

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Hybrid – Committee Room 2, Senedd and Video Conference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 11 March 2024	0300 200 6565
Meeting time: 10.00	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

## Hybrid

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**1 Introductions, apologies, substitutions and declarations of interest**  
(10.00)

**2 Legislative Consent Memorandum on the Renters (Reform) Bill:  
Evidence Session**  
(10.00 – 10.45) (Pages 1 – 24)

[Legislative Consent Memorandum](#)

Julie James MS, Minister for Climate Change

Helen Kellaway, Lawyer, Welsh Government

Gareth Baglow, Senior Private Sector Housing Policy Manager, Welsh  
Government

Caroline Matthews, Senior Lawyer, Welsh Government

Attached Documents:

LJC(6)–09–24 – Paper 1 – Briefing paper

LJC(6)–09–24 – Paper 2 – Letter from the Finance Committee to the Minister  
for Climate Change, 7 March 2024

LJC(6)–09–24 – Paper 3 – Letter to the Minister for Climate Change, 5 March  
2024



LJC(6)-09-24 – Paper 4 – Letter to the Minister for Climate Change, 22  
February 2024

**Break**

(10.45 – 10.50)

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

(10.50 – 10.55)

**Made Negative Resolution Instruments**

**3.1 SL(6)459 – The Greenhouse Gas Emissions Trading Scheme (Amendment)  
Order 2024**

(Pages 25 – 26)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-24 – Paper 5 – Draft report

**Affirmative Resolution Instruments**

**3.2 SL(6)462 – The Regulated Services (Service Providers and Responsible  
Individuals) (Wales) (Amendment) Regulations 2024**

(Pages 27 – 29)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-24 – Paper 6 – Draft report

**3.3 SL(6)463 – The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales)  
Regulations 2024**

(Pages 30 – 31)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-24 – Paper 7 – Draft report

#### **4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7**

(10.55 – 11.00)

##### **4.1 SL(6)460 – The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024**

(Page 32)

##### [Regulations](#)

Attached Documents:

LJC(6)-09-24 – Paper 8 – Draft report

##### **4.2 SL(6)461 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024**

(Pages 33 – 34)

##### [Order](#)

Attached Documents:

LJC(6)-09-24 – Paper 9 – Draft report

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

(11.00 – 11.05)

##### **5.1 SL(6)454 – The National Health Service Joint Commissioning Committee (Wales) Regulations 2024**

(Pages 35 – 38)

Attached Documents:

LJC(6)-09-24 – Paper 10 – Report

LJC(6)-09-24 – Paper 11 – Welsh Government response

**5.2 SL(6)455 – The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024**

(Pages 39 – 42)

Attached Documents:

LJC(6)–09–24 – Paper 12 – Report

LJC(6)–09–24 – Paper 13 – Welsh Government response

**5.3 SL(6)457 – The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024**

(Pages 43 – 48)

Attached Documents:

LJC(6)–09–24 – Paper 14 – Report

LJC(6)–09–24 – Paper 15 – Welsh Government response

**6 Inter–Institutional Relations Agreement**

(11.05 – 11.10)

**6.1 Correspondence from the Welsh Government: Inter–Ministerial Groups**

(Pages 49 – 53)

Attached Documents:

LJC(6)–09–24 – Paper 16 – Letter from the Minister for Economy: UK–EU Relations Inter–Ministerial Group, 4 March 2024

LJC(6)–09–24 – Paper 17 – Letter from the Counsel General and Minister for the Constitution: Inter–Ministerial Standing Committee, 5 March 2024

LJC(6)–09–24 – Paper 18 – Letter from the Counsel General and Minister for the Constitution: Inter–Ministerial Standing Committee, 16 February 2024

LJC(6)–09–24 – Paper 19 – Letter from the Minister for Climate Change: Net Zero, Energy and Climate Change Inter–Ministerial Group, 6 March 2024

**6.2 Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd: The Sea Fisheries (Amendment) Regulations 2024**

(Pages 54 – 55)

Attached Documents:

LJC(6)-09-24 – Paper 20 – Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 4 March 2024

**6.3 Written Statement and 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 56 – 59)

Attached Documents:

LJC(6)-09-24 – Paper 21 – Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 5 March 2024

LJC(6)-09-24 – Paper 22 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 5 March 2024

**7 Papers to note**

(11.10 – 11.15)

**7.1 Correspondence from the Minister for Economy: Welsh Government response to the Committee's report on the Welsh Government's Legislative Consent Memoranda on the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill**

(Pages 60 – 61)

Attached Documents:

LJC(6)-09-24 – Paper 23 – Letter from the Minister for Economy, 4 March 2024

**7.2 Correspondence from the Chair of the Constitution Committee, House of Lords to the Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations: Scrutiny of Common Frameworks**

(Pages 62 – 63)

Attached Documents:

LJC(6)-09-24 – Paper 24 – Letter from the Chair of the Constitution

Committee, House of Lords to the Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations, 5 March 2024

**7.3 Correspondence from the Minister for Finance and Local Government: The Welsh Tax Acts etc. (Power to Modify) Act 2022**

(Pages 64 – 65)

Attached Documents:

LJC(6)–09–24 – Paper 25 – Letter from the Minister for Finance and Local Government, 6 March 2024

**7.4 Correspondence from the Deputy Minister for Climate Change: Welsh Government response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Automated Vehicles Bill**

(Pages 66 – 67)

Attached Documents:

LJC(6)–09–24 – Paper 26 – Letter from the Deputy Minister for Climate Change, 6 March 2024

**8 Motion to elect a temporary Chair under Standing Order 17.22 for the Committee meeting on 18 March 2024**

(11.15 – 11.20)

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

(11.20)

**10 Legislative Consent Memorandum on the Renters (Reform) Bill: Consideration of evidence**

(11.20 – 11.35)

## **11 Residential Outdoor Education (Wales) Bill: Draft report**

(11.35 – 12.00)

(To Follow)

Attached Documents:

LJC(6)-09-24 – Paper 27 – Draft report

## **12 Supplementary Legislative Consent Memorandum on the Automated Vehicles Bill: Draft report**

(12.00 – 12.10)

(Pages 68 – 75)

Attached Documents:

LJC(6)-09-24 – Paper 28 – Draft report

## **13 Legislative Consent Memorandum on the Criminal Justice Bill: Draft report**

(12.10 – 12.20)

(Pages 76 – 87)

Attached Documents:

LJC(6)-09-24 – Paper 29 – Draft report

LJC(6)-09-24 – Paper 30 – Letter from the Minister for Social Justice and Chief Whip to the Llywydd, 22 November 2023

LJC(6)-09-24 – Paper 31 – Joint letter from housing and homelessness charities in Wales, 7 March 2024

Document is Restricted



Julie James MS  
Minister for Climate Change

7 March 2024

Dear Julie,

### Legislative Consent Memorandum on the Renters (Reform) Bill

As part of its consideration of the Legislative Consent Memorandum (LCM) on the Renters (Reform) Bill (the Bill), the Legislation, Justice and Constitution Committee has written to the Finance Committee to draw our attention to the LCM which makes the following observation:

*"No financial implications have been identified to date should these provisions apply in Wales."*

Given that the Bill seeks to amend two Senedd Acts: The Renting Homes (Fees etc) (Wales) Act 2019 and the Renting Homes (Wales) Act 2016, the Finance Committee would like to know if you intend to provide a full assessment of the financial implications of the amendments it is seeking to these Acts. If so, we request a copy of those estimates and ask you to explain why such information was not included in the LCM when it was laid.

As you will be aware, the Committee considers the financial implications of most Bills introduced in the Senedd as a matter of course. Although we do not routinely scrutinise the financial implications of provisions within UK Bills affecting devolved areas, we would expect the Welsh Government to consider making a financial assessment of such provisions, if they make substantive amendments to Senedd Acts, as outlined in this particular LCM, and give rise to significant costs.

Your sincerely,



Peredur Owen Griffiths MS  
Chair, Finance Committee

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

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

Julie James MS  
Minister for Climate Change

5 March 2024

Dear Julie,

**Legislative Consent Memorandum - Renters (Reform) Bill**

Further to our invite of 22 February, we are grateful to you for your in principle agreement to attend an evidence session on the Renters (Reform) Bill Legislative Consent Memorandum.

We have since received agreement from Business Committee that we can change our slot to a morning session, so we can confirm that we would like to go ahead with an evidence session with you 10.00 – 10.45 on Monday 11 March.

I am copying this letter to the Chairs of the Local Government and Housing Committee and the Finance Committee.

We look forward to meeting with you on 11 March.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

Julie James MS

Minister for Climate Change

22 February 2024

Dear Julie,

**Legislative Consent Memorandum - Renters (Reform) Bill**

On Monday 19 February 2024 we considered the above Legislative Consent Memorandum laid in the Senedd on 30 January 2024.

There are a number of important issues arising from this Memorandum that we would like to raise with you directly in an evidence session.

We would therefore like to invite you and your officials to attend our meeting on Monday 11 March 2024 so that we may discuss the Memorandum and its implications in detail. We would be grateful if your officials could respond to the Committee Clerk so that appropriate arrangements can be put in place.

In order to accommodate this evidence session, we will be writing to the Business Committee seeking an extension to the current reporting deadline of 15 March 2024. In our view, any change to the timetable should not be problematic for the timing of any subsequent legislative consent motion because the Renters (Reform) Bill is currently at Report Stage in the House of Commons and has yet to start its passage through the House of Lords.

I am copying this letter to the Chairs of the Local Government and Housing Committee and the Finance Committee.

I look forward to hearing from you soon.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair



## **SL(6)459 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2024**

### **Background and Purpose**

The UK Emissions Trading Scheme (“ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry, and aviation sectors. It was designed jointly by the four governments in the United Kingdom. It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway in Wales.

In December 2023, the Authority opened a 12-week consultation entitled “UK Emissions Trading Scheme: free allocation review”, which explores options to better target those most at risk of carbon leakage and to ensure that the Free Allocation (“FA”) of allowances covering greenhouse gas emissions is fairly distributed.

This Order seeks to change the dates of the next FA application window from the period from 1 April to 30 June 2024, to the period from 1 April to 30 June 2025. The Order also moves other associated deadlines to accommodate the new timeframe.

The Explanatory Memorandum provides that:

*“the timeframe applicable to the consultation means that the final policy position would not be clear before the [current] window expires. Therefore, participants would not have certainty of their eligibility for FAs, or of the appropriate information to include in applications, making it impracticable for them to apply during that timeframe.”*

### **Procedure**

Negative.

This Order in Council was made by His Majesty before it was laid before the Senedd, the UK Parliament, the Scottish Parliament and the Northern Ireland Assembly on 23 February 2024. Any one of those legislatures may annul the Order, in accordance with the negative resolution procedures that apply in those legislatures.

### **Technical Scrutiny**

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

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

We note that the Order in Council was made by His Majesty and was laid before each of the four legislatures in the United Kingdom, and is therefore in English only.



## 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 not required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**4 March 2024**



Senedd Cymru

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

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**Legislation, Justice and Constitution Committee**

## **SL(6)462 – The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2024**

### **Background and Purpose**

These Regulations amend the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (**the Regulated Services Regulations**) that were made under the Regulation and Inspection of Social Care (Wales) Act 2016 (**the 2016 Act**)

These Regulations provide that a local authority intermediate care service is not treated as a care home service for the purposes of the 2016 Act (but see regulations 3 and 4 of these Regulations for the complete scope of this exception). The local authority intermediate care service will continue to be regulated as a domiciliary support service.

“Intermediate care” means the provision of accommodation, together with nursing or care, to an adult for a limited period for the purpose of promoting the adult’s ability to live independently in their own home by—

- (a) avoiding unnecessary admission to hospital,
- (b) minimising the duration of any admission to hospital by enabling timely discharge,
- (c) enabling recovery following discharge from hospital, or
- (d) preventing or delaying admission to a care home service.

The Regulations also clarify that when a provider of an accommodation-based service reconfigures premises, resulting in an increased capacity to accommodate five or more people, the additional bedroom(s) and the communal areas of the service must meet specified requirements. This includes the requirement to have ensuite bathrooms, minimum bedroom sizes, minimum communal space, accessible outdoor space and, in certain circumstances, a passenger lift.

### **Procedure**

Draft Affirmative

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

### **Technical Scrutiny**





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

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

Regulation 2(1) of the Regulated Services Regulations currently includes sub-paragraphs (a) to (j). These Regulations add an additional sub-paragraph after sub-paragraph (j). However, the additional sub-paragraph is not labelled as sub-paragraph (k), instead it is labelled as sub-paragraph (l).

It is unclear why the order of the alphabet was not followed when adding the new sub-paragraph after sub-paragraph (j).

## 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**

At the beginning of the Regulations, there is reference to the dates the Regulations are made, laid and come into force. However, for draft affirmative instruments such as these Regulations, the convention is to refer only to the dates the Regulations are made and come into force.

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

The 2016 Act requires the Welsh Ministers to consult before making these Regulations and to publish a statement about the consultation. The 2016 Act also requires the Welsh Ministers to lay a copy of the statement before Senedd Cymru.

The preamble to these Regulations states that the Welsh Ministers have laid a copy of that statement before Senedd Cymru. However, we are not aware of any such statement having been laid before Senedd Cymru.

We would welcome clarity from the Welsh Government as to the current status of the consultation statement.

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

These Regulations define the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 as “the Regulated Services Regulations”.

However, the Explanatory Memorandum defines the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 as “the Service Provider Regulations”.



It would be helpful if definitions used in the Regulations and the Explanatory Memorandum were consistent.

## **Welsh Government response**

A Welsh Government response is required to reporting points 1 to 3.

**Legal Advisers**

**Legislation, Justice and Constitution Committee**

**5 March 2024**



Senedd Cymru

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

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Welsh Parliament

**Legislation, Justice and Constitution Committee**

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# Agenda Item 3.3

## **SL(6)463 – The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024**

### **Background and Purpose**

The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024 is made under powers conferred by the European Union (Withdrawal) Act 2018 (“the Withdrawal Act”) to amend legislation in the field of plant health and tree health fees.

The instrument makes amendments to the Plant Health etc. (Fees) (Wales) Regulations 2018 and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 which apply in relation to Wales. It aligns fees for plants and plant products with the frequency of checks changes occurring Great Britain-wide following implementation of the Borders Target Operating Model (TOM). The instrument will also amend fees associated with documentary checks as a result to the amendment of identity and physical checks.

The changes to the frequency of checks and introduction of risk-based import checks on medium-risk goods from EU member states, Liechtenstein, and Switzerland, from 30 April 2024 are being delivered by the Plant Health (Fees) (England) and Official Controls (Plant Health) (Frequency of Checks) (Amendment) Regulations 2024.

These Regulations will also correct an error to the Plant Health etc. (Fees) (Wales) Regulations 2018 made in Schedule 1 of the Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022 where multiple fees were being charged for mixed consignments. The policy intention was to include all categories of plants for planting under one category, however the legislation resulted in fees being charged incorrectly and by category rather than a consignment. The amendment will ensure all categories of plants for planting fall under one category, this will ensure only one flat rate fee is applied to consignments consisting of plants for planting.

### **Procedure**

Draft Affirmative.

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

### **Technical Scrutiny**

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

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



In regulation 2(3), in the new Schedule 1, in the entry for "Pyrus", in column 2, there is a difference between the English and Welsh texts. In the English text, the list of countries beginning with "Any third country other than..." ends with "Liechtenstein, **South Africa or Switzerland**". However, the country "South Africa" is missing from the Welsh text so that the corresponding list in the translation ends with "Liechtenstein or Switzerland".

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

In regulation 3, there is a difference between the English and Welsh texts. In the words in parentheses after "Schedule 1", the English text states "(fees in connection with a plant passport authority)". However, the meaning of the translation in the corresponding place in the Welsh text is "(fees for inspections in connection with a plant passport authority)". Therefore, the Welsh text includes additional words meaning "for inspections" as found in the existing heading of Schedule 1 to the Plant Health (Fees) (Forestry) (Wales) Regulations 2019..

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

In regulation 2(5), in the new Schedule 2B, in the shoulder note, it refers to "Regulation 3(2)(a)". However, it should refer to "Regulation 3(2)(a) **and (b)**" because Schedule 2B is referred to in both sub-paragraphs (a) and (b) of the new paragraph (2) in regulation 3 of the Plant Health etc. (Fees) (Wales) Regulations 2018, which has been substituted by regulation 2(2)(a) of these Regulations.

## Merits Scrutiny

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

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**6 March 2024**



# Agenda Item 4.1

## **SL(6)460 – The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024**

### **Background and Purpose**

The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024 (“the Regulations”) bring into force on 6 April 2024 various provision of the Building Safety Act 2022 (“the 2022 Act”) relating to the regulatory regime for the building control profession. The Regulations also make transitional and saving provision.

### **Procedure**

No procedure

### **Scrutiny under Standing Order 21.7**

The following point is identified for reporting under Standing Order 21.7 in respect of the Regulations.

1. Regulation 2(d)(ix) brings into force section 53(2) and (3)(a)(ii) and (iii) and (3)(b) of the 2022 Act. The relevant enabling power would appear to be section 170(4)(b)(vii) of the 2022 Act, which allows the Welsh Ministers to bring into force by regulations section 53 (except subsection (1) of that section) of the 2022 Act.

The Welsh Government is therefore asked whether section 170(4)(b)(vii) should have been cited as an enabling power in the preamble to the Regulations.

### **Government response**

A Welsh Government response is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**5 March 2024**



## **SL(6)461 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024**

### **Background and Purpose**

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) Order 2023 (“the 2023 Order”) was made on 21 August 2023 and commences certain provisions of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”).

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024 (“the Order”) amends the 2023 Order to:

- Omit article 4(d), which would have brought into force on 1 April 2024 provisions of the 2022 Act relating to the associate staff member of the Commission for Tertiary Education and Research (“the Commission”), and
- Omit article 4(e), which would have brought into force on 1 April 2024 provisions of the 2022 Act making amendments to Schedule 6 to the Welsh Language (Wales) Measure 2011 and to regulation 3(4) of the Welsh Language Standards (No. 6) Regulations 2017 consequential on the dissolution of the Higher Education Funding Council for Wales (“HEFCW”).

According to the Explanatory Note, these provisions are not needed on 1 April 2024 because the Commission will not be substantially staffed on that date, and because HEFCW will not have been dissolved on that date.

### **Procedure**

No procedure

### **Scrutiny under Standing Order 21.7**

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

1. The Order has the effect of delaying the coming into force of certain provisions of the 2022 Act relating to the establishment of the Commission and the dissolution of HEFCW. We note that the Minister for Education and Welsh Language issued Written Statements on [29 November 2023](#) and [24 January 2024](#) providing updates in relation to the Commission, but these do not provide a clear explanation as to the necessity of making this Order to revoke the specified commencement provisions in the 2023 Order.



We are unclear if Members of the Senedd and other relevant stakeholders have been given an explanation by other means. The Welsh Government is therefore asked to explain the reasons for making the Order, and in particular:

- The reasons for any delay in staffing the Commission, and
- The reasons for not dissolving HEFCW by 1 April 2024 as anticipated when the 2023 Order was made.

## Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**5 March 2024**



Senedd Cymru

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

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**Legislation, Justice and Constitution Committee**

## **SL(6)454 – The National Health Service Joint Commissioning Committee (Wales) Regulations 2024**

### **Background and Purpose**

The National Health Service Joint Commissioning Committee (Wales) Regulations 2024 (“these Regulations”) make provision for the constitution and membership of the NHS Wales Joint Commissioning Committee (“the joint committee”) including its procedures and administrative arrangements.

The joint committee will supersede the Welsh Health Specialised Services Committee and the Emergency Ambulance Services Committee.

The National Health Service Joint Commissioning Committee (Wales) Directions 2024, which were made on 6 February 2024, provide that the Local Health Boards in Wales will work jointly to exercise functions relating to the planning and securing of certain services. For the purpose of jointly exercising those functions, the Local Health Boards will establish the joint committee to be operational on 1 April 2024.

Part 2 of these Regulations makes provision for—

- (a) the composition and membership of the joint committee (regulation 3),
- (b) the appointment of the chair and non-officer members to the joint committee (regulation 4 and Schedule 1),
- (c) eligibility requirements for members of the joint committee (regulation 5 and Schedule 2),
- (d) tenure of office, termination of appointment and suspension of members of the joint committee (regulations 6 to 9), and
- (e) the appointment and powers of the vice-chair of the joint committee (regulations 10 to 12).

Part 3 of these Regulations makes provision for standing orders concerning the regulation of meetings and proceedings of the joint committee.

Part 4 of these Regulations revokes two sets of Regulations.

These Regulations come into force on 1 April 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 6 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In regulation 2, the term “non-officer member” has been defined for these Regulations. However, the same term has been defined differently in paragraph 4(6) of Schedule 2 to these Regulations, for the purposes of paragraph 4(5)(a) of that Schedule. Therefore, the definition of “non-officer member” in regulation 2 should explain to the reader that it does not apply to paragraph 4(5)(a) of Schedule 2.

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

In regulation 2, in the definition of “health service body”, a number of bodies are listed but their meaning has not been defined for these Regulations other than “Local Health Board”. The bodies listed without a defined meaning are NHS England, the National Institute of Health and Care Excellence, the Health Research Authority, Special Health Authority, NHS Trust and NHS Foundation Trust.

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

In Schedule 2, in paragraph 2, in sub-paragraph (2), the opening words state “For the purposes of this sub-paragraph...”. However, the intention appears to be to define the meaning of the date of conviction for sub-paragraph (1) in paragraph 2 of Schedule 2. Therefore, it should state “For the purposes of sub-paragraph (1) ...” so that the meaning of date of conviction applies to sub-paragraph (1) of paragraph 2 in Schedule 2 (see paragraph 6(2) of Schedule 2 to these Regulations for a correctly drafted example).

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

In Schedule 2, in paragraphs 4(5)(a) and (d), and 5(b), the term “Integrated Care Board” has been used but its meaning has not been defined for the purposes of those paragraphs in that Schedule.

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

In Schedule 2, in paragraph 6(1)(a), it refers to “a Local Health Board established under section 11 of the Act”. However, the term “Local Health Board” has already been defined as meaning



“a Local Health Board in Wales established in accordance with section 11(2) of the Act” in regulation 2 of these Regulations. Therefore, the additional words in paragraph 6(1) of Schedule 2 are unnecessary, but also differ slightly from the definition found in regulation 2.

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

In paragraph 6(1)(b) and (c) of Schedule 2, the terms “NHS trust” and “Special Health Authority” are given a meaning for that paragraph as having been established under sections 18 and 22 respectively of the National Health Service (Wales) Act 2006 (“the Act”). However, these terms are also used elsewhere in these Regulations but have not been defined in regulation 2. Therefore, they have not been given a meaning for the other provisions of these Regulations.

## Merits Scrutiny

The following point is 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 likely to be of interest to the Senedd.**

In regulation 2, in the definition of “the joint committee”, the National Health Service Joint Commissioning Committee (Wales) Directions 2024 are referenced but do not appear to have been published on the Welsh Government’s website. The unavailability of these Directions may inhibit the public’s access to relevant law in this field. In addition, there should be a footnote with the “WG” number for these Directions.

## Welsh Government response

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

## Committee Consideration

The Committee considered the instrument at its meeting on 4 March 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The National Health Service Joint Commissioning Committee (Wales) Regulations 2024**

**Technical Scrutiny point 1:** The Welsh Government notes the point made but considers the definition set out in paragraph 4(6) of Schedule 2 is sufficient to differentiate the two meanings.

**Technical Scrutiny point 2:** The Welsh Government agrees that including a definition of these bodies would have been more precise, however, in context, the intention and legal effect is clear and correct. We will take the opportunity the next time the Regulations are amended to address this issue as necessary.

**Technical Scrutiny point 3:** The Welsh Government agrees that the numbering in Schedule 2, in paragraph 2, in sub-paragraph (2) should have referred to “sub-paragraph (1)”, we are investigating with the SI Registrar the possibility of making the change by correction slip.

**Technical Scrutiny point 4:** The Welsh Government agrees that including a definition of Integrated Care Board may have been more precise, however, in context, the intention and legal effect is clear and correct. We will take the opportunity the next time the Regulations are amended to address this issue as necessary.

**Technical Scrutiny point 5:** The Welsh Government agrees that the reference to section 11 of the Act within Schedule 2, in paragraph 6(1)(a) was unnecessary, however, the provision has the correct legal effect. We will take the opportunity the next time the Regulations are amended to address this issue as necessary.

**Technical Scrutiny point 6:** The Welsh Government agrees with the point raised by the Committee, however, the intention and legal effect is clear and correct. We will take the opportunity the next time the Regulations are amended to address this issue as necessary.

**Merit Scrutiny point 7:** The Welsh Government notes the oversight and the Directions have now been published and available from 29 February 2024.

## **SL(6)455 – The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024**

### Background and Purpose

These Regulations amend—

- (a) the Higher Education (Amounts) (Wales) Regulations 2015 (“the **2015 Regulations**”),
- (b) the Education (Student Support) (Wales) Regulations 2017 (“the **2017 Regulations**”),  
and
- (c) the Education (Student Support) (Wales) Regulations 2018 (“the **2018 Regulations**”).

The 2015 Regulations prescribe the maximum tuition fees that institutions with a fee and access plan are able to charge for full-time undergraduate courses (and lower maximum amounts in respect of certain courses). Regulations 3 to 6 amend the 2015 Regulations to increase those amounts for academic years beginning on or after 1 August 2024.

The Explanatory Memorandum contains the following summary of the revised tuition fee caps:

	<b>Existing</b>	<b>New</b>
Full-time undergraduate	£9,000	£9,250
The final year of certain courses	£4,500	£4,625
Academic year(s) which are work placements/sandwich	£1,800	£1,850
Academic year(s) of courses provided in conjunction with an overseas institution	£1,350	£1,385

The 2017 Regulations provide for financial support for eligible students taking designated higher education courses which begin before 1 August 2018. Regulation 7 makes corrections to the 2017 Regulations.

The 2018 Regulations provide for financial support for eligible students taking designated higher education courses which begin on or after 1 August 2018. Regulation 8 amends the 2018 Regulations to increase the maximum amount of tuition fee loan available to certain categories of students undertaking courses at ordinary providers in Wales, corresponding to the increased maximum tuition fees referred to above.



## 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 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 7 of these Regulations amends regulations 16(1), 19(1) and 20(1) of the 2017 Regulations. Those regulations make provision for certain students to qualify for fee grants or loans in connection with their attendance on designated courses provided by the bodies listed in regulation 5(1)(e) of the 2017 Regulations. Regulation 7 amends the references to those providers to also include the bodies listed in regulation 5(1)(ea) of the 2017 Regulations.

The amendments made by regulation 7 are described in the explanatory note to the Regulations as “corrections”. No further reference to these amendments appears in the Explanatory Memorandum and the reason for making these amendments is not immediately clear.

The Welsh Government is therefore asked to explain the purpose of the amendments to the 2017 Regulations made by regulation 7.

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

Regulation 8 amends the 2018 Regulations to increase the maximum amount of tuition fee loan available to certain categories of students undertaking courses in Wales.

The amendments made by regulation 8 are expressed to relate to an academic year “*Beginning on or after 1 **September** 2024*”. However, the explanatory note to these Regulations states that the increases are “*in respect of academic years beginning on or after 1 **August** 2024*”.

The Welsh Government is asked to clarify the period to which the relevant increased loan amounts apply.



## Merits Scrutiny

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

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

No consultation was undertaken in respect of these Regulations. In the Explanatory Memorandum, the Welsh Government states that,

*“Increasing the value of these tuition fee caps is a direct response to the ongoing inflationary pressures experienced by regulated providers. These have now become too urgent to ignore, especially so when the Welsh Government’s budget is under exceptional pressure and other options limited. In order that these new fee limits are put in place as soon as possible, so allowing providers to begin increasing their fees and reduce the financial pressures on them, it was decided to introduce for the 2024/25 academic year which begins on 1 August 2024. The limited time available to legislate for this change given the timing of the launch of the Student Finance Wales undergraduate application service in March 2024 did not allow for consultation to be undertaken.”*

## Welsh Government response

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

## Committee Consideration

The Committee considered the instrument at its meeting on 4 March 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024**

Technical Scrutiny Point 1: The purpose of the amendments to the 2017 Regulations made by regulation 7 is to correct earlier omissions in relation to the courses listed in regulation 5(1)(ea) of those Regulations to ensure that students attending such courses can receive fee support.

Technical Scrutiny Point 2: The Explanatory Note correctly says that academic years that begin on or after 1 August 2024 will attract the increase fee loan amount. Regulation 40 of the 2018 Regulations refers to academic years beginning on or after 1 September as a result of paragraph 1 of Schedule 1 to those Regulations. That allocates, for the purposes of the 2018 Regulations, a fixed date for the start of an academic year by reference to the actual date an academic year begins. In the case of an academic year that actually begins on 1 August, the Regulations deem the academic year to begin on 1 September.

## **SL(6)457 – The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024**

### **Background and Purpose**

The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024 (“the Regulations”) set the quality standards against which special school residential services will be regulated and inspected against under the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”). The Regulations will replace the National Minimum Standards for Residential Special Schools made under section 23(1) of the Care Standards Act 2000.

The Regulations also make provision regarding special school residential services in relation to:

- annual returns;
- requirements on responsible individuals in relation to compliance, quality, and oversight of the service, and ensuring the effective management of the service;
- requirements on service providers in relation to governance, suitability of the service, information about the service, environment, staffing, staff training and safeguarding;
- notification in the event of the death or liquidation of a service provider; and
- offences and penalty notices.

### **Procedure**

Affirmative.

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

### **Technical Scrutiny**

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

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

The term “care and support” is used throughout the Regulations. “Care”, “support” and “care and support” are given specific meanings by section 4 of the 2016 Act, but the Regulations do not give a specific meaning to the term. The Legislation (Wales) Act 2019 applies to these Regulations so terms that are defined in the 2016 Act do not bear the same meaning in the Regulations. Clarification is requested as to whether the term “care and support” is intended





to have the same meaning as in the 2016 Act, and if so, why this is not specified in the Regulations.

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

The regulations use the phrase “contract for services” in regulations 1 and 31 but this term is not defined. It would be helpful to have further information regarding what this term covers and how it is to be distinguished from a “contract of employment” which is used in regulations 30 and 31 and which is also undefined.

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

Regulation 1(3) defines a DBS certificate as the certificate referred to in paragraphs 2 and 3 of Schedule 1. The words “the certificate” indicate a single certificate but paragraphs 2 and 3 refer to different certificates. It is not clear whether both certificates are covered by the definition, in which case the plural word should be used, or whether the certificates should be defined separately.

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

In regulation 1(3), in the definition of “individual”, the phrase “unless the context indicates otherwise” has been used. However, the Welsh Government’s drafting guidelines, Writing Laws for Wales, paragraph 4.8(5), states that it generally is not helpful to the reader to use similar wording and that it should be explained where the definition applies. Further explanation would therefore assist in this regard.

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

In regulation 1(3), “personal outcomes” is defined for a child as the outcomes that the child wishes to achieve, or the outcomes that any persons with parental responsibility wish to achieve in relation to the child. It is conceivable that the wishes of the child and/or the one or more persons with parental responsibility may not be the same, therefore it would assist to have an explanation regarding how the child’s personal outcomes would be determined in such circumstances.

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

Regulation 47 deals with supplies, but this word is not defined and there is no further information as to what “supplies” comprise of. It would assist the reader to have more information as to what “supplies” includes.

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



Regulation 79(3)(b) provides for a modification to section 21(2) of the 2016 Act. The introductory wording of the modification in regulation 79(3)(b) does not make sense. It appears that it is intended to say “as if after paragraph (a) there were inserted”, or words to that effect.

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

In regulation 82(a), in the Welsh text, the amendment is incorrect because it fails to correctly identify the text of the definition of “the Fostering Services Regulations” in regulation 2 of the Regulated Services (Penalty Notices) (Wales) Regulations 2019.

In the Welsh text, the amendment states that the new definition of “the Special School Residential Services Regulations” should be inserted in regulation 2 after “ystyr “y Rheoliadau Gwasanaethau Maethu” (“the Adoption Services Regulations”) yw Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019;”.

However, the English words in brackets and italics should state “(“the Fostering Services Regulations”)” as found in the existing Welsh text of the definition of “the Fostering Services Regulations” in regulation 2 of the 2019 Regulations, rather than “(“the Adoption Services Regulations”)”.

In addition, it would be more customary to describe the location of the amendment by stating, “after the definition of “the Fostering Services Regulations” insert...” rather than by quoting the entire text of that definition.

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

Paragraphs 17 and 35 of Schedule 3 to the Regulations require notification to be made of “any occurrence of category 3 or 4 pressure damage or unstageable pressure damage”. No further information is provided as to the categorisation of pressure damage or what constitutes unstageable pressure damage. Such information would assist the reader in understanding the notification requirements.

### **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 4 March 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024**

**Technical Scrutiny point 1:** This point is noted. We will ensure that the Regulations are amended prior to making to address this. The definition will simply reference the existing definitions contained within the Regulation and Inspection of Social Care (Wales) Act 2016.

**Technical Scrutiny point 2:** We consider that the fundamental difference between workers working under a contract of employment and workers who work under a contract for services is widely understood within the field of employment law. Therefore, further exploration of these terms has not been included in these regulations. No amendments are proposed.

**Technical Scrutiny point 3:** Even though the definition refers to 2 certificates, this is unlikely to be a problem in practice as it will be clear which type of certificate should be applied for. Even though there is a reference to 2 types of certificates either one may be required depending on the circumstances. A small alteration to the wording may assist the reader, but this is not an urgent amendment required to the regulations and will be reviewed at the earliest opportunity to amend.

**Technical Scrutiny point 4:** Although there are a number of uses of the word “individual” in different contexts in the regulations, we are satisfied that it is sufficiently clear when “the context indicates” that the word is not to be interpreted in accordance with the definition of “individual” in regulation 1(3). Therefore, no amendments are proposed.

**Technical Scrutiny point 5:** We are satisfied that there is well-established common law dealing with when a child’s views are to take precedence over a parent’s. We did not consider further explanation was required in these regulations. Therefore, no amendments are proposed.

**Technical Scrutiny point 6:** The term “supplies” will differ greatly depending on the circumstances and the type of care given. We believe the word will be interpreted as having its usual meaning in the context of care and support therefore no further explanation has been inserted. This is in line with the other regulations that use this phrase. Therefore, no amendments are proposed.

**Technical Scrutiny point 7:** This point is noted. We will ensure that the Regulations are amended prior to making to address this.

**Technical Scrutiny point 8:** This point is noted. We will ensure that the Regulations are amended prior to making to address this.

**Technical Scrutiny point 9:** The scale is commonly recognised within the field, as is the term “unstageable pressure damage”. This is in line with the other regulations that use this phrase. Therefore, no amendments are proposed.

*Technical drafting corrections to be made prior to the making of the Regulations*

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<p><b>Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024</b></p>	<p><b>The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024</b></p>
<p>“mae i “gofal a chymorth” (“<i>care and support</i>”) a’r termau unigol “gofal” (“<i>care</i>”) a “cymorth” (“<i>support</i>”) yr un ystyr ag yn adran 3 o’r Ddeddf,” has been inserted into the definitions.</p>	<p>““care and support” (“<i>gofal a chymorth</i>”) and the individual terms “care” (“<i>gofal</i>”) and “support” (“<i>cymorth</i>”) have the same meaning as in section 3 of the Act;” has been inserted into the definitions.</p>
<p>In regulation 79(3)(b) “fel pe bai wedi ei fewnosod ar ôl (a)” will be replaced with “fel pe bai’r canlynol wedi ei fewnosod ar ôl paragraff (a)”.</p>	<p>In regulation 79(3)(b) “it were inserted after (a)” will be replaced with “after paragraph (a) there were inserted”</p>
<p>In regulation 82(a) ““ystyr “y Rheoliadau Gwasanaethau Maethu” (“<i>the Adoption Services Regulations</i>”) yw Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019;” will be replaced with “y diffiniad o “y Rheoliadau Gwasanaethau Maethu”” yn lle</p>	<p>In regulation 82(a) ““the Fostering Services Regulations” (“<i>y Rheoliadau Gwasanaethau Maethu</i>”) means the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019;” will be replaced with “the definition of “the Fostering Services Regulations””</p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making</p>	

Vaughan Gething AS/MS  
Gweinidog yr Economi  
Minister for Economy

Agenda Item 6.1



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: VG-PO-068-24

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

4 March 2024

Dear Huw,

I am writing in accordance with the inter-institutional relations agreement to notify you of the sixth meeting of the UK-EU Relations Inter-Ministerial Group (IMG), which will take place on 6 March 2024.

I will be attending on behalf of Welsh Government. It will be chaired by Leo Docherty MP, UK Government Minister for Europe at the Foreign, Commonwealth and Development Office (FCDO). The meeting will be a further opportunity to address the priorities of all four Governments in relation to the UK-EU Trade & Co-operation Agreement and wider UK-EU relations. This is the first UK-EU Relations IMG meeting since the re-establishment of the Northern Ireland Executive. I will provide an update after the meeting.

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

Yours sincerely

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

CC:

Delyth Jewell, MS, Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Mick Antoniw, MS, Counsel General and Minister for the Constitution.

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref CG/PO/72/2024  
Ein cyf/Our ref CG/PO/72/2024

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

5 March 2024

### **Inter-Institutional Relations Agreement: Inter-Ministerial Standing Committee**

Further to my letter of 24 February and in accordance with the inter-institutional relations agreement, I can confirm the sixth meeting of the Inter-Ministerial Standing Committee (IMSC) has been re-scheduled to take place on 12 March 2024.

I will be chairing the meeting and the topics for discussion will be unchanged.

I have copied this letter to the Llywydd, and to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, the Equality and Social Justice Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

I will provide an update after the meeting.

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: CG/PO/50/2024

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

16 February 2024

### **Inter-Institutional Relations Agreement: Inter-Ministerial Standing Committee**

I am writing in accordance with the inter-institutional relations agreement to notify you of the sixth meeting of the Inter-Ministerial Standing Committee (IMSC), which will take place on 20 February 2024.

I will be chairing the meeting, which will be the first IMSC meeting since the re-establishment of the Northern Ireland Executive. I anticipate that this virtual meeting will provide an opportunity to discuss intergovernmental relations as a whole following the return of Northern Ireland Ministers, as well as UK legislation and also community cohesion. I will also be highlighting the recent final report from the Independent Commission on the Constitutional Future of Wales.

I have copied this letter to the the Llywydd, and to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, the Equality and Social Justice Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

I will provide an update after the meeting.

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

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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.



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



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

Ein cyf/Our ref: JJ/PO/0070/24

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

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
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6 March 2024

Dear Huw, Llŷr,

I am writing in accordance with the inter-institutional relations agreement, to report on the latest meeting of the Net Zero, Energy and Climate Change Inter-Ministerial Group, held on 21 February 2024. The meeting focused on the next set of consultations for changes to the UK Emissions Trading Scheme.

The meeting also was attended by Mairi McAllan MSP, Cabinet Secretary for Net Zero and Just Transition, Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs, Conor Murphy MLA, Minister for Economy, Lord Martin Callanan, Parliamentary Under Secretary of State Minister for Energy Efficiency and Green Finance, Lord Byron Davies, Parliamentary Under Secretary of State for Transport, Gareth Davies MP, Exchequer Secretary to the Treasury.

Yours sincerely,

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

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

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



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>The Sea Fisheries (Amendment) Regulations 2024</b>
<b>DATE</b>	<b>04 February 2024</b>
<b>BY</b>	<b>Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd</b>

### **The Sea Fisheries (Amendment) Regulations 2024 (“the Regulations”)**

Members of the Senedd will wish to be aware I have given consent to the Minister for Biosecurity, Animal Health and Welfare to exercise a subordinate legislation-making power in a devolved area in relation to Wales.

The Sea Fisheries (Amendment) Regulations 2024 (“the Regulations”) was laid before the UK Parliament on 28 February 2024 by the Parliamentary Under Secretary of State in exercise of powers conferred by:

1. Article 4(2) of Regulation (EU) 2017/1004 of the European Parliament and of the Council of the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and now vested in the Secretary of State;
2. Section 36(1)(b) and (c) of the Fisheries Act 2020.

This instrument makes amendments to the following retained EU law:

- a) Commission Implementing Decision (EU) 2019/909 establishing the list of mandatory research surveys and thresholds for the purposes of the multiannual Union programme for the collection and management of data in the fisheries and aquaculture sectors;
- b) Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021;
- c) Commission Delegated Decision (EU) 2019/910 establishing the multiannual Union programme for the collection and management of biological, environmental, technical and socioeconomic data in the fisheries and aquaculture sectors.

- d) Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in North-Western waters;
- e) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for small pelagic fisheries and fisheries for industrial purposes in the North Sea; and
- f) Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021;

**The Regulations were laid before Parliament on 28 February 2024 and will come into force on 6 April 2024.**

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on this matter.

The Regulations do not diminish or undermine the powers of Welsh Ministers in any way, and they do not create, amend or remove any functions conferred on the Welsh Ministers.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in cross-UK coordination, and consistency.

**Impact the instrument may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence:**

#### **The purpose of the instrument**

The Regulations provide that the application of the Multiannual Programme Decision due to expire on 31 December 2024 and its associated Work Plan for the collection and management of fisheries data be extended for two years to the 31 December 2026. Extending the MAP ensures that the UK Work Plans from 2024 to the end of 2026 will have legislative underpinning (by referring to a current MAP), providing coordination across the Fisheries Administrations for the continuation of essential data collection.

The Regulations further provide that the expiration date of the 31 December 2024 for the scientifically justified discard exemptions from the Landing Obligation is removed. This will ensure ongoing compliance with the landing obligation whilst Fisheries Management Plans are developed for the stocks concerned.

#### **Why consent has been given**

Consent has been given for the UK Government to make the Regulations because, whilst acknowledging Welsh Ministers are not exercising devolved powers in Wales, I consider, in the present circumstances where a consistent approach to fisheries management is required across the UK, it is a pragmatic approach which ensures the efficient use of Welsh Government's resources to work closely with the UK Government, while maintaining appropriate governance arrangements through the Common UK Framework on Sea Fisheries Management.



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

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<b>TITLE</b>	<b>The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024</b>
<b>DATE</b>	<b>05 March 2024</b>
<b>BY</b>	<b>Lesley Griffiths MS, Minister for Rural Affairs and North Wales and Trefnydd</b>

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

Agreement was sought by Rebecca Pow MP, on behalf of Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, and subsequently Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare, at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred under Regulation (EU) 2017/625.

The Regulations expand SI 2022/739. They will also 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 SI was laid before the UK Parliament on 4 March 2024. The Regulations will come into force on 30 April 2024.

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

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

### **The purpose of the amendments**

I have consented to specific provisions within Part 3 of the Regulations only. The Welsh Government has laid the other provisions of the Regulations as Wales-only through the Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024.

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

[The Plant Health \(Fees\) \(England\) and Official Controls \(Frequency of Checks\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](#)

### **Why consent has been given**

Consent has been given for the UK Government to make this instrument in relation to, and on behalf of, Wales as the SI relates to a devolved area, however, the SI operates GB-wide and has effect on the restrictions regarding the importation of plants and plant products into GB. 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 GB.



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

5<sup>th</sup> March 2024

Dear Huw,

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

I refer to my letter to you of 20 February 2024. I wish to inform the Committee I have given my consent to the Minister of State to lay the Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024 in relation to Wales. I have issued a Written Statement which can be found [here](#).

The Regulations intersect with devolved policy and provisions within them will apply to Wales. These provisions extend to England, Scotland and Wales. The Statutory Instrument (SI) is subject to the affirmative procedure and was laid before the UK Parliament on 4 March 2024 with a commencement date of 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.

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

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

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

Yours sincerely

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a light grey or blue ink.

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: VG-PO-067-24

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

4 March 2024

Dear Huw,

Thank you for you for providing me with a copy of the of Legislation, Justice and Constitution (LJC) Committee report on the Welsh Government's Legislative Consent Memorandum in relation to the Trade CPTPP Bill.

I have considered the recommendations in the report and have outlined my responses below:

**Recommendation 1. The Welsh Government should provide further information about its position in respect of clause 2 of the Bill, and the desired outcomes of any amendments which it would like to be made to the clause.**

Our position in relation to clause 2 has not changed, it remains as stated in the Legislative Consent Memorandum laid on 8 December 2023. We would wish to see clause 2 amended so that:

- (a) clause 2 is conferred on Welsh Ministers with respect to the implementation of Article 8.6 of the CPTPP Agreement in devolved areas, or
- (b) the scope of clause 2 is restricted to amending subordinate legislation existing at the time clause 2 comes into force. We are not aware of any devolved provision currently existing in subordinate legislation which could be amended by clause 2, and we have not reason to think that that will change between now and the point in time when clause 2 comes into force. Reducing the scope of clause 2 in this way would mean it could not be used to amend devolved provision contained in the kind of subordinate legislation on which it operates.

Officials also offered to work with UK Government on a suitable amendment.

Although UK Government has continued to maintain its position that this clause falls within reserved competence, we continue to disagree with its assessment.

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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.



**Recommendation 2. The Welsh Government should provide an update on its engagement with the UK Government in respect of clause 2 of the Bill.**

Whilst engagement between UK Government and Welsh Government officials has predominantly been positive and helpful, our efforts to persuade the UK Government to amend clause 2 have ultimately proved unsuccessful. UK Government continues to consider clause 2 as reserved and is therefore unwilling to make any amendments.

**Recommendation 3. The Welsh Government should replicate and build upon the approach taken in reporting its perspectives on the UK's accession to the CPTPP for future international free trade agreements agreed by the UK Government.**

I welcome the comments from the LJC Committee on the Welsh Government's perspective report on CPTPP and am pleased to hear that it helped to assist your scrutiny of the memoranda. I would like to assure the LJC that it can expect a similar approach against future UK negotiations, when the country, or countries, are of a sufficient significance.

I trust the responses are helpful to the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

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

Rt Hon Michael Gove MP  
Secretary of State for Levelling Up, Housing and Communities,  
and Minister for Intergovernmental Relations  
2 Marsham Street  
London  
SW1P 4DF

5 March 2024

Dear Secretary of State,

### **Scrutiny of Common Frameworks**

Thank you for your letter dated 19 December 2023, in response to the letter sent to you following the meeting of the Interparliamentary Forum held at the Scottish Parliament on 27 October 2023.

The fifth meeting of the Interparliamentary Forum was held at the House of Lords on 29 February 2024. We agreed this statement published here: <https://www.parliament.uk/business/news/2024/february-2024/interparliamentary-forum-february-2024-meeting/>


We discussed issues of common interest including the operation of the arrangements for intergovernmental relations that have been in place since 2022 and the legislative consent process.

We also had a further discussion about scrutiny of Common Frameworks by our legislatures, in light of your reply. Following the formation of a new Northern Ireland Executive on 3 February 2024, we firmly believe that it may now be possible for some further progress to be made towards finalising the 28 Common Frameworks that are currently operating on a provisional basis. This will support scrutiny of Common Frameworks by enabling the agreed annual reporting to take place. The Committee for the Executive Office in the Northern Ireland Assembly will be prepared to take this issue up with the Northern Ireland Executive. We note that two proposed frameworks – on Mutual Recognition of Professional Qualifications and on Services – are not yet provisional and ask you to clarify the status of these frameworks in your reply.

The evaluation of the entire Common Frameworks process that you refer to in your letter as being due for publication this Spring will be of interest across each of our legislatures. We agreed to write to you requesting that details of the outcomes of this review be provided to us in a response to this letter once it is complete, so that these can be considered at the next meeting of the Forum. We would also be interested in your views about the role that the Interparliamentary Forum could play in future monitoring of Common Frameworks.

We are copying this letter to Michelle O'Neill MLA, First Minister of Northern Ireland; Emma Little-Pengelly MLA, deputy First Minister of Northern Ireland; Rt Hon Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture in the Scottish Government; and Mick Antoniw MS, Counsel General and Minister for the Constitution in the Welsh Government.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Drake'.

Baroness Drake

Chair, House of Lords Constitution Committee



Ein cyf/Our ref: RE/78/2024

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

06 March 2024

Dear Huw,

On September 8 2022, the Welsh Tax Acts etc. (Power to Modify) Act 2022<sup>1</sup> ('the Act') received Royal Assent. The Act provides the Welsh Ministers, subject to Senedd approval, with a power to make regulations to make necessary or appropriate changes to address four specified circumstances:

- ensuring that landfill disposals tax or land transaction tax is not imposed where to do so would be incompatible with any international obligations,
- protecting against tax avoidance in relation to landfill disposals tax or land transaction tax,
- responding to a change to a predecessor tax that affects, or may affect, the amounts paid into the Welsh Consolidated Fund under section 118(1) of the Government of Wales Act 2006, and
- responding to a decision of a court or tribunal that affects, or may affect, the operation of any of the Welsh Tax Acts or regulations made under any of those Acts.

During the course of Senedd scrutiny<sup>2</sup> a number of amendments were introduced to the bill to address Committee and Senedd Members' concerns. These included:

- an obligation on the Welsh Ministers to publish a review of the Act (section 6 of the Act) by 8 September 2026 (four years after Royal Assent), and
- a sunset clause (section 7 of the Act) that comes into effect on 8 September 2027 (subject to the Senedd approving a maximum extension to 30 April 2031).

<sup>1</sup> [Welsh Tax Acts etc. \(Power to Modify\) Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>2</sup> [Welsh Tax Acts etc. \(Power to Modify\) Act 2022 \(senedd.wales\)](https://senedd.wales)

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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.

Section 6 further provided that the review must include an assessment by the Welsh Ministers of alternative legislative mechanisms for making changes to the Welsh Tax Acts and regulations made under any of those Acts. Furthermore, the Welsh Ministers in undertaking the review must consult Senedd Cymru and such other persons as they consider appropriate.

In order for the review, including any relevant and appropriate consultation, to be completed by the statutory deadline I would like to offer the Committee the opportunity to receive a short presentation from my officials. The aim will be to consider the approach to making timeous changes to the Welsh Tax Acts etc. and hear suggestions the Committee may have as to appropriate alternative legislative mechanisms.

I am making a similar offer to the Finance Committee.

If agreeable, my officials will liaise with the Clerk to make the appropriate arrangements.

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 7.4

Y Dirprwy Weinidog Newid Hinsawdd  
Deputy Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/JJ/2983/23

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

6 March 2024

Dear Huw

I am writing to respond formally to your Committee's report on the first Legislative Consent Memorandum on the Automated Vehicles Bill. I am grateful for the consideration you have given to this matter.

My responses to your recommendations are as follows:

**“Recommendation 1.** The Minister should provide further details to this Committee by 14 March 2024 on the specific amendments being sought by the Welsh Government to clause 93 and what they would be able to do with the regulation-making power being sought. The Minister should also provide an update on the relevant discussions with the UK Government.”

Response: Accept. In relation to clause 93, we are seeking provision conferring a similar power on the Welsh Ministers to that of the Secretary of State under clause 93(1) to make provision by regulations requiring a traffic regulation authority to provide prescribed information about a relevant traffic regulation measure. Discussions with the UK Government are progressing well. This would enable the Welsh Ministers to, for example, require local authorities as highway authorities to produce Traffic Regulation Orders in a digital format which could be read by automated vehicles and/or electronic driving assistance software and devices, provided they are satisfied in accordance with clause 93(4) that the provision of information in accordance with the regulations is necessary to make available to autonomous vehicles or electronic equipment designed to undertake or facilitate the driving of other vehicles on roads.

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[Correspondence.Lee.Waters@gov.wales](mailto:Correspondence.Lee.Waters@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.

Financial implications: None.

**“Recommendation 2.** We would welcome clarification from the Welsh Government about when it decided to use the Bill for the provisions that require consent and how this decision relates to or impacts on its own proposed legislation that it refers to in paragraph 23 of the legislative consent memorandum.”

Response: Accept. The provisions currently in the Bill which require Senedd consent were not requested by the Welsh Government; they were drafted at the behest of the UK Government. However, we consider that it is appropriate for these provisions to be made in the Bill for the reasons outlined in the Legislative Consent Memorandum. These provisions are not within the scope of our planned legislation and therefore have no impact upon it.

Financial implications: None.

I understand that the Supplementary Legislative Consent Memorandum laid on 13 February has been referred to your Committee and I look forward to receiving the outcomes of your consideration.

I will keep the Senedd updated about the Bill and I would be happy to provide further information in due course if that would help the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee', is positioned above a faint, light-colored rectangular stamp or watermark.

**Lee Waters AS/MS**

Y Dirprwy Weinidog Newid Hinsawdd  
Deputy Minister for Climate Change

# Agenda Item 12

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

Document is Restricted



# Agenda Item 13

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

Document is Restricted



Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

Email - [Llywydd@senedd.wales](mailto:Llywydd@senedd.wales)

22 November 2023

Dear Elin

The UK Government introduced the Criminal Justice Bill to the House of Commons on 14 November 2023.

The Bill includes a wide range of measures impacting on areas such as knife crime, drug testing on arrest, anti-social behaviour, serious and organised crime, Violence Against Women Domestic Abuse and Sexual Violence, prison capacity and the sentencing process. It also includes the successor legislation for the Vagrancy Act 1824, and a new duty of candour for policing, amongst other things.

My officials have been engaging with officials in the Home Office and the Ministry of Justice, which has included the sharing of outlines of the measures expected to be introduced as part of the Bill. However, officials only had sight of the final version of the Bill in full less than twenty four hours prior to it being introduced.

The Bill comprises 17 parts and is 156 pages long. From our initial analysis, it appears the Bill touches upon areas of devolved competence. However, given the breadth of the Bill and the lack of advance sight of it in full it has not yet been possible to fully consider the devolution consequences of what is being proposed.

I intend to lay a Legislative Consent Memorandum and any other relevant statements before the Senedd as soon as we have a clear picture of the devolution consequences of the proposed legislation, however, it is likely this will be outside the normal two-week Standing Order 29 deadline.

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[Correspondence.Jane.Hutt@gov.wales](mailto:Correspondence.Jane.Hutt@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.

**Back Page 84**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first letter 'J'.

**Jane Hutt AS/MS**

Y Gweinidog Cyfiawnder Cymdeithasol  
Minister for Social Justice

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

CC: John Griffiths MS, Chair of the Local Government and Housing Committee

March 2024

Dear Huw Irranca-Davies MS,

I write to you as Chair of the Legislation, Justice and Constitution Committee on behalf of the following homeless charities and housing organisations which operate in Wales, Crisis, CIH Cymru, Cymorth Cymru, Llamau, Salvation Army, Shelter Cymru, Tai Pawb and The Wallich.

We understand the Committee is tasked with reporting on the Criminal Justice Bill by 22<sup>nd</sup> March. In light of this, we wanted to share with you our grave concerns regarding the impact of the proposed clauses within this Bill around “nuisance begging” and “nuisance rough sleeping.”

In 2022, politicians from across the political spectrum (including in the Senedd<sup>1</sup>), people with lived experience of homelessness and homeless charities, celebrated the decision to scrap the archaic Vagrancy Act. However, this legislation remains in place and proposals within the UK Government’s Criminal Justice Bill seek to reinstate some of the most problematic aspects of this ancient law, which would continue to criminalise homelessness.

These problematic proposals include police powers to move people on, fine up to £2,500, or imprison a person who is, or even looks as though they are intending to, sleep rough or beg. The proposals also place an emphasis on people who “have an excessive smell” and opens the door for people to be judged according to their housing status.

These measures are dehumanising and could not be further from the general direction of travel in Wales, as outlined in the Ending Homelessness National Action Plan and recently published White Paper on Ending Homelessness.

No one should be punished for being homeless. We know that people who are pushed into sleeping rough already face violence, stigmatisation, isolation and increased health risks. Crisis previously conducted research, drawing on a survey of 458 people sleeping rough in England and Wales. The research found that almost 8 out of 10 had suffered some sort of violence, abuse or anti-social behaviour, including 35% that had been deliberately hit or kicked.<sup>2</sup>

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<sup>1</sup> See [Written Statement: Police Crime Sentencing and Courts Act \(7 June 2022\) | GOV.WALES](#)

<sup>2</sup> See [here](#).

Fining or moving people on who have nowhere to go does not solve homelessness. That is why Crisis, alongside 38 partner organisations, including Wales-based organisations, are calling for these clauses to be dropped from the Bill.

We believe that these clauses within the Bill will cause people who are sleeping rough to be displaced into less safe areas. In addition, it will create a break down in trust between people forced to sleep on the streets and the organisations and authorities that can provide them with support. The recently published Ending Homelessness White Paper contains proposals for significant improvements in person-centred support for people experiencing homelessness in Wales. However, these reforms rely on people seeking the support of services. If enacted, the proposals within the Criminal Justice Bill could drive people who are experiencing street homelessness further away from the doors of housing options and from accessing this crucial support.

The proposed Bill also seems to be at stark odds with the Wales Safer Communities Network, which seeks a multi-agency and collaborative approach to reducing crime and increasing community safety.

For these reasons, we support the concerns outlined within the Welsh Government's recently published Legislative Consent Memorandum and agree that "rather than a punitive approach to rough sleeping behaviour, [...] psychologically-informed environments and trauma-informed responses should underpin all interactions with those rough sleeping."<sup>3</sup>

We urge the Committee to also take a firm stance on these highly problematic aspects of the Bill, which fail to address the underlying causes of homelessness and instead serve to perpetuate street sleeping.

If you would like any further information on the Bill, please do not hesitate to get in touch.

Kind Regards,



<sup>3</sup> <https://senedd.wales/media/qgupunrtu/lcm-ld16294-e.pdf>