

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 26 February 2024

Meeting time: 13.00

For further information contact:

P Gareth Williams

Committee Clerk

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SeneddLJC@senedd.wales

Hybrid

1 Introductions, apologies, substitutions and declarations of interest

(13.00)

2 Scrutiny session with the Counsel General and Minister for the Constitution

(13.00 – 15.00)

(Pages 1 – 3)

Mick Antoniw MS, Counsel General and Minister for the Constitution

James Gerard, Deputy Director, Justice Policy, Welsh Government

Tom Smithson, Deputy Director Economic Strategy & Regulation, Welsh Government

Dylan Hughes – First Legislative Counsel, Welsh Government

[Delivering Justice for Wales: 2024 progress report](#)

Attached Documents:

LJC(6)-07-24 – Paper 1 – Briefing paper

LJC(6)-07-24 – Paper 2 – Letter to the Counsel General and Minister for the Constitution, 8 February 2024

LJC(6)-07-24 – Paper 3 – Written Statement by the Counsel General and Minister for the Constitution and the Minister for Social Justice and Chief Whip, 22 February 2024



Break

(15.00 – 15.05)

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

(15.05 – 15.10)

Made Negative Resolution Instruments

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

(Pages 4 – 10)

Attached Documents:

LJC(6)–07–24 – Paper 4 – Report

LJC(6)–07–24 – Paper 5 – Letter from the Minister for Health and Social Services, 19 February 2024

LJC(6)–07–24 – Paper 6 – Letter to the Minister for Health and Social Services, 31 January 2024

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

(Pages 11 – 18)

Attached Documents:

LJC(6)–07–24 – Paper 7 – Report

LJC(6)–07–24 – Paper 8 – Letter from the Deputy Minister for Social Partnership, 22 February 2024

LJC(6)–07–24 – Paper 9 – Letter to the Deputy Minister for Social Partnership, 7 February 2024

3.3 SL(6)450 – The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024

(Pages 19 – 21)

Attached Documents:

LJC(6)-07-24 – Paper 10 – Report

LJC(6)-07-24 – Paper 11 – Welsh Government response

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

(15.10 – 15.15)

4.1 SL(6)452 – Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

(Pages 22 – 24)

Attached Documents:

LJC(6)-07-24 – Paper 12 – Report

LJC(6)-07-24 – Paper 13 – Welsh Government response

5 Inter-Institutional Relations Agreement

(15.15 – 15.20)

5.1 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024

(Pages 25 – 27)

Attached Documents:

LJC(6)-07-24 – Paper 14 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 20 February 2024

5.2 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024

(Pages 28 – 32)

Attached Documents:

LJC(6)-07-24 – Paper 15 – Letter from the Minister for Rural Affairs and

North Wales, and Trefnydd, 20 February 2024

LJC(6)-07-24 – Paper 16 – Letter to the Minister for Rural Affairs and North Wales, and Trefnydd, 31 January 2024

5.3 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Official Controls (Fees and Charges) (Amendment) Regulations 2024

(Pages 33 – 34)

Attached Documents:

LJC(6)-07-24 – Paper 17 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 21 February 2024

5.4 Correspondence from the Counsel General and Minister for the Constitution: Inter-Ministerial Group on Justice

(Pages 35 – 36)

Attached Documents:

LJC(6)-07-24 – Paper 18 – Letter from the Counsel General and Minister for the Constitution, 21 February 2024

6 Papers to note

(15.20 – 15.25)

6.1 Correspondence from Sam Rowlands MS to the Children, Young People and Education Committee: Residential Outdoor Education (Wales) Bill

(Pages 37 – 41)

Attached Documents:

LJC(6)-07-24 – Paper 19 – Letter from Sam Rowlands MS to the Children, Young People and Education Committee, 19 February 2024

6.2 Written Statement by the Counsel General and Minister for the Constitution: Report on the implementation of Law Commission proposals 2023–24

(Page 42)

[Report on the implementation of Law Commission proposals 2023–24](#)

Attached Documents:

LJC(6)-07-24 – Paper 20 – Written Statement by the Counsel General and Minister for the Constitution, 19 February 2024

6.3 Correspondence between the Economy, Trade and Rural Affairs Committee and the UK Government

(Pages 43 – 47)

Attached Documents:

LJC(6)-07-24 – Paper 21 – Letter from the UK Government to the Economy, Trade and Rural Affairs Committee, 20 February 2024

LJC(6)-07-24 – Paper 22 – Letter from the Economy, Trade and Rural Affairs Committee to the UK Government, 13 February 2024

6.4 Correspondence from the First Minister: UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants

(Pages 48 – 51)

Attached Documents:

LJC(6)-07-24 – Paper 23 – Letter from the First Minister, 21 February 2024

LJC(6)-07-24 – Paper 24 – Letter to the First Minister, 26 January 2024

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

(15.25)

8 Scrutiny session with the Counsel General and Minister for the Constitution: Consideration of evidence

(15.25 – 15.45)

9 Local Government Finance (Wales) Bill: Draft report

(15.45 – 16.30)

(To Follow)

Attached Documents:

LJC(6)-07-24 – Paper 25 – Draft report

10 Legislative Consent Memorandum on the Criminal Justice Bill

(16.30 – 16.45)

(Pages 52 – 56)

Attached Documents:

LJC(6)-07-24 – Paper 26 – Legal Advice Note

Mick Antoniw MS
Counsel General and Minister for the Constitution

8 February 2024

Dear Mick

General Scrutiny Session – 26 February 2024

Thank you for agreeing to attend our meeting on Monday 26 February 2024 for the purpose of a general scrutiny session.

In addition to the matters referred to in our letter of 13 December 2023, we thought it would be helpful to let you know that we would like to explore the implications for Wales of the UK Government's recently published Command Paper, [Safeguarding the Union](#). In particular, we are likely to want to cover the impacts of the proposals on:

- existing constitutional structures established to manage alignment and divergence in the UK after Brexit such as common frameworks and reformed intergovernmental structures;
- the role devolved governments will have in the new structures established to manage GB-NI relations;
- the application of the *United Kingdom Internal Market Act 2020*;
- the law-making process in the Senedd and the exercise by the Welsh Ministers of delegated powers in devolved areas.

In addition, we would like to understand the Welsh Government's perspective of the timeframe for implementing the package of reforms proposed and the extent to which any regulatory changes will apply to devolved powers, governments, and public bodies.

I hope this additional information is helpful and we look forward to the session on 26 February.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Publication of the Delivering Justice for Wales Progress Report**

DATE **22 February 2024**

BY **Mick Antoniw MS, Counsel General and Minister for the
Constitution and Jane Hutt MS, Minister for Social Justice and
Chief Whip**

[Delivering Justice for Wales](#) was published in May 2022 to highlight the progress made by Welsh Government and partners to improve the justice system for people in Wales. The work programme outlined future plans, taking account of the recommendations of the Commission on Justice in Wales and the Law Commission for reforming justice and tribunals in Wales. It laid the foundation for discussions about the future of the justice system and devolved tribunals which have been ongoing since its publication.

Today, [we have published a progress report](#) to set out the activity and developments that have taken place since the report's publication. This update acknowledges the hard work that has taken place to continue to deliver the best possible justice outcomes in Wales, despite the difficult financial landscape.

The report demonstrates the positive impact that working in partnership across Welsh Government, justice system agencies and other services has made to people in Wales who come into contact with the justice system.

The report also reiterates our commitment to pursuing the devolution of justice and policing in the wake of the report of the Independent Commission on the Constitutional Future of Wales, and updates on our ambitious programme of work to further advance our understanding of the future of justice in Wales.

We will continue to work with our partners on providing the most effective justice system in Wales under the current devolution settlement, whilst anticipating and preparing for further changes towards a settlement that better serves the needs of the people of Wales.

Agenda Item 3.1

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.





Ein cyf/Our ref:LJCC/20240219

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

SeneddLJC@senedd.wales

19 February 2024

Dear Chair,

Thank you for your letter dated 31 January 2024, the contents of which are noted.

Referring back to the Committee's report of 15 January 2024 on the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023 ("the Amending Regulations"):

- On technical scrutiny point 1 and bearing in mind the equal status of the two languages we explored whether the SI Registrar might consider a correction in the Welsh text of regulation 4(a) of the Amending Regulations to be both minor and obvious, in the context of the overall heading for the regulation being amended.

Ultimately the SI Registrar has determined that it is not a matter suitable for correction slip; as such this will instead be dealt with via amending provision when the opportunity arises.

- On merits scrutiny point 9 the request for a correction slip related to the original regulations: the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (2023/953).

The first matter was to correct the Explanatory Note to make clear that the reference to "the Act" was to the National Health Service (Wales) Act 2006. We considered the omission of "(Wales)" to be an obvious and minor error (as there is no reference elsewhere to the National Health Service Act 2006 in the instrument and it is clear the regulations are made under the National Health Service (Wales) Act 2006, and further within the interpretation provision (regulation 2) of the regulations, "the Act" is defined as the "National Health Service (Wales) Act 2006").

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

The second matter related to the insertion of a footnote to regulation 3(1) to clarify the applicability of a saving provision in the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. Insertions of footnotes are not possible via an amending instrument, but nonetheless we considered it would be a minor and obvious amendment to the original regulations and therefore suitable for a correction slip.

We have received confirmation from the SI Registrar that both aspects can be dealt with this way and a correction slip will now be taken forward.

In cases where the Government agrees that an amendment should be made the Counsel General has set out in previous correspondence to the Committee the practice that is adopted in relation to the use of correction slips. The Counsel General has also made the Committee aware of his view that the purpose of this practice is to help to ensure that readers of legislation are not troubled by very minor technical errors. Ultimately the suitability of a matter for amendment by correction slip is one for the SI Registrar, and where, after checking with the Registrar, that is not an option other avenues for amendment are explored as in the case of technical scrutiny point 1.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Eluned Morgan MS

Minister for Health and Social Services

31 January 2024

Dear Eluned,

The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023

At our meeting on 22 January 2024, we considered the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023 (the amendment Regulations).

You will be aware that we considered the National Health Service (General Medical Services Contracts) Regulations 2023 ("the Principal Regulations") on 25 September 2023. The amendment Regulations have been made to correct errors of a technical nature which we identified in our report on the Principal Regulations.

Our report on the amendment Regulations contained eight technical and two merits reporting points; seven of the technical reporting points again highlight issues where we consider that the drafting appears to be defective or it fails to fulfil statutory requirements. In addition, reporting point 9 (the first of our merits points) highlights that two issues we raised in our report on the Principal Regulations have not been rectified in the amendment Regulations and therefore the errors remain in law.

At our meeting on 29 January 2024, we considered the Welsh Government response to our report on the amendment Regulations.

In response to four of the reporting points, we have been told that the Welsh Government will further amend the Principal Regulations "when the opportunity arises". You may appreciate my Committee's concern that this is a less than ideal situation, given that these amending Regulations were needed to correct errors in the Principal Regulations, and now further amending regulations are needed before the law will be clear.

Furthermore, in response to two of our reporting points, we have been told that the Welsh Government is liaising with the SI Registrar about the possibility of resolving the issues via a correction slip.

Given that we have previously been advised by the Counsel General that correction slips would be used to address errors that are small scale and/or obvious and where the text and location of the corrections would be equally small scale and obvious , we would welcome clarification on how the issues identified in reporting points 1 and 9 may satisfy this criteria.

I would be grateful if you would write to my Committee and provide an update on the discussions held with the SI Registrar, while also confirming which issues identified in our report on the amendment Regulations will be addressed via correction slip and which will need to wait for the further amending regulations to be made.

I would be grateful to receive a response by Wednesday 14 February 2024.

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

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.

Committee Consideration

The Committee considered the instrument at its meeting on 29 January 2024 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 14**

Legislation, Justice and Constitution Committee

Hannah Blythyn AS/MS
Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

22 February 2024

Huw,

Thank you for your letter dated 7 February 2024 about the **Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024**.

As set out in our response to your third reporting point, the Welsh Government acknowledges that the English and Welsh texts of new rule 5C(7) (inserted by paragraph 6(3) of Schedule 1 to the Order) are not consistent, and we will need to amend the Welsh text accordingly.

My officials are currently preparing an instrument which will make various miscellaneous amendments to firefighters' pensions legislation in Wales. Those amendments will include provision to correct the Welsh text of new rule 5C(7). I expect to make that instrument within the next 8 to 10 weeks.

In the meantime, taking into account the context and content of the provision as a whole, and when comparing the Welsh text with the English text, I consider that the meaning of the provision will reasonably be interpreted in line with the English text.

For that reason and on the basis that I will be making further pensions legislation shortly, I consider it appropriate to address the necessary correction as part of the upcoming wider amending instrument.

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

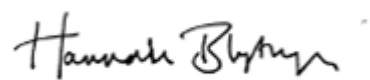
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hannah Blythyn'.

Hannah Blythyn AS/MS

Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership

Hannah Blythyn MS

Deputy Minister for Social Partnership

7 February 2024

Dear Hannah,

The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024

At our meeting on 29 January 2024, we considered The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024 (the Order).

You will be aware that our report on the Order contained six technical points and two merits points. At our meeting on 5 February 2024 we considered the Welsh Government response to our report on the Order.

You will know that our third technical reporting point highlighted that in new rule 5C(7) (which can be found in paragraph 6(3) of Schedule 1 to the Order) there is a difference between the English and Welsh texts which has the effect that the texts have the opposite meaning and therefore contradict each other. In response to this point, we have been told:

"The Welsh Government notes that the text of the Welsh and English provisions of new rule 5C(7) (inserted by paragraph 6(3) of Schedule 1 to the Order) produce opposite meanings. The English text identified is correct, and the equivalent Welsh text should read "Where the authority do not hold records of that person's pay for that period..." (emphasis added). The Welsh text will be amended accordingly at the next available opportunity."

You may appreciate my Committee's concern that the response we have received does not appear to indicate that the Welsh Government considers this to be an urgent matter. Neither does the response provide an indication as to when the Welsh text will be corrected. In the meantime, the law in this area is flawed, which is unsatisfactory.

We would welcome clarification on when the error in new rule 5C(7) will be corrected.

I would be grateful to receive a response by Thursday 22 February 2024.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair



SL(6)450 – The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024

Background and Purpose

The Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“the Council”). Sections 26 to 32 of the 2014 Act confer disciplinary functions on the Council in relation to persons registered in the register maintained by the Council (“a registered person”).

Part 5 of the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the Principal Regulations”) makes further provision in relation to the disciplinary functions of the Council. In particular regulation 26 of Part 5 of the Principal Regulations makes provision in relation to the membership and procedure of the Investigating Committee and the Fitness to Practice Committee established by the Council. In particular paragraph (1) of regulation 26 requires the Council to appoint to each of those committees a member who is a registered person (“a registered person member”). A registered person member is defined in paragraph (6)(b) of regulation 26 to the Principal Regulations.

Regulation 2(2) of these Regulations amends the English language text of the Principal Regulations so as to correct a grammatical error in the name of the Fitness to Practice Committee. The name of the Fitness to Practice Committee is amended to the Fitness to Practise Committee. Regulation 2(3) of these Regulations corrects the same grammatical error in the one reference to the Fitness to Practice Committee in English in the Welsh language text of the Principal Regulations.

Regulation 2(4) of these Regulations substitutes a new definition of registered person member in paragraph (6)(b) of regulation 26 of the Principal Regulations. The effect of that substitution is that it will no longer be a requirement for the registered person member to be registered in the same category as the registered person who is the subject of the disciplinary proceedings. Instead the registered person member need only be registered in at least one of the categories of registration set out in Table 1 of Schedule 2 to the 2014 Act.

Regulation 2(5) of these Regulations corrects a mistake in a cross reference in regulation 45(3)(b) of the Principal Regulations.

Regulation 2(6) of these Regulations amends paragraph 21 of Part 1 of Schedule 2 to the Principal Regulations to include a reference to section 167A of the Education Act 2002 (prohibition on participation in management of independent schools).

Procedure

Negative



The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulation 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 regulation 2(4), an amendment is made to the definition of “registered person member” by substituting paragraphs (i) and (ii) in regulation 26(6)(b) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

However, in the new paragraph (i), it refers to “**a person registered**...” whereas the existing text of paragraph (i) refers to “**a registered person**...”.

This is a significant difference as “registered person” is a defined term in regulation 3(1) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

Therefore, it does appear that the term “registered person” should also have been used in the new paragraph (i) when amending the meaning of “registered person member”.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 19 February 2024 and reports to the Senedd in line with the reporting point above.



Government Response: The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024

Technical Scrutiny point 1: The Welsh Government does not agree with the technical reporting point. The Welsh Government considers that the amendment is legally effective, and its intended meaning clear in its context. The amendment captures a person who is registered in at least one “category of registration”. This is defined in section 41(1) of the enabling Act by reference to section 9(3) of that Act.

Agenda Item 4.1

SL(6)452 – Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

Background and Purpose

The Waste Separation Requirements (Wales) Regulations 2023 (“the 2023 Regulations”) set out the separation requirements in Wales for the purposes of section 45AA of the Environmental Protection Act 1990 (“EPA 1990”). The 2023 Regulations apply to the presentation, collection and handling of waste in respect of non-domestic premises.

Section 45AB(1) of the EPA 1990 provides that the Welsh Ministers may issue codes of practice for the purpose of giving practical guidance about how to comply with requirements imposed by or under section 45AA.

Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales (“the Code”) is issued by the Welsh Ministers in exercise of this power and provides guidance on how to comply with the separation requirements contained in the 2023 Regulations.

The Welsh Ministers first laid a version of this Code on 4 December 2023, which was considered by the Legislation, Justice and Constitution Committee at its meeting on 8 January 2024. The Committee’s [report](#) raised a number of reporting points under Standing Order 21.7.

It appears that the Code laid on 30 January 2024 replaces the version laid on 4 December 2023 to address the issues identified in the Committee’s report.

Procedure

No procedure.

The Welsh Ministers have laid the Code before the Senedd as required by section 45AB(4)(b) of the EPA 1990.

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of this Code.

1. It is assumed that the Code laid on 30 January 2024 replaces the Code of the same name laid on 4 December 2023, however this is not:
 - explained to the Senedd in any documentation laid alongside the Code,
 - stated on the face of the Code itself,
 - noted on [the Welsh Government website](#) from which the Code is accessed (although the website does state that it was “last updated” on 30 January 2024).



The Welsh Government is therefore asked to confirm that the Code laid on 30 January 2024 replaces the version that was laid on 4 December 2023.

The Welsh Government is also asked how those who may have already downloaded or printed the 4 December 2023 version of the Code, in preparation for the coming into force of the new separation requirements, will be made aware that the Code has been updated.

Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 19 February 2024 and reports to the Senedd in line with the reporting point above.



Government Response: Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

Scrutiny point 1: The Welsh Government can confirm that the Code laid on 30 January 2024 replaces the version that was laid on 4 December 2023. This latest version of the Code is also the one that is live on the webpage. Stakeholders are being made aware that the code has been updated through the engagement being undertaken in preparation for the coming into force of the new requirements in April.

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

Agenda Item 5.1



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

20 February 2024

Dear Huw,

The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024.

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024 ("The Regulations") by 4 March 2024.

I received a letter from Rebecca Pow MP, on behalf of Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, requesting consent to provisions within the Regulations. These provisions within Part 3 of the Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 54(3) and 144(6) of, and paragraph 3(2) of Annex 6 to, Regulation (EU) 2017/625. Article 3(2B) of the Regulation (EU) 2017/625 provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers.

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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.

On 30 April 2024, under the Borders Target Operating Model, imports of medium risk plants and plant products from the EU, Liechtenstein and Switzerland will become subject to risk-based import checks at Border Control Points. Additionally, the frequency of documentary checks for these goods will also be reduced so they are aligned to the frequency of ID and Physical checks. As per the Borders Target Operating Model, these changes will not be introduced at “relevant ports” on the West Coast, including Fishguard, Holyhead and Pembroke, until 31 October at the earliest.

The Regulations expand SI 2022/739 to include the medium risk goods from the EU, Liechtenstein and Switzerland within its framework for determining the frequency of physical and ID checks. They will amend Annex 6 of the Official Control Regulation to ensure the ‘appropriate frequency rate’ for medium risk goods from the EU, Liechtenstein and Switzerland is established by Article 53.

The Statutory Instrument (SI) is subject to the affirmative procedure and is due to be laid before UK Parliament on 4 March 2024. The Regulations will come into force on 30 April 2024.

Although the Welsh Government’s general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the Regulations to be laid by UK Government. The Regulations relate to a devolved area, however, they impact on imports of plant and plant products are GB-wide. Many of the changes in the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports and would be subject to their importation legislation. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in Great Britain. Additionally, doing Wales-only Regulations for some provisions within this SI would likely have implications on delivery of the wider Borders Target Operating Model.

I would like to reassure this Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. Therefore, I am giving my consent to the provisions within these Regulations. There is no policy divergence between the Welsh and UK Government in this matter.

The Welsh Government is making the other provisions of the Regulations as Wales-only through The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment, and Infrastructure (CCEI) Committee.

Yours sincerely

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

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

Agenda Item 5.2

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



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
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SeneddLJC@senedd.wales

20th February 2024

Dear Huw

Further to your letter of the 31 January 2024 regarding The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 which were laid by the UK Government on the 9 January and came into force on the 31 January 2024, please see my response to your questions at Annex 1.

Yours sincerely,

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

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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.

Annex 1

- 1. You state in your letter that the statutory instrument will be the first piece of legislation to implement the first milestone of the TOM from 31 January 2024. Could you provide further information in respect of legislation anticipated to be required to reach future milestones?**

There will be further legislation to implement the policy changes outlined in the Border Target Operating Model which are due to take effect from April 2024 and legislation over a longer timeframe to implement provisions originally scheduled for a bill in the UK Parliament. Amongst the former will be a further extension to the Transitional Staging Period to delay the application of controls in relation to goods moving to Great Britain from Ireland until a date yet to be agreed. I anticipate that many of these will be made on a GB-wide basis but will seek advice on any new legislation and inform the relevant Senedd Committees. Please see Annex 2 for further information.

There will also be changes to the Qualifying Northern Ireland Goods legislation to ensure the benefit is more squarely focused on Northern Ireland and afford Qualifying Goods unfettered access to the GB market via Ireland. Conversely, there will need to be legislation to ensure that non-qualifying goods such as Irish or EU goods which are routed through Northern Ireland are subject to checks.

- 2. You state in your letter that it was not possible to give my Committee advance notice of your intention to consent to the Regulations as the statutory instrument was received during recess. Could you indicate whether you were given advance notice by the UK Government of the proposed scope of these regulations, and if so, when you were provided with this notice?**

The Welsh Government was aware of the need to bring forward this statutory instrument as Welsh Ministers agreed the publication of the BTOM on 29 August 2023, which set out the expected timeline for introducing the TOM. However, my officials then had to ensure the relevant statutory instrument was fit for purpose and that the instrument did not impact on the Senedd's legislative competence, or the Welsh Ministers' executive competence. This was only possible once they had received sight of the final draft instrument. Whilst we will consider each piece of legislation on its merits, I anticipate going forward we will take a GB-wide approach to the remaining legislation to implement the Border Target Operating Model.

- 3. You have previously exchanged correspondence with my Committee on the relationship between official controls regulations and international obligations, particularly to WTO rules and the UK-EU Trade and Cooperation Agreement. You raised concerns that the current position may be incompatible with the UK's obligations but that this was a temporary position and that the risks of this incompatibility did not fall to the Welsh Ministers. Could you provide an update on whether and how these regulations develop this position?**

The UKG has submitted several notifications in relation to the BTOM to WTO members and, to date, no specific trade concerns have been raised. The UK Government continues to engage with WTO and EU members on matters relating to the Border Target Operating Model and we have not been made aware of any specific concerns about this legislation but will continue to notify and engage with WTO and EU members on plans for the implementation of the BTOM.

Annex 2

Expected legislative approach.

The UK Govt expects to deliver the majority of the BTOM (subject to the consent of Welsh Ministers) using six cross policy SIs (including the SI you are corresponding over) to be laid in sequence as below (list may be subject to change, including additional statutory instruments).

SI	Timing	Content
Made Negative	Laying 9 January 2024 CIF 31 January 2024	The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2023 This SI will introduce certificates on certain medium risk goods from the EU, end the exemption of goods moving from the island of Ireland to GB from prenotification requirements and extend the TSP until 29 April 2024.
PH/050 Made Negative	Laying 4 April 2024 CIF 30 April 2024	The Official Controls and Phytosanitary Conditions (Amendment) Regulations 2024 (TBC) TOM applies to RoW goods and identity and physical checks are applied to EU goods based on risk. This is done through use of the TSP and pre-existing powers until amendments have been made to the OCR.
OFC/016 Draft Affirmative	Laying 26 February CIF 30 April 2024	The draft Official Controls (Fees and Charges) (Amendment) Regulations 2024 (TBC) This SI uses sections 14(2) and (3) of the REUL Act to amend the OCR. It introduces greater flexibility on the application and composition of fees and charges, whilst maintaining the requirement of cost-recovery. It enables competent authorities to administer a consistent charging model across government-run BCPs in GB.
OFC/017 Draft Affirmative	Laying 20 May 2024 CIF 8 July 2024	The Official Controls (Border Target Operating Model) Regulations 2024 Amends OCR to ensure powers are available to deliver the TOM on a long term basis and update over time, allowing for risk categorisation for animal products, checks away from the border etc.
AH/055 Made Negative	Laying 9 Oct 2024 CIF 31 October 2024	The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (No.1) Regulations 2024 (TBC) Regulations are made using amended powers in the OCR following OFC/017.
OFC/011 Made Negative	TBC end 2024/early 2025	The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (No.2) Regulations 2024 (TBC) Regulations are made using amended powers in the OCR following OFC/017.

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

31 January 2024

Dear Lesley

The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024

Thank you for your letter of 10 January 2024 in respect of your decision to consent to the making of the above Regulations. My Committee considered the letter at its meeting of 15 January 2024.

It would be helpful for us to receive further information about the Regulations and other legislation required to implement the Border Target Operating Model (TOM). We would therefore be grateful if you could respond to the questions enclosed in the annex by 21 February 2024.

I am copying this letter to the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



Huw Irranca-Davies

Chair

Annex

1. You state in your letter that the statutory instrument will be the first piece of legislation to implement the first milestone of the TOM from 31 January 2024. Could you provide further information in respect of legislation anticipated to be required to reach future milestones?
2. You state in your letter that it was not possible to give my Committee advance notice of your intention to consent to the Regulations as the statutory instrument was received during recess. Could you indicate whether you were given advance notice by the UK Government of the proposed scope of these regulations, and if so, when you were provided with this notice?
3. You have previously exchanged correspondence with my Committee on the relationship between official controls regulations and international obligations, particularly to WTO rules and the UK-EU Trade and Cooperation Agreement. You raised concerns that the current position may be incompatible with the UK's obligations but that this was a temporary position and that the risks of this incompatibility did not fall to the Welsh Ministers. Could you provide an update on whether and how these regulations develop this position?

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

SeneddLJC@senedd.wales

21st February 2024

The Official Controls (Fees and Charges) (Amendment) Regulations 2024

Dear Huw

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Official Controls (Fees and Charges) (Amendment) Regulations 2024.

I have received a letter from the Minister of State for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under section 14(2) and (3) of the Retained EU Law (Revocation and Reform) Act 2023. The Regulations relate to the implementation of changes to the SPS border official controls regime, which were published in the BTOM in August 2023. They facilitate amendments needed to enable charges and fees for official controls on SPS goods in a way which reflects the new regime.

The Regulations will implement the milestones of the BTOM. The Regulations facilitate amendments needed to enable charges and fees for official controls on SPS goods in a way which reflects the new regime.

The Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for this instrument to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Paul Davies MS, the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a dark ink and is positioned above the printed name and title.

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

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

21st February 2024

Inter-Institutional Relations Agreement: Inter-Ministerial Group on Justice

I am writing in accordance with the inter-institutional relations agreement to notify you that the second meeting of the Inter-Ministerial Group on Justice was held on 25 January.

The hybrid meeting was chaired by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, in Edinburgh.

The UK Government was represented by Lord Bellamy KC (Parliamentary Under Secretary of State in the Ministry of Justice), John Lamont (Parliamentary Under Secretary of State for Scotland), Fay Jones (Parliamentary Under Secretary of State for Wales) and Lord Caine (Parliamentary Under Secretary of State for Northern Ireland)

In the absence of Northern Ireland ministers, Richard Pengelly, the Permanent Secretary at the Northern Ireland Department of Justice, again attended on behalf of the Northern Ireland Civil Service. With the restoration of devolved institutions to Northern Ireland, it is expected that the next meeting will be attended by a minister of the new Executive.

A communiqué summarising the business of the meeting has been issued and can be found [here](#).

The main focus of the meeting was a discussion of the different potential approaches to exonerate and compensate the wrongly convicted victims of the Post Office Horizon Scandal. I highlighted my views that the reputational damage to the justice system has been significant, that computer systems are not always correct and that there are clear links to the dangers of increasing the use within the justice system of other technologies including Artificial Intelligence and facial recognition without fuller understanding of the risks and clear plans for mitigation. I also put forward my view that a statutory duty of candour is essential to help prevent similar miscarriages of justice in the future. It was agreed that these matters will form the focus of separate discussion in a future meeting.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

The meeting then discussed measures being taken to improve prison capacity, court recovery, and legal aid.

The next meeting is due to take place in approximately four months' time. I will keep you informed once it is scheduled.

I am copying this letter to the Minister for Social Justice and Chief Whip.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style. A horizontal line is drawn underneath the name "Antoniw".

Mick Antoniw AS/MS

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

Jayne Bryant, MS
Chair of the Children, Young People and Education Committee
Senedd Cymru,
Cardiff Bay,
CF99 1SN

19 February 2024

Dear Jayne,

Residential Outdoor Education (Wales) Bill

I would like to take the opportunity to thank you and other members of the Committee for the time you have taken to consider the detail of the Residential Outdoor Education (Wales) Bill.

I am writing to follow up on one of the points I made during my evidence session on 1 February, relating to my expectations of the Bill's impact on child and adolescent mental health services.

My initial response to the specific question asked, highlighted that the Explanatory Memorandum to the Bill references where the Bill can provide opportunities to support young people with mental health. I said that I would follow up with a note, which is set out in the Annex to this letter. I would be happy to provide any further information that the Committee might find helpful.

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

Yours Sincerely,



Sam Rowlands MS
Member of the Welsh Parliament for North Wales

Annex: Note of how the Residential Outdoor Education (Wales) Bill can support young people with mental health

The positive impact of the Bill on children's mental health has been highlighted throughout the scrutiny of the Bill in both oral and written evidence, by me as Member in Charge of the Bill, and by other stakeholders.

The information contained in this note highlights what is already set out in the Explanatory Memorandum for the Bill. It does not seek to pull out information that has been presented in evidence to the Committee.

Consideration of research

Research shows that children living in low income households are more likely to experience mental health issues, and that problems are increasing amongst children and young people.¹ Welsh Government policy seeks to address this challenge by focusing on developing children and young people's emotional resilience and the skills to look after their own mental health.² The Welsh Government has consulted on a new mental health strategy, a core proposal being that people take action to promote their own wellbeing and that of the wider community.³ (Para 52 of the Explanatory Memorandum).

A recent systematic literature review of the benefits of 'outdoor sports' for society concluded that they were linked to multiple outcomes representing a cost-effective investment.⁴ Benefits include physical and mental health and wellbeing, active citizenship and contribution to bonding capital in families and communities. There is also strong evidence of intrapersonal development relating to physical, mental, cognitive, behavioural and social aspects of self, educational benefits, including improved self-motivation and willingness to face and overcome challenges.

During the Covid-19 pandemic and subsequent return to school after lockdown, Welsh Government guidance documents contained specific mention of outdoor learning and the health and well-being benefits it brings. The most recent Active Lives survey results⁵ demonstrate that whilst younger children are more active in team sports, as people get older they can remain active through activities such as walking, cycling, running and swimming. Although this survey refers to respondents in England as there is no comparative data available for Wales, it is reasonable to suggest that the findings would not be significantly different in Wales. Recent research presented through the British Education Research Association⁶ suggests

¹ Public Health Wales, [New analysis reveals trends in children and young people's mental health care in Wales](#) (July 2022)

² Senedd Research, [Children and young people: is there a mental health crisis?](#) (May 2022)

³ Welsh Government, [Mental health strategy](#)

⁴ Eigenschenk, B. et al. (2019) '[Benefits of Outdoor Sports for Society. A Systematic Literature Review and Reflections on Evidence.](#)', International Journal Of Environmental Research And Public Health, 16(6), p. 937.

⁵ Sport England, [Active Lives Adult Survey November 2020-21 Report](#) (April 2022)

⁶ British Educational Research Association, [Ageing in nature: Outdoor learning as lifelong learning](#) (June 2021)

significant connections between older people's health, activity levels and the experiences they had as young people in engaging in outdoor education. (Paras 79 & 80 of the EM)

Mental health benefits from the Bill

In 2021-22, mental health alone accounted for 10.9% of total NHS expenditure in Wales (approximately £962 million).⁷ Further, mental health annually is estimated to cost the Welsh economy £4.8 billion⁸ and, although directly unquantifiable, outdoor education residential has significant potential to be much more than one-off experiences and can initiate lifelong participation in outdoor activity, with its attendant health and wellbeing benefits⁹, potentially reducing the impact on the NHS.

In turn this will have long-term impacts on the health and well-being of the population as they leave school and have a greater opportunity to become healthy adults (also in line with one of the four purposes of the Curriculum for Wales). The mental health and well-being benefits of outdoor education residential programmes could reduce the demands on child and adolescent mental health services in the near future and could also reduce demands on the wider NHS and health care services in the longer term.

Children's mental health has featured prominently on the policy and scrutiny agenda in recent years. The Programme for Government includes commitments to prioritise investment in mental health, prioritise service redesign to improve prevention, tackle stigma and promote a no wrong door approach to mental health support. This includes the NEST framework¹⁰ which aims to ensure a whole system approach for developing mental health, well-being and support services for babies, children, young people, parents, carers and their wider families across Wales.

In 2018, a Senedd Committee published "Mind over Matter", a report of its inquiry into the emotional and mental health of children and young people¹¹ and carried out follow-up scrutiny in 2020.¹² Subsequently, the Minister for Education and Welsh Language and Deputy Minister for Mental Health and Wellbeing have joint Ministerial oversight for a Whole School Approach to Wellbeing. The Welsh Government has issued statutory guidance to schools, pupil referral units and local authorities on embedding a whole-school approach to emotional and mental

⁷ Welsh Government: [NHS expenditure programme budgets: April 2021 to March 2022](#)

⁸ Mental Health Foundation report: [The economic case for investing in the prevention of mental health conditions in the UK](#)

⁹ Takako Takano (2010) [A 20-year retrospective study of the impact of expeditions on Japanese participants](#), Journal of Adventure Education and Outdoor Learning, 10:2, 77-94

¹⁰ Welsh Government, [NEST framework \(mental health and wellbeing\): introduction](#)

¹¹ Senedd Cymru, Children, Young People and Education Committee: [The Emotional and Mental Health of Children and Young People \("Mind over Matter"\)](#) (2018)

¹² Senedd Cymru, Fifth Senedd's Children, Young People and Education Committee: [The Emotional and Mental Health of Children and Young People \("Mind over Matter"\) – Follow-up](#) (2020)

wellbeing.¹³ There is ongoing Senedd interest in and scrutiny of this policy area, including most recently from the Welsh Youth Parliament¹⁴ as concerns persist about children’s mental health and their timely access to services¹⁵, not least due to the impact of the COVID-19 pandemic. The Bill has the potential to contribute substantially to tackling this agenda. (Paras 92 to 95 of the EM).

Mental health problems account for £962 million of total NHS Wales expenditure.¹⁶ A central tenet of the Welsh Government’s Nurturing, Empowering, Safe and Trusted (NEST) framework is mental health wellbeing across education.¹⁷

Contact with nature through educational activities is positively associated with better mental health outcomes¹⁸ in children and teenagers. The most consistent relationships reported between mental health outcomes and learning in natural environments were with resilience, stress and overall mental health.¹⁹ Improvements in emotional well-being, self-esteem and depression have also been recorded. Contact with nature has been highlighted as an effective preventative action for common mental health problems.

Learning in natural environments has been associated²⁰ with building social capital, fostering pride, belonging, and community involvement. Immersive nature experiences²¹, including outdoor residential experiences and other education outside of classrooms have been linked to improved self-esteem and increased self-efficacy compared to controls. A study using data from Denmark has shown that flourishing mental health was associated with approx. \$1.2 billion (equivalent to £848 million) in potential lower expenses for health and social costs.²² (Paras 222 to 224 of the EM).

Consultation responses

The Explanatory Memorandum also builds on the responses received through the extensive consultation undertaken on the policy objectives of the Bill.

The consultations undertaken highlighted many benefits of an outdoor education residential, such as the personal attributes that can be acquired and developed, improved physical and mental health and well-being and general holistic personal

¹³ Welsh Government, [Framework on embedding a whole-school approach to emotional and mental wellbeing](#) (2021)

¹⁴ Welsh Youth Parliament, [Our mental health and well-being](#)

¹⁵ The [Children’s Commissioner for Wales](#) has made the mental health of children and young people and pursuing the ‘[No Wrong Door](#)’ model a policy priority for 2023-26.

¹⁶ [NHS expenditure programme budgets: April 2021 to March 2022](#)

¹⁷ [NEST \(mental health and wellbeing\): summary report](#)

¹⁸ [Davis et al, 2021.](#)

¹⁹ [Tillman et al, 2018](#)

²⁰ [Council for Learning Outside the Classroom, Evidence Note, 2022](#)

²¹ [Mygind et al, 2019](#)

²² [Santini et al, 2021](#)



development. Children identified bonding with friends and having fun as the main benefits, followed by the chance to experience being away from home, learning new skills, learning about the environment and nature, and being outdoors. (Para 363 of the EM).

Participating in residential outdoor education has benefits for children's mental health and well-being. This was highlighted specifically as a main benefit by around 40% of respondents to the general consultation and by around 8% of respondents to the children and young people's consultation. (Para 368 of the EM).



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Welsh Government report on the implementation of Law Commission proposals 2023-24
DATE	19 February 2024
BY	Mick Antoniw MS, Counsel General and Minister for the Constitution

Today I am pleased to lay before the Senedd the ninth annual report on the implementation by the Welsh Government of Law Commission proposals that relate to Welsh devolved matters.

Under section 3C of the Law Commissions Act 1965, as inserted by section 25 of the Wales Act 2014, the Welsh Ministers are required to report annually on the extent to which Law Commission proposals relating to devolved matters have been implemented.

This report covers the period from 15 February 2023 to 14 February 2024 and provides Members with an update on a number of areas that relate to Law Commission proposals as well as information on current and future Law Commission projects.

The report provides updates on the progress made over the last twelve months on a range of issues that have been the subject of Law Commission recommendations. This includes passing the Agriculture (Wales) Act 2023, which includes provision for a complete ban on the use of snares and cable restraints, and was the subject of consideration and recommendation in the Law Commission's report on *Wildlife Law*. We also continue to make progress in taking forward Law Commission proposals in relation to taxi and private hire services, devolved Welsh tribunals and planning law.

This update and the progress noted demonstrate the value of the Law Commission's proposals to the work of the Welsh Government.



Baroness Neville-Rolfe DBE CMG
Minister of State
Cabinet Office 70 Whitehall London
SW1A 2AS

Paul Davies MS
Chair, Economy, Trade and Rural Affairs Committee
Senedd Cymru

20 February 2024

Dear Chair,

BORDER TARGET OPERATING MODEL

Thank you for the invitation to attend the Economy, Trade and Rural Affairs Committee on Wednesday 7 February. I enjoyed speaking to you and your members, and continuing the spirit of cooperation that I believe has defined our work with the Welsh Government.

Thank you also for your letter of Tuesday 13 February. I agreed to write and I am happy to provide clarity on the points you raised.

Landbridge Movements

You and Samuel Kurtz MS asked if the UK Government would set up further easements on the biosecurity controls for landbridge movements via Welsh ports, whereby EU goods enter GB from Ireland and continue through to the European Union.

Through the Border Target Operating Model (BTOM), we are introducing a simplified and effective system of biosecurity controls to manage the risk of landbridge movements of these goods through Great Britain. In line with the BTOM, we have already introduced pre-notification and health certification for SPS goods and will introduce physical and ID checks. Our approach minimises friction at the border and the administrative burden to traders. We are taking a pragmatic approach and will only undertake checks where they are required to protect biosecurity. However I will continue to discuss further how we make trade flow as freely as possible whilst protecting human, plant and animal health with Ministerial colleagues. I note your concerns around the potential for trade diversion.

UK Government Engagement with Welsh Organisations

We ran a comprehensive programme of engagement following the draft publication of the BTOM in April 2023. There was a series of online and physical events to which all affected parties were invited. This included major trade bodies, including the British Chamber of Commerce and the Fresh Produce Consortium, who have a Welsh contingent in their membership. These organisations were included in our engagement leading up to the implementation of the January 31st BTOM milestone and will be included in engagement

ahead of the April 30th milestone. We have also supported the Welsh Government with materials and information on the co-designed model to support their own engagement with industry. We continue to support colleagues in the Welsh government on the construction of BCP facilities in south west Wales and Holyhead which includes working closely with port operators at these sites.

Common User Charge

We expect to publish the Government's response to the '[Charging arrangements at government-run border control posts](#)' public consultation in the coming weeks. This will confirm the final policy and rates.

UK-EU Discussions

I attended and opened the joint UK / EU Domestic Advisory Group (DAG) session at the start of January. This session focused on the BTOM including a session for stakeholders which was led by Directors from the Cabinet Office and Defra. This was a good opportunity for UK and EU trade associations to engage directly with the UK Government on their outstanding queries ahead of the BTOM implementation dates.

The UK Chief Veterinary Officer has engaged with counterparts across the EU in order to resolve issues such as ensuring availability of translated Export Health Certificates ahead of the first Border Target Operating Model milestone.

Officials are continuing to engage with top trading partners across the EU having already visited Belgium, the Netherlands, Denmark and Ireland. Further engagement is planned for Italy, Spain, Poland and Germany in 2024. Cabinet Office officials will also work with EU traders and stakeholders as part of our operational testing which will be starting in February.

Indirect movements of QNIGs

Thanks to the Windsor Framework, qualifying Northern Ireland goods will benefit from full unfettered access, regardless of whether they move directly or indirectly via Ireland. Legislation amending the definition of qualifying Northern Ireland goods was laid on 31 January alongside the publication of the [Safeguarding the Union](#) command paper—on which further guidance will be published shortly.

UK-EU Discussions on Windsor Framework

We engage regularly with the EU on the Windsor Framework arrangements. Under the Windsor Framework, we have established a number of joint UK-EU fora aimed at managing implementation as well as to consider proposed upcoming EU legislation. These include five new Joint Consultative Working Group structured sub-groups, as well as the new Special Goods Body.

Samuel Kurtz MS asked in particular about involvement of the Welsh Government at the Withdrawal Agreement Joint Committee. As I touched on, in line with the devolution settlement, the United Kingdom Government is responsible for international relations and attends the Joint Committee in that capacity. Ministers in the UK Government ensure that the Welsh Government, as well as the Scottish Government and the Northern Ireland Executive, are consulted as necessary in advance. The Review of Intergovernmental Relations established, among other groups, an Interministerial Group (IMG) on UK-EU TCA implementation that has been expanded to also cover Withdrawal Agreement

implementation and wider UK-EU relations. The IMG usually meets before each TCA Partnership Council and WA Joint Committee session to give ministers from the devolved administrations the opportunity to comment on and contribute to the agenda.

Data Gathering

Overall, industry have adapted successfully to post-Brexit regimes, including the introduction of full controls on GB exports to the EU in January 2021, the subsequent staged introduction of customs controls on EU imports to GB, and the introduction of Sanitary and Phytosanitary pre-notification and health certification requirements on EU imports to GB in January 2024. I acknowledge that businesses have had to work hard to adapt to new processes and that the Covid-19 pandemic and the war in Ukraine added supply chain pressures. However, we are not aware of any businesses that have ceased trading as a consequence of the BTOM.

Looking forward, the UK Government has made comprehensive plans to monitor the impact of the implementation of the BTOM. This includes monitoring Roll-on Roll-off freight volumes across all ports, customs declarations to understand changes to commodity imports, as well as the data on pre-notification and certification, which I mentioned. This is in addition to the monitoring of issues and resolutions regarding the BTOM implementation to ensure that emerging themes which would adversely affect trade flows are identified and mitigated.

Finally, I should also explain that since our conversation my colleague The Rt Hon Steve Baker MP has assumed responsibilities for the Windsor Framework within the Cabinet Office. He is now a joint Minister of State in both the Cabinet Office and at the Northern Ireland Office. I shall be working closely with him to ensure the BTOM and Windsor Framework are well aligned and we will continue working in lockstep to deliver a trading regime that works for the whole of the UK including Wales. I would be grateful if he could be included in our future correspondence as it relates to the Windsor Framework.

I am copying this letter to Rt Hon Steve Baker MP.

Warm regards

Lory Neville-Rolfe

Baroness Neville-Rolfe DBE CMG

Baroness Neville-Rolfe DBE CMG
Minister of State at the Cabinet Office
UK Government

13 February 2024

Dear Baroness Neville-Rolfe,

Thank you for attending the Committee on 7 February to discuss the Border Target Operating Model and the Windsor Framework. The Committee welcomes your suggestion to maintain a dialogue with the Committee as the Border Target Operating Model is rolled out through 2024 and beyond. Members found the session very useful. Following the session, Members had some questions and I agreed to write to you for clarification. I would be pleased if you could respond to the following:

- The Committee welcomed your statements that you are keen to reduce the 'current asymmetry of trade' and that the UK Government has worked closely with the Irish Government and Irish authorities to 'keep friction as small as possible for Welsh ports'. As part of this work, has the UK Government discussed with the EU the possibility to further reduce barriers on indirect movements of qualifying Northern Ireland goods between Wales, Ireland and Northern Ireland?
- You mentioned during the session that the UK Government is in touch with GB organisations. Would you be able to advise if any of these organisations are based in Wales?
- You advised that an announcement will be made shortly regarding the Common User Charge. Could you please notify the Committee when this is due to be made?
- Could you provide an update to the Committee on the UK-EU discussions on the Windsor Framework and Wales?

- The Welsh Government has repeatedly requested to attend meetings of the UK-EU Joint Committee when matters are discussed which have implications for Welsh ports. Is this a matter that could be reviewed in light of the developments discussed during the session?
- Please could you provide a written update on UK-EU conversations with the EU, including the five EU Member States of France, Belgium, Netherlands, Spain and Ireland. The Committee would be particularly interested in conversations with Ireland, given our geography.
- The Committee welcomes the activities you outlined to gather new data, however we are concerned this may not capture statistics relating to how many businesses may have ceased cross-border trading as a result of the post-Brexit regime. Would you be able to provide any statistics on that?

I look forward to your response.

Yours sincerely,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

We welcome correspondence in Welsh or English



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

21 February 2024

Dear Chair

Thank you for your letter of 26 January about the UK-Rwanda Partnership. I appreciate the opportunity to share the Welsh Government's views regarding this Treaty and the associated Safety of Rwanda (Asylum and Immigration) Bill.

Welsh Ministers have repeatedly stated in recent years – and it remains our view – that proposals to detain and remove everyone arriving via irregular means are not workable or ethical. We have been clear that an effective system requires compliance with the UN Refugee Convention and the European Convention on Human Rights, effective returns agreements with safe countries where connections exist, and sufficient safe and legal routes to the UK.

Since plans were being developed for EU Withdrawal, we have highlighted the loss of the Dublin III Regulation and EURODAC to UK Ministers. These systems enabled the UK to return individuals to other Member States where connections existed. Traffickers and people smugglers know that the UK can no longer rely on this pan-European cooperation which makes the UK a far more attractive destination.

Although the immigration system is not devolved, the Minister for Social Justice and Chief Whip published a written statement in March 2023 to set out our views about how the system could work more effectively:

[Written Statement: Safe and Legal Routes for Asylum Seekers \(31 March 2023\) | GOV.WALES](#)

We have considered the UK-Rwanda Treaty and the Safety of Rwanda (Asylum and Immigration) Bill but we believe the contents of both relate to reserved matters. We do not believe that a Legislative Consent Motion is required. However, we remain concerned that the Home Secretary cannot state that the Bill is compatible with the European Convention on Human Rights and the Supreme Court's judgement should make clear whether Rwanda is safe.

We were frustrated that the will of Senedd Cymru was ignored when legislative consent was withheld in relation to both the Nationality and Borders Act 2022 and Illegal Migration Act

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

2023. We maintain the position that the provisions we highlighted in those Acts have dual purpose which impacts upon Senedd competence. In those cases we do not believe the Sewel Convention has been observed. In relation to the Safety of Rwanda (Asylum and Immigration) Bill and the accompanying agreement, we do not believe the Sewel Convention is engaged.

I hope this information helpful in assisting the Committee in its scrutiny.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD

Rt Hon Mark Drakeford MS
First Minister of Wales

26 January 2024

Dear Mark,

UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants

As you are aware, the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

During our meeting on 8 January 2024, we considered the UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants. This agreement provides for the creation, maintenance and enforcement of a UK-Rwanda partnership for dealing with individuals relocated from the United Kingdom to Rwanda, including considering and determining claims for refugee status.

As noted in our report, which was laid on 16 January 2024, the Explanatory Memorandum details the domestic legislation that will be used to give legal effect to the agreement in the UK, including the *Illegal Migration Act 2023*, to which the Senedd withheld consent in June 2023. It also confirmed the Prime Minister's intention to bring forward new legislation to confirm the safety of Rwanda as a safe third country. The *Safety of Rwanda (Asylum and Immigration) Bill* was subsequently introduced in the UK Parliament on 7 December 2023.

The agreement relates to reserved matters, namely immigration and asylum, which are outside the Senedd's legislative competence. Whilst there may not be any direct implications for the Welsh Government arising from this agreement, we understand that this agreement, and the *Safety of Rwanda (Asylum and Immigration) Bill*, may have implications for individuals living in Wales who are relocated to Rwanda.

As such, we would be grateful if you could please provide:



- more information on your position on the agreement and the *Safety of Rwanda (Asylum and Immigration) Bill*;
- your view in relation to specific areas within our remit, for example, on international obligations, including the European Convention on Human Rights and the UK-EU Trade and Cooperation Agreement;
- your view on international obligations and the Sewel Convention in relation to this agreement, the *Safety of Rwanda (Asylum and Immigration) Bill*, and the *Illegal Migration Act 2023*, to which the Senedd withheld consent in June 2023.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Agenda Item 10

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

Document is Restricted