparing for the devolution of justice, supporting engagement with the UK Government Justice Commission recommendations, developing the legal sector including engagement with the Law Council of Wales, taking forward work relating to the Welsh Tribunals including proposals for reform as set on in the White Paper "A New Tribunal System for Wales".
Central Services & Administ rati on	External Bodies & Services	Tribunals	4,193	4,110	Administration and support of the Welsh Tribunals through the Welsh Tribunals Unit.
Central Services & Administ rati on	Central Programmes	Civil Contingencies & National Security	350	350	The National Security and Resilience Division (NSRD) is responsible for enhancing the Welsh Government's ability to plan, prepare for, respond to and recover from disruptive challenges in Wales.

1 "MEG": Main Expenditure Group, "SPA": Spending Programme Area, "BEL": Budget Expenditure Line.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Pack Page 73					<p>The Division will continue to lead on policy development, and operational response in relation to civil contingencies, incident response, emergency planning, cyber resilience, national security and counter terrorism.</p> <p>The overarching budget allows the Division to deliver against a series of key priorities in relation to the above and support the emerging crisis management agenda.</p> <p>NSRD has committed to work with South Wales Police (SWP) to part fund a Subject Matter Expert on Counter Terrorism.</p> <p>While NSRD activities support Counter terrorism and serious organised crime initiatives - no budget is specifically assigned to the BEL, and it is not included in the Draft Budget tables.</p> <p>Any spend in previous years has been managed within the CSA MEG.</p>
Finance & Local Government	Healthcare Inspectorate Wales	Healthcare Inspectorate Wales	4,945	4,945	While Her Majesty's Inspectorate of Prisons (HMIP) has a statutory duty to inspect health care and substance misuse in prisons in England and Wales, there is a <a href="#">Memorandum of Understanding</a> between HMIP and Healthcare Inspectorate Wales (HIW), in which HIW may accompany HMIP on routine inspections of public sector prisons. HIW's focus

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
					regarding prisons is in relation to the quality and safety standards and governance arrangements for the provision of prison health services by the health boards in Wales. <sup>2</sup>
Social Justice	Equality, Inclusion & Human Rights	Equality, Inclusion & Human Rights	10,970	9,773	<p><u>Human Rights</u><sup>3</sup></p> <p>Work will be taken forward in relation to the following action areas:</p> <ul style="list-style-type: none"> <li>• preparatory legislative work;</li> <li>• development of Human Rights guidance;</li> <li>• incorporation of Human Rights into Integrated Impact Assessment processes; and</li> <li>• widening Awareness of Human Rights.</li> </ul> <p>Work on these issues will be undertaken mainly by the Human Rights Team.</p> <p><u>Anti-Racist Wales Action Plan</u> The Programme for Government commitment to ensure the justice elements of the Anti-racist Wales Action Plan are robust and these matters will be addressed with the police and the courts. The Plan includes a specific chapter on crime and justice, and a</p>

Pack Page 74

<sup>2</sup> Justice-related activity has been allocated funding within the draft budget for that BEL.

<sup>3</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
					<p>separate Criminal Justice Anti-Racism Action Plan for Wales was published in September 2021.</p> <p><u>Disability</u> An Access to Justice working group of the Disability Rights Task Force has heard presentations on hate crime, policing, sexual assault, and domestic violence and how these issues impact disabled people in Wales.</p>
Social Justice	Equality, Inclusion and Human Rights	Cohesive Communities	4,571	4,710	<p><u>Hate Crime</u> Funding of the Wales Hate Support Centre, run by Victim Support, to provide support and advocacy through the criminal justice system to all victims of hate crime in Wales. Funding of anti-hate crime communications campaign, Hate Hurts Wales to help raise awareness and increase reporting of hate crime. Exploring preventative work with perpetrators.</p>
Social Justice	Supporting Communities	Social Partnerships	961	800	<p>The budget allocation covers a wide range of work within Social Partnership, Employability and Fair Work directorate including wider Programme for Government commitments and their associated programme staff costs. It provides the resource for modern slavery justice related activity.<sup>4</sup></p>

<sup>4</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Social Justice	Supporting Communities	Basic Income	12,200	10,700	There is a process in place for how eligible care leavers entering and leaving custody access the Basic Income for Care Leavers in Wales pilot. The budget allocation includes resource for ongoing work to continually review the process and any unique scenarios that arise throughout the delivery of the pilot.
Social Justice	Advocacy Services	Advice Services	12,811	11,675	The Single Advice Fund ensures there is a framework of generalist and specialist advice services across Wales, the Advice Quality Framework for Wales means people can be confident they are accessing a quality assured service; and our support for Regional Advice Networks is bringing key stakeholders together to shape regional priorities and ensure available resources are used effectively.
Social Justice	Violence against Women, Domestic Abuse and Sexual Violence	Violence against Women, Domestic Abuse and Sexual Violence	8,144	8,005	<p>Leading the strategic direction and implementation of the Violence Against Women, Domestic Abuse &amp; Sexual Violence (Wales) Act 2015, which includes an objective to 'Increase the focus on holding those who commit abuse to account and supporting those who may carry out abusive or violent behaviour to change their behaviour and avoid offending.</p> <p>The Strategy is now being delivered through the VAWDASV Blueprint, which includes workstreams on tackling perpetration; gender-based harassment in all public spaces; workplace harassment; older people's needs; children and young people's needs; and sustainable whole system approach.</p>

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Social Justice	Women's Justice & Youth Justice Blueprints	Women's Justice & Youth Justice Blueprints	1,092	1,072	<p>Welsh Government contributions towards the Women's Justice and Youth Justice Blueprint for Wales. This includes funding for Blueprints programme management, and funding for schemes such as the Women's Pathfinder Whole System Approach and Visiting Mum which directly support people in the justice system.</p> <p>There will be a £20k transfer from the Community Support and Safety budget at Final Budget stage, which will joint-fund posts linked to the Criminal Justice Board for Wales and Integrated Offender Management Cymru.</p>
Social Justice	Community Support and Safety	Community Support and Safety	22,981	15,508	<p>Funding for Police Community Support Officers.</p> <p>There will be a £20k transfer to the Women's Justice and Youth Justice Blueprints budget at Final Budget stage, which will joint-fund posts linked to the Criminal Justice Board for Wales and Integrated Offender Management Cymru.</p>
Economy	Business Wales	Business Wales	27,264	20,926	Bespoke business support to the legal sector in Wales through the Business Wales service with interventions

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
					focusing on their challenges with recruitment, retention and resilience. <sup>5</sup>
Economy	Employability Including Young Persons Guarantee	Employability Including Young Persons Guarantee	100,206	97,351	Delivery of recommendations from David Hanson's review of offender learning.  Communities for Work - Preventative services that may help us with youth justice. Delivery of intensive employment mentoring and training to those furthest from the labour market. <sup>6</sup>
Economy	Sectors & Business	Valleys Task Force	100	100	Preventative services that may help us with youth justice, including economic development, improving skills and developing the natural environment. <sup>7</sup>
Economy	Apprenticeships	Apprenticeships	135,792	138,648	Funding to deliver apprenticeship provision via a network of ten lead commissioned contract holders. The budget also funds support activity underpinning delivery quality and inclusion - such as Employer Incentive for Disabled apprentices.
Education & Welsh Language	Welsh Language	Welsh Language	24,149	22,404	The budget allocation funds a range of activity including provision of education pathways and language technology work, e.g., including funding of Canolfan Bedwyr of Bangor University. <sup>8</sup>

<sup>5</sup> See footnote 2.

<sup>6</sup> See footnote 2.

<sup>7</sup> See footnote 2.

<sup>8</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Education & Welsh Language	Youth Engagement & Employment	Offender Learning	7,328 <sup>9</sup>	7,328	Funding for learning and skills delivery in prisons, delivered through His Majesty's Prison and Probation Service (HMPPS) through procured contracts and direct delivery. A Memorandum of Understanding is in place with HMPPS. Of this funding, £3.328m is allocated to cover the costs of learning and skills provision in public sector South Wales prisons (HMP Usk/Prescoed, Cardiff and Swansea). A further £4m is allocated to cover the costs of learning and skills provision in HMP Berwyn in North Wales.
Education & Welsh Language  Pack Page 79	Wellbeing	Whole School Approach to Wellbeing	5,200	1,850 <sup>10</sup>	The whole school approach relates to supporting the emotional, mental health and wellbeing of learners and staff in schools as well as trusted adults as part of the school community. The whole school approach framework places an emphasis on early identification and prevention. Funding provided to local authorities as part of this approach can be used to provide targeted support for early identification of young people at risk of disengaging from education, who are more vulnerable to ending up in the criminal justice system.  There are several ongoing projects that make up the policy area funded from this MEG and BEL. <sup>11</sup>

<sup>9</sup> A transfer of £3.7m is expected in 2023-24 from the Ministry of Justice to support the provision of education and skills in HMP and YOI Parc which will be formalised in the Second Supplementary Budget 2023-24.

<sup>10</sup> Draft Budget 2024-25 included a transfer of local authority funding of £4.75m to an amalgamated Local Authority Education Grant. This funding will still support the whole school approach to mental health in local authorities.

<sup>11</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Health & Social Services	Health Central Budgets	Mental Health	88,601	78,062	This budget allocation provides resource to health boards, Regional Partnership Boards and others to support mental health and wellbeing, this includes direct service delivery for mental health and dementia, crisis intervention, early intervention and the whole school approach <sup>12</sup> .
Health and Social Services	Health Central Budgets	Substance Misuse	50,485	49,985	The budget allocation supports our 7 Area Planning Boards and other activities to reduce the harms from substance misuse. In 24-25 this will include: <ul style="list-style-type: none"> <li>• £3m per annum to support ongoing alternative Opioid Substitution Therapy (Buprenorphine) for at risk ex-heroin users.</li> <li>• £2m per annum ring-fenced to support residential rehabilitation placements.</li> <li>• £4.5m to support services for people with housing and complex needs.</li> <li>• £6.25m ring-fenced allocation for children and young people.<sup>13</sup></li> </ul> This Budget previously included funding for the Wales Police Schools Programme, which has now been withdrawn.

<sup>12</sup> See footnote 2.

<sup>13</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Health & Social Services	Supporting Children	Children and Communities Grant ("CCG")	172,269	174,583	Implementation of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act is supported by a funding stream of up to £797,423 for the Out of Court Parenting Support grant, which is administered through the CCG.
Health & Social Services	NHS Delivery	Core NHS Allocations	8,253,211	8,611,185	Partnership agreement for Prison Health in Wales. This includes Welsh Government led work streams on mental health, substance misuse and medicines management.  There is also a workstream on the prison environment which is led by HMPPS. Welsh Government allocated an additional recurrent funding from 2019/20 (£1.2 million) to support local health boards to improve access to health services in the public prison estate. The aim of the funding is to support improvements to health, mental health and co-occurring mental health and substance misuse services for people in prisons and has been allocated to those Health Boards that have public sector prisons (Swansea Bay UHB, Aneurin Bevan UHB, and Cardiff and Vale UHB). Separate funding arrangements are in place for HMP Berwyn, and also HMP Parc. <sup>14</sup>
Health & Social Services	Supporting Children	Supporting Children	3,865	3,865	Funding for family justice policy and activity that enables reductions in the number of children coming into care, improved outcomes and experiences of

Pack Page 81

<sup>14</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
					<p>children.<sup>15</sup> Recurrent funding of £850K is provided to local authorities to support Reflect Services through the Revenue Support Grant.</p> <p>There was a grant awarded in 2020-21 (to South-East Wales Local Family Justice Board - pilot of a Family Drug and Alcohol Court model ref 20-21/073) which was paid in advance in 20-21 that covered the period February 2021 to 31 August 2023.</p>
Health & Social Services	Sustainable Social Services	Sustainable Social Services	107,128	98,907	<p>Analysis and evaluation of the implementation of the Social Services and Well-being (Wales) Act 2014.<sup>16</sup> The Act set out requirements to ensure local services are provided to prevent children from offending and to promote their future welfare.</p>
Health & Social Services	Supporting Children	Support for Families and Children	11,710	5,960	<p>A proportion of the budget allocation funds awareness-raising and monitoring activity in relation to the implementation of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020.</p>
Health & Social Services	Cafcass Cymru	Cafcass Cymru	15,195	15,873	<p>Funding for Cafcass Cymru and delivery of a statutory service to the Family Court in Wales on behalf of the Welsh Ministers, working with over 11,500 vulnerable children each year.</p>

<sup>15</sup> See footnote 2.

<sup>16</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

MEG <sup>1</sup>	SPA	BEL	Allocation £000s 23-24	Indicative 24- 25 Allocation	Justice related activity resourced by BEL
Climate Change	Housing Policy	Homelessness	46,147	214,910  (NB: this budget has been merged with previous Housing Support BEL for 2024/25. If the two BELs had been combined in 2023/24 the value for 23/24 would have been £212,910)	Accommodating Welsh offenders, Welsh Government and HMPPS in Wales have committed to taking a collaborative strategic approach to prevent and address homelessness for all Welsh offenders. This work is aimed at ensuring policy differences do not affect prisoners' housing outcomes on release.  Improving implementation of the National Pathway for homelessness services for Children, Young People and Adults in the secure estate.  Housing solutions for offenders in the Welsh Criminal justice system being tested and evaluated through a number of projects including a specific Housing First project in Cardiff. <sup>17</sup>

<sup>17</sup> See footnote 2.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@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.

Mick Antoniw MS  
Counsel General and Minister for the Constitution

17 January 2024

Dear Mick,

### The Welsh Government's Draft Budget for 2024-25

At our meeting on 15 January 2024 we considered the Welsh Government's draft budget proposals for 2024-25, and evidence submitted to the Finance Committee in respect of the draft budget.

Further to my Committee's request for information within my letter of 10 October 2023, I would be grateful if you could also provide information in respect of the matters enclosed in the Annex.

As you will be aware, the latest date for Senedd committees to report on the draft budget proposals is 5 February 2024. In order for my Committee to report by this date, I would be grateful to receive a single response to my letter of October and to this letter by 12:00 on 23 January 2024.

Yours sincerely,



Huw Irranca-Davies  
Chair

## Annex

### Justice-related spend

- What impact have price increases had on proposals for justice-related spending for the 2024-25 budget and how will these be managed.
- What are the practical implications of budgetary pressures on the Delivering Justice in Wales programme; is delivery of the programme being scaled back and are outcomes and objectives being reassessed in the current financial context.
- What engagement took place with voluntary organisations and stakeholders working in the criminal justice system to inform justice related spending proposals for 2024-25.
- If any changes have been made to planned spending for 2024-25 in response to the challenges related to prison capacity.
- Information on how Draft Budget allocations on justice will contribute to the reduction of inequality.
- Information on how Draft Budget allocations related to justice will support actions to reduce imprisonment rates in Wales, particularly amongst people with protected characteristics.
- Information about how planned spend on justice in 2024-25 will fulfil the requirements of the Welsh Government's socio-economic duty.
- Information about preventative action that will be funded by the proposed allocations on justice-related spending in 2024-25.
- Information about the degree to which preparatory work for the devolution of justice will continue in light of budgetary pressures.

### Accessibility of the law

- Information on planned spend in 2024-25 on the delivery of the Welsh Government's programme to improve the accessibility of Welsh law including the proposed changes to the programme announced in the annual report on the programme for 2022-23.
- Information on planned spending in this area to support the Welsh Government's ambition to increase provision of accessible bi-lingual legislation.

### Independent Commission on the Constitutional Future of Wales

- Information on what actions and outcomes the funding for 2024-25 on the Constitutional Commission will be used to deliver.

Mick Antoniw MS

Counsel General and Minister for the Constitution

10 October 2023

Dear Mick,

**The Welsh Government's Draft Budget for 2024-25**

To assist our scrutiny of the Welsh Government's Draft Budget for 2024-25, anticipated to be published on 19 December 2023, we would be grateful to receive further detail around the Welsh Government's proposed spending in relation to justice, and the accessibility of Welsh law.

We intend to undertake our scrutiny of these proposals predominantly through correspondence; we would therefore be grateful to receive further detail within the areas set out in the annex by 8 January 2024.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair

## **Annex**

### **General**

- 1.** A breakdown of planned spending on justice-related actions within the 2024-25 draft budget and future indicative budgets, by Spending Programme Area (SPA), Action and Budget Expenditure Line (BEL), both revenue and capital, and, where relevant, year-on-year comparison to planned expenditure in 2023-24.
- 2.** A detailed narrative description of any planned spending on justice in the 2024-25 draft budget and any year-on-year changes identified.
- 3.** A summary of any work undertaken to improve the level of information provided on planned justice spending within the draft budget and detail on any changes made to the structure and presentation of the budget compared to previous years as a result.

### **Delivering Justice for Wales**

- 4.** An overview of planned spending in 2024-25 on the Delivering Justice in Wales work programme including:
  - the outcomes the Welsh Government are hoping to deliver as a result of this spending;
  - an explanation of what areas of work will be prioritised in 2024-25; and
  - details of how this planned spend compares to expenditure on the Delivering Justice in Wales work programme in the current 2023-24 financial year.
- 5.** Detail on planned spending on justice programmes in partnership with the Ministry of Justice in 2024-25.
- 6.** An overview of any resources in the 2024-25 draft budget to take forward proposals for a new tribunals system for Wales.

### **The Future of Welsh Law**

- 7.** A breakdown of any planned spending within the 2024-25 draft budget relating to the delivery of the Welsh Government's programme to improve the accessibility of the law.

Document is Restricted