

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 18 March 2024

Committee Clerk

Meeting time: 13.30

0300 200 6565

SeneddLJC@senedd.wales

Remote

1 Introductions, apologies, substitutions and declarations of interest

(13.30)

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

(13.30 – 13.35)

(Pages 1 – 3)

Attached Documents:

LJC(6)-10-24 – Paper 1 – Draft report

Made Negative Resolution Instruments

2.1 SL(6)464 – The Building (Restricted Activities and Functions) (Wales) Regulations 2024

2.2 SL(6)467 – The National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2024



2.3 SL(6)469 – The Care and Support (Charging) (Wales) (Amendment) Regulations 2024

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

(13.35 – 13.40)

Made Negative Resolution Instruments

3.1 SL(6)465 – The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024

(Pages 4 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-24 – Paper 2 – Draft report

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

(13.40 – 13.45)

4.1 SL(6)456 – The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024

(Pages 6 – 14)

Attached Documents:

LJC(6)-10-24 – Paper 3 – Report

LJC(6)-10-24 – Paper 4 – Welsh Government response

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

(Pages 15 – 19)

Attached Documents:

LJC(6)-10-24 – Paper 5 – Report

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

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

(Pages 20 – 22)

Attached Documents:

LJC(6)-10-24 – Paper 7 – Report

LJC(6)-10-24 – Paper 8 – Welsh Government response

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

(13.45 – 13.50)

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

(Pages 23 – 24)

Attached Documents:

LJC(6)-10-24 – Paper 9 – Report

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

6 Inter-Institutional Relations Agreement

(13.50 – 13.55)

6.1 Correspondence from the Welsh Government: Inter-Ministerial Groups

(Pages 25 – 28)

Attached Documents:

LJC(6)-10-24 – Paper 11 – Letter from the Minister for Finance and Local Government: Finance: Interministerial Standing Committee, 11 March 2024

LJC(6)-10-24 – Paper 12 – Written Statement by the Minister for Economy: Inter-Ministerial Group on UK-EU Relations, 12 March 2024

LJC(6)-10-24 – Paper 13 – Letter from the Minister for Economy: Inter-Ministerial Group on UK-EU Relations, 12 March 2024

6.2 Written Statement and correspondence from the Minister for Finance and Local Government: The Procurement Act 2023 (Commencement No. 2) Regulations 2024

(Pages 29 – 31)

Attached Documents:

LJC(6)-10-24 – Paper 14 – Written Statement by the Minister for Finance and Local Government, 13 March 2024

LJC(6)-10-24 – Paper 15 – Letter from the Minister for Finance and Local Government, 13 March 2024

6.3 Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd: The Biocidal Products (Health and Safety) (Amendment and Transitional Provisions etc.) Regulations 2024

(Pages 32 – 34)

Attached Documents:

LJC(6)-10-24 – Paper 16 – Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 14 March 2024

7 Papers to note

(13.55 – 14.00)

7.1 UK-EU Parliamentary Partnership Assembly: Fourth meeting summary report

(Pages 35 – 43)

Attached Documents:

LJC(6)-10-24 – Paper 17 – Summary report

7.2 Correspondence from the Counsel General and Minister for the Constitution: Ministerial scrutiny

(Pages 44 – 45)

Attached Documents:

LJC(6)-10-24 – Paper 18 – Letter from the Counsel General and Minister for the Constitution, 13 March 2024

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

(14.00)

9 Corrections of Welsh Statutory Instruments

(14.00 – 14.05)

10 Draft letter to the Chair of the European Parliament’s Delegation to the UK–EU Parliamentary Partnership Assembly

(14.05 – 14.15)

(Page 46)

Attached Documents:

LJC(6)-10-24 – Paper 19 – Draft Letter

Statutory Instruments with Clear Reports 18 March 2024

SL(6)464 – The Building (Restricted Activities and Functions) (Wales) Regulations 2024

Procedure: Made Negative

These Regulations are part of a suite of new legislation which has the objective of improving standards and safety across the building industry. The Regulations seek to ensure that building control authorities and registered building control approvers take advice from registered professionals before undertaking certain functions. Professionals will need to demonstrate relevant competence through a registration system regulated by the Welsh Ministers, before making certain building control decisions.

Section 44 of the Building Safety Act 2022 inserts sections 46A (Building control authorities: restricted activities and functions) and 54B (Registered building control approvers: restricted activities and functions) into the 1994 Act. Section 46A provides that a building control authority must carry out a restricted activity, or exercise a restricted function, through or with the advice of a registered building inspector. Section 54B makes similar provision in relation to registered building control approvers.

These Regulations prescribe the activities and functions of building control authorities and of registered building control approvers, which are restricted under sections 46A and 54B of the Building Act 1984 (the "1994 Act").

Regulation 3 prescribes the restricted activities and functions of a building control activity for the purposes of section 46A of the 1994 Act.

Regulation 4 prescribes the restricted activities and functions of a registered building control approver for the purposes of section 54B of the 1994 Act.

Parent Act: Building Act 1984

Date Made: 28 February 2024

Date Laid: 01 March 2024

Coming into force date: 06 April 2024



Statutory Instruments with Clear Reports

18 March 2024

SL(6)467 – [The National Health Service \(Dental Charges\) \(Wales\) \(Amendment\) Regulations 2024](#)

Procedure: Made Negative

The National Health Service (Dental Charges) (Wales) Regulations 2006 (“the 2006 Regulations”) provide for the making and recovery of charges for dental treatment and the supply of dental services.

These Regulations amend the 2006 Regulations by increasing the applicable charges payable for Band 1, Band 2, Band 3 and urgent courses of treatment.

Parent Act: National Health Service (Wales) Act 2006

Date Made: 06 March 2024

Date Laid: 08 March 2024

Coming into force date: 01 April 2024



Statutory Instruments with Clear Reports

18 March 2024

SL(6)469 – [The Care and Support \(Charging\) \(Wales\) \(Amendment\) Regulations 2024](#)

Procedure: Made Negative

Where a person is in residential care, and in receipt of financial support from their local authority towards the cost of their care, they are required to contribute towards this cost from their weekly income.

However, under the Care and Support (Charging) (Wales) Regulations 2015 (**the Charging Regulations**), a person must be able to retain an amount of their income to spend as they wish. This is known as the minimum income amount (**MIA**). Under the Charging Regulations, the MIA is currently £39.50 per week.

The level of the MIA is reviewed annually to take account of annual uplifts to UK state pensions and welfare benefit payments, which form the basis of care home residents' weekly income. Taking these uplifts into account, these Regulations increase the MIA from 8 April 2024 from its current level of £39.50 per week to £43.90 a week. This will allow residents to retain a slightly higher amount of their income to spend as they wish.

Parent Act: Social Services and Wellbeing (Wales) Act 2014

Date Made: 07 March 2024

Date Laid: 11 March 2024

Coming into force date: 08 April 2024



Agenda Item 3.1

SL(6)465 – The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024

Background and Purpose

Part 2 of these Regulations amends the Building (Approved Inspectors etc.) Regulations 2010 (“the 2010 Regulations”) to implement Part 3 of the Building Safety Act 2022 (“the 2022 Act”). Part 3 of the 2022 Act amends the Building Act 1984 (“the 1984 Act”) and defines the scope and provisions for the regime during the design and construction phase for higher-risk buildings. It also provides for the registration of building inspectors and building control approvers to better regulate and improve competence levels in the building control sector.

In particular, regulation 3 of these Regulations renames the forms in Schedule 1 to the 2010 Regulations and makes consequential amendments.

Regulation 5 of these Regulations inserts new regulation 16A into the 2010 Regulations: new regulation 16A provides a rejection notice.

Regulation 6 of these Regulations provides for new forms to cancel an initial notice under section 52, section 52A and section 53D of the 1984 Act.

Regulation 6 amends regulation 18 of the 2010 Regulations and regulation 10(g) amends Schedule 1 to the 2010 Regulations to achieve this.

Regulation 7 of these Regulations inserts new regulation 18A into the 2010 Regulations. It provides that a notice must be given by a registered building control approver where they are of the opinion that the initial notice should be cancelled under section 52 of the 1984 Act for contravention of building regulations, and a timescale to remedy this contravention.

Regulation 8 of these Regulations inserts new regulation 19A into the 2010 Regulations. It provides periods within which information on work to which an initial notice relates must be provided for the purposes of section 53(4B) and section 53(4C) of the 1984 Act.

Regulation 9 of these Regulations inserts a new Part 3A into the 2010 Regulations, which contains new regulations 19B to 19F. These new regulations make provision for where an initial notice ceases to be in force and a new registered building control approver is appointed. In particular, new regulation 19C of the 2010 Regulations makes provision for the content of a transfer certificate. New regulation 19E of the 2010 Regulations and Schedule 2 to these Regulations (which is inserted into the 2010 Regulations as new Schedule 3A) set out the grounds for rejecting a transfer certificate and transfer report. New regulation 19D of the 2010 Regulations prescribes the period for a local authority to consider the transfer certificate and report. New regulation 19F of the 2010 Regulations sets out cases where a further initial notice may be given after cancellation of an initial notice under section 53D of the 1984 Act.

Part 3 of these Regulations makes transitional provisions.



Procedure

Negative

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

Technical Scrutiny

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

Merits Scrutiny

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

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

In Regulation 10 it may be helpful to the reader to footnote that forms 1 to 5 are renamed in accordance with regulation 3 of the 2024 Regulations.

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

There may be a risk of confusion in regulation 10(g) as to where the “*appropriate place, in numerical order*” is for the new forms to be inserted. It would appear that the numerical order would be the forms [number](w) first, followed by the PB[number](w) forms. However, it may be that in this context there could be some risk of confusion about where the new forms are being inserted, because the PB forms currently have numbers and are being renamed in the same regulations, so it may not be completely clear where the new forms should be inserted.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

12 March 2024



Agenda Item 4.1

SL(6)456 – The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations amend the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 (“the principal Regulations”). The purpose of these Regulations is to clarify the division of responsibilities between brand owners, packers/fillers, importers and first UK owners and distributors, and to place a requirement upon Natural Resources Wales to produce guidance in respect of household packaging and to publish a list of large producers. These Regulations also provide a number of miscellaneous amendments including clarification of sentences and amendment of typographical errors.

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 12 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 5(b) inserts a definition of “group of companies” in regulation 2(1) of the principal Regulations, which is the interpretation provision for terms that have a meaning throughout those Regulations. This definition is only used in regulation 11 of the principal Regulations and regulation 11(9) states that the definitions are for the purposes of that regulation. Other terms which have been defined within a provision and only used within that provision have not been signposted in this way.

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

In regulation 5(c)(i) and (ii) ‘sub-paragraph’ should be ‘paragraph’ as they are the first divisions within the definition of “importer”, as opposed to divisions of paragraph (1) of regulation 2 of the principal Regulations.



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

In regulation 8, in new regulation 7(3)(b)(i) and (ii) the references to “the requirement in paragraph (i)” and “the requirement in paragraph (ii)” do not adequately identify the location of those paragraphs in the principal Regulations. They should refer to paragraph (2)(b)(i) and paragraph (2)(b)(ii), respectively to give the reader certainty.

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

In regulation 8, in new regulation 7(6), a list is provided of institutions and persons that are to be treated as public institutions for the purposes of regulation 7 and regulation 7A. There is no signpost to this list in regulation 7A, which could lead to the reader being unaware of how to interpret ‘public institutions’ when reading regulation 7A alone.

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

In regulation 8, in new regulation 7(6), at sub-paragraph (a) in the list of institutions and persons that are to be treated as public institutions “a school, university, or other educational establishment” is included. Can the Welsh Government provide examples of institutions that would come under “other educational establishment” and explain whether it considers it is clear enough for those potential establishments to be identified for the purposes of regulation 7 and regulation 7A of the principal Regulations.

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

In regulation 8, in the new regulation 7(8), the terms “household bin” and “public bin” are defined for both regulation 7 and new regulation 7A of the principal Regulations. The reader may not be aware of terms that have been defined in a preceding regulation (see Writing Laws for Wales: A guide to legislative drafting 4.8(4), in respect of prospective definitions). We ask whether the terms should have been included as general definitions in regulation 2(1) of the principal Regulations, as has been done with other defined terms used in more than one regulation.

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

In regulation 8, in new regulation 7(8)(b), in the definition of “public bin”, there is a difference between the Welsh and English texts. In paragraph (ii) of the definition, the English text states “collect waste material” which does not appear to make sense without any additional words, but the Welsh text has translated the meaning as “designed to collect waste material”. In this regard, the phrase “designed to collect waste material” is used in the definition of “household bin” in the English text of new regulation 7(8)(a). Therefore, it appears that the Welsh text is



correct in the definition of “public bin” and that the words “designed to” are missing from the English text of the new regulation 7(8)(b).

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

In regulation 9, in new regulation 7A(2), in sub-paragraph (d), in the Welsh text, “consumers” has been translated as “defnyddiwr”. However, the term “consumer” has been defined in the Welsh text of regulation 2(1) of the principal Regulations as “treuliwr”. Elsewhere in the principal Regulations, “defnyddiwr” has been used as the translation of “user” to distinguish that term from “consumer” (“treuliwr”). Therefore, the Welsh text has failed to use the correct defined term for “consumer” in the translation of this provision.

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

Regulation 10(b) amends paragraph (2) of regulation 8 of the principal Regulations. There remains a reference to “paragraph (4)” in that paragraph, which is omitted by regulation 10(d) of these Regulations.

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

- (i) In regulation 17, in new regulation 17A(1), it states “Where information in a report submitted by a producer (“LP”) under regulation 17...”. However, it should state by “a large producer (“LP”)” because only a “large producer (“LP”)” is subject to the obligations found in regulation 17. Both “producer” and “large producer” are defined terms found in regulation 2(1) of the principal Regulations, therefore there is a significant difference by using “producer” rather than “large producer” in the new regulation 17A(1).
- (ii) This also occurs in regulation 19, in the new regulation 22A where “large producer” is correctly used in paragraph (1), but “producer” is subsequently used in paragraph (2) of that new regulation.

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

In regulation 20(e), it states “in paragraph 17, in paragraphs (a) and (b)” but it should state “in sub-paragraphs (a) and (b)”.

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

Regulation 20(g) amends paragraph 20 of Schedule 1 to the principal Regulations. Sub-paragraph (i) of regulation 20(g) states ‘at the end of the opening words’, however there are no opening words to paragraph 20(a). We believe that the words ‘sub-paragraph (a)’ should be removed from the wording preceding paragraph (i) as the amendment appears to be



relevant to the opening words of paragraph 20, and not sub-paragraph (a). Further, not all the amendments in regulation 20(g) are made to text in sub-paragraph (a) of paragraph 20 of Schedule 1 to the principal Regulations.

Merits Scrutiny

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

13. 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 have been laid under section 2(8) of the Pollution Prevention and Control Act 1999 and are therefore subject to the affirmative procedure. Section 2(9) of that Act lists the regulations to which subsection (8) applies. We ask that the Welsh Government confirms which paragraph of subsection (9) it considers is relevant to these Regulations.

14. 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 relation to consultation, the following is noted at paragraph 16 of the Explanatory Memorandum:

There has been ongoing targeted engagement with key stakeholders following the introduction of the principal Regulations, which has helped to identify the amendments in these Regulations.

We note that the Explanatory Memorandum does not make reference to the consultation undertaken in relation to these Regulations in accordance with section 2(4) of the Pollution Prevention and Control Act 1999, which is referred to in the preamble to the Regulations.

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

It is noted that a regulatory impact assessment has not been undertaken in relation to these Regulations. The following is stated at paragraph 17 of the Explanatory Memorandum:

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. It was not considered necessary to carry out an RIA as to the likely costs and benefits of complying with these Regulations on the basis that the EPR scheme RIA contained a full analysis of the impacts of the EPR reforms, and the amendments being made are minimal.

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

It is noted that the Minister for Climate Change, in a [letter](#) to this Committee dated 16 February 2024, gave notification that these Regulations fall under the scope of the Resources and Waste Common Framework.



Welsh Government response

A Welsh Government response is required to reporting points 1 to 14.

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.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 10**

Legislation, Justice and Constitution Committee

Government Response: *The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024*

Technical Scrutiny point 1: This point is noted. However, we do not think any amendment is necessary because the inclusion of the definition of “group of companies” in regulation 2(1) of the principal Regulations does not affect the clarity or purpose of the principal Regulations.

Technical Scrutiny point 2: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 3: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 4: This point is noted. However, we consider the legislation as drafted is sufficiently clear and do not believe that signposting this list in regulation 7A is necessary to provide certainty to the reader.

Technical Scrutiny point 5: The use of “other educational establishments” is consistent with Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012, which outlines whether certain types of premises in England and Wales are subject to collection and disposal charges for the collection of household waste and includes “schools, universities, and other educational establishments”. Examples of “other educational establishments” could include vocational colleges. We consider that maintaining this description will ensure clarity for producers and we consider that it is sufficiently clear to those potential establishments. We do not consider that further clarification of “other educational establishment” is necessary.

Technical Scrutiny point 6: This point is noted. However, we consider the legislation as drafted is sufficiently clear and do not believe any amendment is necessary to provide certainty to the reader.

Technical Scrutiny point 7: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 8: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 9: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 10: (i) This point is noted. We consider that it is clear to the reader that the obligation in new regulation 17A of the principal regulations can only refer to a large producer because only large producers are subject to the obligation in regulation 17 of the principal Regulations. However, we will ensure that the Regulations are amended prior to making as set out in the table below.

(ii) This point is noted. We consider that it is clear that the obligation in new regulation 17A of the principal regulations can only refer to a large producer because only large producers are subject to the obligation in regulation 17 of the principal Regulations. In addition, the reference in new regulation 22A(2) is clear that it refers to large producers because “the list” referred to in paragraph (1) only contains large producers. However, we will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 11: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 12: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Merit Scrutiny point 1: We consider that section 2(9)(d) of the Pollution Prevention and Control Act 1999 is relevant. We consider that some of the amendments in the Regulations may change the point of obligation under the principal Regulations from one type of producer to another (such as amendments to the “household packaging” definition) and so either increase the obligations of existing individual producers or places new obligations on producers who would not have had them under the principal Regulations (such as the amendments to the definition of “seller”), where the failure to collect/report data would be an offence.

Merit Scrutiny point 2:

Through four nation stakeholder forums and working groups, we carried out targeted engagement with key stakeholders to inform the amendments to the principal Regulations contained in these Regulations. These stakeholders included the NRW, Welsh Local Government Association, as well as key members of the packaging industry, as per section 2(4) of the Pollution Prevention and Control Act 1999.

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
Rheoliadau Gwastraff Pecynwaith (Casglu ac Adrodd am Ddata) (Cymru) (Diwygio) 2024	The Packaging Waste (Data Reporting and Collection) (Wales) (Amendment) Regulations 2024
In regulation 5, in sub-paragraphs (c)(i) and (c)(ii), “yn is-baragraff” will be replaced with “ym mharagraff”.	In regulation 5, in sub-paragraphs (c)(i) and (c)(ii), “sub-paragraph” will be replaced with “paragraph”.
In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraphs (3)(b)(i) and (3)(b)(ii), “ym mharagraff” will be replaced with “yn is-baragraff”.	In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraphs (3)(b)(i) and (3)(b)(ii), “paragraph” will be replaced with “sub-paragraph”.
	In the English text only, in regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (8)(b)(ii), before “collect”, the text “designed to” will be inserted.
In the Welsh text only, in regulation 9, in the new regulation 7A of the principal Regulations, in paragraph (2)(d), “ddefnyddiwr” will be replaced with “dreuliwr”.	
In regulation 10, sub-paragraph (b) will be replaced as set out below. <u>Current sub-paragraph (b)</u> “(b) ym mharagraff (2), yn lle “paragraff (6)”, rhodder “paragraff (5)(b)(iii), (6) neu (7)”;	In regulation 10, sub-paragraph (b) will be replaced as set out below. <u>Current sub-paragraph (b)</u> “(b) in paragraph (2), for “paragraph (6)”, substitute “paragraph (5)(b)(iii), (6) or (7)”;

<p><u>Will be replaced with:</u></p> <p>“(b) ym mharagraff (2)—</p> <p>(i) yn lle “paragraff (6)”, rhodder “paragraff (5)(b)(iii), (6) neu (7);</p> <p>(ii) yn lle “paragraff (4)”, rhodder “paragraffau (3) a (12A);”</p>	<p><u>Will be replaced with:</u></p> <p>“(b) in paragraph (2)—</p> <p>(i) for “paragraph (6)”, substitute “paragraph (5)(b)(iii), (6) or (7);</p> <p>(ii) for “paragraph (4)”, substitute “paragraphs (3) and (12A);”</p>
<p>In regulation 17, in the new regulation 17A of the principal Regulations, in paragraph (1), after “gynhyrchydd” the word “mawr” will be inserted.</p>	<p>In regulation 17, in the new regulation 17A of the principal Regulations, in paragraph (1), before “producer (“LP”)” the word “large” will be inserted.</p>
<p>In regulation 19, in the new regulation 22A of the principal Regulations, in paragraph (2) and sub-paragraphs (a), (b), and (c), after “cynhyrchydd” the word “mawr” will be inserted.</p>	<p>In regulation 19, in the new regulation 22A of the principal Regulations, in paragraph (2) and sub-paragraphs (a), (b), and (c), before “producer” the word “large” will be inserted.</p>
<p>In regulation 20(e), “ym mharagraffau (a) a (b)” will be replaced with “yn is-baragraffau (a) a (b)”.</p>	<p>In regulation 20(e), “paragraphs (a) and (b)” will be replaced with “sub-paragraphs (a) and (b)”.</p>
<p>In regulation 20(g), the text “, is-baragraff (a)” will be removed.</p>	<p>In regulation 20(g), the text “, sub-paragraph (a)” will be removed.</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>	

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.

Committee Consideration

The Committee considered the instrument at its meeting on 11 March 2024 and reports to the Senedd in line with the reporting points above.



Government Response: *The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2024*

Technical Scrutiny point 1: Regulation 4(b) of the *Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) (Coronavirus) Regulations 2020* inserted sub-paragraph (k) into regulation 2(1) (care home services) of the Principal Regulations¹ to provide an exception, in certain circumstances, to the requirement to register as a care home service in response to the spread of coronavirus.

Sub-paragraph (k) has been subsequently revoked by the *Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022*.

Consideration was given, whilst drafting the provision under scrutiny, to paragraph 7.24 of Writing Laws for Wales. Paragraph 7.24 deals with the reuse of numbering that has been previously revoked. Having taken the contents of paragraph 7.24 into account – and given the subject matter of proposed sub-paragraph (l) in the draft Regulations provide for an exception to the requirement to register as a care home service for reasons entirely unrelated to coronavirus - it is considered that adopting a new sub-paragraph in the form of (l) is appropriate and adheres to the guidance in paragraph 7.24 of Writing Laws for Wales.

For these reasons, the Welsh Government does not propose to alter the labelling of sub-paragraph (l) in the draft Regulations.

Merit Scrutiny point 1: The Welsh Government is grateful to the LJCC for highlighting this reporting point and will take steps to correct this non-substantive error prior to the instrument being made.

Merit Scrutiny point 2: The Welsh Government is grateful to the LJCC for raising this point.

The Welsh Government undertook a 12 week public consultation on the proposals underpinning the Regulations between 15 May and 6 August 2023. A summary of responses to the consultation was published in October 2023.

Steps have been taken to ensure that a copy of the statement required in accordance with the requirements of section 27(5) of the Regulation and Inspection of Social Care (Wales) Act 2016 is laid before the Senedd before the draft Regulations are made.

¹ The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017

The Committee may also wish to note that the Welsh Government will update the Explanatory Memorandum to ensure consistency in the references between the Regulations and Explanatory Memorandum.

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
The text “ <i>Gosodwyd gerbron Senedd Cymru ***</i> ” in the Approval Text at the beginning of the Regulations will be removed.	The text “ <i>Laid before Senedd Cymru ***</i> ” in the Approval Text at the beginning of the Regulations will be removed.

Agenda Item 4.3

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 Border 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.

Committee Consideration

The Committee considered the instrument at its meeting on 11 March 2024 and reports to the Senedd in line with the reporting points above.



Government Response: The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024

Technical Scrutiny point 1: This point is noted. We will ensure that the country “South Africa” is included in the Welsh text of the new Schedule 1 in the last entry for “Pyrus”, in column 2.

Technical Scrutiny point 2: This point is noted. We will amend the English text of regulation 3 to include “for inspections” in the reference of the heading of Schedule 1.

Technical Scrutiny point 3: This point is noted. We will ensure that the shoulder note of the new Schedule 2B also refers to regulation 3(2)(b) prior to making to address this.

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
Rheoliadau Iechyd Planhigion etc. (Ffioedd Amrywiol) (Diwygio) (Cymru) 2024	The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024
In the new Schedule 1 in the final entry in column 2 for “Pyrus” the country “De Affrica” will be included so the text will end “Liechtenstein, De Affrica neu’r Swistir”.	
	In regulation 3 the reference to the heading of Schedule 1 will be amended to “(fees for inspections in connection with a plant passport authority)”.
The new Schedule 2B shoulder note will be amended to refer to “Rheoliad 3(2)(a) a (b)”.	The new Schedule 2B shoulder note will be amended to refer to “Regulation 3(2)(a) and (b)”.

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.

Committee Consideration

The Committee considered the instrument at its meeting on 11 March 2024 and reports to the Senedd in line with the reporting point above.



Government Response: The Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024

Scrutiny point 1: The Government acknowledges that section 170(4)(b)(vii) of the Building Safety Act 2022 is not cited. The regulation within the instrument which relies upon section 170(4)(b)(vii) is regulation 2(d)(ix). The regulation commences section 53(2) and (3)(a)(ii) and (iii) and (3)(b) of the Building Safety Act 2022 in relation to Wales and although it forms part of a wider implementation project, this particular provision is not interconnected with any other provision within the Regulations.

The Government does not believe that the omission of the sub-paragraph alters the effect of the instrument, which remains intra vires. The Government relies upon the principles set out in *Inco Europe Ltd v First Choice Distribution* [2000] 1 WLR 586 in support of their view. The Welsh Ministers have the power to make these Regulations and have the power to commence section 53 in relation to Wales. It is clear from the operative provisions of the S.I. that section 170(4)(b)(vii) was intended to be specified in the preamble.

However, we will be fully commencing section 53 as part of the forthcoming phase 2 implementation of the Building Safety Act 2022.

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



Llywodraeth Cymru
Welsh Government

Our ref: RE-87-2024

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

11 March 2024

Dear Huw,

I am writing to inform you that an extraordinary virtual meeting of the Finance: Interministerial Standing Committee (F:ISC) will take place on 14 March.

The focus of the meeting will be on the UK Budget. I will be providing an update on the implications for Wales and outlining the difficult decisions we have taken to ensure our spending plans support critical public services.

We are entering the final year of our current multi-year settlement, without any indications of what our budget may look like beyond March next year. I will be seeking clarity on the UK Government's plans for a spending review to support forward planning of our budget.

I will also be taking the opportunity to further make the case for additional budgetary flexibilities to the Chief Secretary to the Treasury using the latest UK Supplementary Estimates process as an example and highlighting the consensus we reached across all parties in the Senedd.

I will report to the Committee on the outcome of the meeting.

Yours sincerely,

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

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

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Meeting of the Inter-Ministerial Group on UK-EU Relations – 06 March 2024

DATE 12 March 2024

BY Vaughan Gething MS, Minister for Economy

In accordance with the Inter-Institutional Relations Agreement, I am notifying Members I attended a meeting of the Inter-Ministerial Group on UK-EU Relations on 06 March 2024.

The meeting was chaired by Leo Docherty MP, UK Government Minister for Europe at the Foreign, Commonwealth and Development Office (FCDO). Also in attendance were Ministers from Scotland and Northern Ireland: Angus Robertson MSP, the Scottish Government Cabinet Secretary for the Constitution, External Affairs and Culture; Michelle O'Neill, MLA, the First Minister of Northern Ireland; and Emma Little-Pengelly, MLA, the deputy First Minister of Northern Ireland.

The meeting was held in preparation for the next meeting of the UK-EU Partnership Council under the Trade & Co-operation Agreement and of the Withdrawal Agreement Joint Committee (WAJC), both expected to be held in early 2024.

We are pleased that the preparation of these meetings has improved.

The meeting provided a useful opportunity for me to outline several important Welsh Government issues including:

- Our desire for the UK Government to include the Devolved Governments in meetings and their preparation to maximise the effectiveness of the operation of the Trade Cooperation Agreement (TCA).
- The need for an agreement on mutual recognition on conformity assessments.
- The importance of retaining EU Data Adequacy arrangements.
- Our continuing concerns on EU import rules affecting the export of live bivalve molluscs.

The meeting agreed the updated Terms of Reference for this IMG.

The next meeting of the IMG on UK-EU Relations is not yet scheduled, nor has any agenda yet been agreed.

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO-91-2024

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

12 March 2024

Dear Huw

Further to my letter sent to you on 4 March 2024, I am writing to update you of the sixth meeting of the UK-EU Relations Inter-Ministerial Group (IMG), which took place on 6 March 2024.

I attended on behalf of Welsh Government. A summary of the discussions is outlined in the attached [Written Statement: Meeting of the Inter-Ministerial Group on UK-EU Relations – 06 March 2024 \(12 March 2024\) | GOV.WALES](#) to Members.

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

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.

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



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Procurement Act 2023 (Commencement No. 2) Regulations 2024
DATE	13 March 2024
BY	Rebecca Evans MS, Minister for Finance and Local Government

The Law which is being commenced:

Procurement Act 2023

Any impact the Regulations may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence.

These Regulations contain provisions that enable Welsh Ministers to make Regulations in relation to Devolved Welsh Authorities.

The purpose of the Regulations

The purpose of these Regulations is to commence a number of provisions in the Procurement Act 2023 in order to allow the Welsh Ministers to lay substantive Regulations before the Senedd.

UK Government is making these Commencement Regulations. Welsh Ministers, in accordance with section 127(3) of the Procurement Act 2023, are required to provide consent.

The Regulations are available here: [The Procurement Act 2023 \(Commencement No. 2\) Regulations 2024](#)

There will be a number of further Commencement Regulations which will commence further provisions in the Procurement Act 2023 and will set up the transitional provisions which will determine the relationship between the current and new procurement regimes. Those Commencement Regulations will also require the consent of the Welsh Ministers.

Matters of special interest to the Legislation, Justice and Constitution Committee

None identified.

Why consent was given

These Regulations commence a number of provisions within the Procurement Act 2023. Only the Minister of the Crown has commencement powers within the Act. The Welsh Ministers need to consent to these Commencement Regulations to allow substantive Regulations to be laid before the Senedd.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/RE/0474/24

Huw Irranca-Davies MS
Chair,
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13 March 2024

Dear Huw,

Procurement Act 2023 (Commencement No.2) Regulations 2024.

I refer to my letter to you of 27 February 2024. I am writing to inform the Committee I have now given my consent to the Parliamentary Secretary to the Cabinet Office to make the Procurement Act 2023 (Commencement No.2) Regulations 2024.

I have laid a Written Statement in this regard which can be found at:

[WS-LD16402 - Written Statement: The Procurement Act 2023 \(Commencement No.2\) Regulations 2024](#)

In order to implement the new procurement regime under the Procurement Act 2023 (the Act), Commencement Regulations need to be laid under section 127 of the Act to bring certain provisions into force. UK Government will make these Commencement Regulations in accordance with section 127(3) of the Act and therefore require the consent of the Welsh Ministers.

The Welsh Ministers have consented to these Commencement Regulations to allow substantive Regulations to be laid before the Senedd.

Yours sincerely,

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

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



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Biocidal Products (Health and Safety) (Amendment and Transitional Provisions etc.) Regulations 2024
DATE	14 March 2024
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd

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

Agreement was sought by Viscount Younger of Leckie, Parliamentary Under Secretary of State for Work and Pensions to make a Statutory Instrument (SI) titled the Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024 to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State in exercise of powers delegated to them in Article 85 and Article 83A(2) of Great Britain Biocidal Products Regulation (EU) No 528/2012 (GB BPR) (adaptation to scientific and technical progress).

Statutory Instrument (SI) to modify Annexes II and III of the Great Britain Biocidal Products Regulation (EU) No 528/2012 (GB BPR), concerning making available on the market and use of biocidal products to introduce technical updates to Annexes II and III of the regulations which will enable:

- A reduction in the need for animal testing
- Alignment with current guidance and Organisation for Economic Co-operation and Development validated tests
- HSE to ensure scientific progress is monitored and developments are reflected.

The regulations were laid before Parliament on 13 March 2024 and come into force on 6 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

Biocidal products are used to protect people and animals, preserve goods, stop pests like insects or rodents and control viruses, bacteria and fungi through a chemical or biological action. The Health and Safety Executive (HSE) carries out the role of competent authority for GB BPR on behalf of the Secretary of State and Ministers in Scotland and Wales which includes authorising biocidal products for supply and use in Great Britain.

Under GB BPR, both biocidal active substances (the substances which produce the biocidal effect) and the products which contain them are subject to rigorous scientific assessment for the potential risks to humans, animals and the environment, and of their effectiveness before they can be made available on the market. Regulatory scientists in HSE's Chemicals Regulation Division undertake the assessments following an application made by a business or businesses who wish to approve a biocidal product or active substance. To allow assessments to take place, applicants must submit dossiers of information covering matters such as toxicity, effects on the environment, effectiveness, etc. The requirements for the information which must be submitted are set out in Annexes II (for active substances) and III (for biocidal products) of GB BPR.

Since the Regulation was published in 2012, scientific and technological advances have been made in testing, which allow some properties which could previously only be determined through testing using live animals to be tested using alternative approaches, as well as new test methods becoming available to reliably determine effects which could previously not be tested for (such as those to determine effects on developing nervous systems in foetuses).

The purpose of the current statutory instrument (SI) is to update the requirements listed in Annexes II and III to include these more up to date test methods. This is purely a technical update and will bring the GB system into line with the technical guidance that is currently used and with the EU's BPR, where such changes have already been implemented.

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

<https://www.legislation.gov.uk/ukxi/2024/352/contents/made>

Why consent has been given

Consent has been given for the UK Government to make these changes in relation to, and on behalf of, Wales to ensure scientific and technological advances which extend our ability test for potentially harmful effects of biocides are incorporated into the regulations and to

enable a reduction in the necessity for animal testing, as well as to preserve the interconnected nature of the GB biocidal regime.

UK-EU Parliamentary Partnership Assembly: Fourth meeting summary report

March 2024

The Parliamentary Partnership Assembly (PPA) is a formal body established under the UK-EU Trade and Cooperation Agreement (TCA). It plays an important role in overseeing the implementation of the TCA and all future UK-EU agreements.

The fourth meeting of the PPA took place in London on 4 and 5 December 2023. This report provides a summary of issues of importance to Wales discussed at the meeting. This report also reflects on the continued development and evolution of the body and the Senedd's role and work in it.

Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee and Samuel Kurtz MS, a member of the Economy, Trade and Rural Affairs Committee, participated in the third meeting and the report has been agreed by them in that capacity.

If you are interested in the work of the Senedd on the PPA or would like to contribute in future to Senedd engagement ahead of its meetings, please contact Nia.Moss@senedd.wales.



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1. Issues of importance to the Senedd and Wales

The UK-EU [Trade and Cooperation Agreement](#) (TCA) covers large areas of devolved competence or issues that have a significant impact on them. You can find more information about what these are, how these affect Wales and the role of the PPA in the Senedd Research [guides and infographics on the agreement](#).

Key issues of importance to Wales were discussed in the meeting including on youth mobility, mobility for the culture and sport sectors, fisheries, citizens' rights, data protection, climate change cooperation, the EU's Carbon Border Adjustment Mechanism and energy cooperation. Important future areas for cooperation, such as on the development and regulation of artificial intelligence (AI) were also discussed by delegates.

For the first time, Members of the Senedd were invited to contribute to a plenary item and Huw Irranca-Davies MS spoke about the importance of youth mobility and the Welsh Government's [Taith scheme](#).

Organisations in Wales were invited to submit their views to us ahead of the meeting. We're grateful to all those that were able to do so within the short timescales provided to us. These views were reflected in a written briefing provided to UK delegation members and in contributions from Members of the Senedd during the meeting.

You can watch [the proceedings in full](#) on the UK Parliament's YouTube channel.

“The rebuilding of trust”: a more positive phase in the relationship

Both the UK Government's Minister for Europe, Leo Docherty MP, and the EU's Ambassador to the UK, Pedro Serrano, emphasised the positive and productive tone in UK-EU relations over the last 12 months. Ambassador Serrano said that the “rebuilding of trust marks this year” with the outcome being greater cooperation.

Minister Docherty praised discussions and work through the TCA forums on the digital economy, cooperation on pharmaceuticals, organics and access for UK lawyers to the EU's market and said the UK is open to discussions on improving youth mobility, cooperation on culture and the development and regulation of AI.

Ambassador Serrano noted that full implementation of the Withdrawal Agreement, including full implementation of the Windsor Framework and

citizens' rights obligations, are essential to further cooperation under the TCA. Ambassador Serrano said that the level playing field provisions of the TCA remain important issues for the EU and that it will continue to follow closely UK reforms to retained EU law and the UK's compliance with the European Convention on Human Rights which is a pre-requisite for law enforcement cooperation in the TCA. He called for early and pragmatic discussions on fisheries after 2026 and said the work for full and ambitious implementation of the TCA must continue.

The issue of the transparency of the TCA's governance structures and decisions taken within them was raised by members of the PPA. This is an issue addressed by the Senedd's Legislation, Justice and Constitution Committee [in its report on UK-EU Governance](#).

“Mobility creates valuable opportunities”

In its [third recommendation](#) to the Partnership Council, the PPA recognised the valuable opportunities that mobility of citizens, particularly youth and cultural mobility, creates. In recognition of the broad support on both sides to improve the ability of young people and touring artists to travel, move and work cross-border, the PPA called on the Partnership Council and EU Member States to work collaboratively to improve opportunities available. It called on the UK and EU to allow the use of identity cards for organised school trips and to waive visa requirements. It expressed concern that the UK has agreed to do this for some EU Member States but not all and said that a non-discriminatory approach is essential.

The UK opted not to remain part of the UK's youth and education mobility programme, Erasmus+, after Brexit. Huw Irranca-Davies MS reminded the plenary of the Welsh Government's support for the UK to re-join the Erasmus+ programme and drew delegates' attention to the Welsh Government's [Taith programme](#) which supports participants to come to Wales as well as supporting Welsh organisations and participants to go abroad.

The recommendation makes specific asks for touring artists, an issue discussed several times at the PPA. The PPA urges the UK and EU to prioritise the mobility of touring artists in the review of the implementation of the TCA due before 2026. It calls for both sides to redouble their efforts to streamline visa and customs arrangements for touring artists and their teams and to extend the length of visas available for touring.

Members of the Senedd also drew attention to the issues facing professional and voluntary sporting organisations and athletes post-Brexit and called for the issues facing this sector to also be recognised.

The Senedd's Culture Committee is undertaking an inquiry on [culture and the new relationship with the EU](#). Baroness Deborah Bull, member of the PPA's UK delegation, [opened the inquiry](#) by appearing before the Committee to give evidence on 8 February 2024.

The PPA called on the Partnership Council to respond to its recommendation before the next meeting of the PPA in March 2024.

Progress on citizens' rights welcome but more to do

The progress made in protecting the rights of EU citizens living in the UK and UK citizens living in the EU was welcomed. However, [the breakout group](#) on citizens' rights called on the UK Government to take a simple and compassionate approach to implementing the [High Court ruling on the status of EU citizens](#).

It called on training to be provided to police and border forces in the UK and the EU on the rights of citizens travelling or residing for short periods, and called on the European Commission to play a role on providing easily accessible information to UK citizens. The importance of support for organisations working with citizens, particularly vulnerable people, to uphold their rights was emphasised. The group called on both the UK and EU to provide sufficient support.

The Senedd's [Equality and Social Justice Committee monitors](#) European citizens' rights in Wales.

Room for constructive cooperation on fisheries

Recognising that fisheries remains a contested and contentious area between the UK and EU, [the breakout group](#) nonetheless found areas where constructive cooperation could benefit the industry on both sides. Addressing issues facing Irish and Northern Irish fishing communities is one area where agreeing a common solution could help build trust for wider fishing negotiations.

The group called for a collaborative approach to sustainable fisheries management that engages local communities. They agreed there should be a multi-annual approach beyond 2026 to create certainty for communities on both sides with mechanisms for evidence-based stock changes.

Failure to cooperate on emissions trading, energy and climate creates risks

The need for close cooperation on international climate commitments and energy cooperation were common calls from members of the PPA. Speaking in the Plenary session, UK Government officials said they were disappointed with progress made to implement the energy title of the TCA and in particular called for greater progress on developing efficient electricity trading arrangements.

Progress on energy cooperation in the North Sea was welcomed but UK and EU members but both called for this to be extended to deepening cooperation in the Celtic Sea and Atlantic. [Members of the Senedd raised the issue of Celtic Sea cooperation](#) in the last meeting of the PPA.

Concern was raised from members on both sides about the risks of potentially different approaches to emissions trading and carbon leakage in the UK and EU. The potential implications of the introduction of the EU's Carbon Border Adjustment Mechanism (CBAM) without cooperation and an equivalent scheme in the UK was discussed. Baroness Hayter raised concerns about the implications of CBAM for the Welsh steel industry on behalf of Members of the Senedd during the debate. Seán Kelly MEP, Vice-President for the European Parliament delegation, called for the PPA to act as a forum to eliminate conflict and clashes on emissions prices and carbon adjustment.

UK Government officials said the Government was open to further cooperation on emissions trading.

The TCA's environment, climate and energy provisions are explained in [a Senedd Research guide](#).

Data protection and digital growth are key areas of common interest

The [breakout group](#) noted that the UK and EU's digital economies are lagging behind the US and other regions and said both parties should collaborate to ensure protection of citizens whilst enabling innovation and growth. It called for continued legislative cooperation and engagement between the UK and the EU to ensure standards are maintained, and that both sides should avoid the lapsing or risking of data adequacy agreements.

The “essential importance of taking action to protect our democracies from misinformation and interference” was identified as a critical area for close cooperation.

2. Senedd engagement in the work of the PPA

Devolved legislatures have much to contribute to the work of the PPA, as this report shows. Devolved members’ positive contribution is supported by the level of stakeholder interest and engagement from Wales.

The [summary report on the third meeting](#) considered progress made against five recommendations. Welcome progress continued to be made in the third meeting which shows that the engagement of the Senedd and devolved legislatures in the work of the body is becoming embedded. Particularly welcome during the third meeting was the invitation for members of the devolved legislatures to contribute to the discussion on a plenary item.

For Wales, this enabled us to raise the important work on mobility being done in Wales and the continued challenges facing our businesses, culture and sporting organisations. Breakout groups also enabled us to raise issues related to citizens’ rights and the important work of the Senedd’s Equality and Social Justice Committee on monitoring the operation of the EU Settlement Scheme in Wales. We also raised issues of concern for Welsh fisheries and seas.

Nonetheless, our recommendations on embedding the role of the devolved legislatures in the PPA and the need for the continued consideration of allowing the devolved legislatures to participate in all plenary discussions in devolved areas remain valid.

Whilst appreciating the opportunity to contribute to the mobility item, there were many other items where we could have made a positive contribution, for example, on issues related to the impact of the EU’s CBAM on the Welsh steel industry. We note and welcome the support from Members of the European Parliament’s delegation for granting full speaking rights for devolved legislatures during the plenary sessions.

We appreciate the limited time available to all members of the PPA to contribute during plenary debates but continue to press for time to be found for the devolved legislatures. The PPA plays a hugely important role in strengthening relationships between the UK and the EU and the devolved legislatures can make a positive contribution to the development of ideas and sharing of good practice.

The Senedd's Legislation, Justice and Constitution Committee's [report on UK-EU Governance](#) recognises the important evolution in the working arrangements of the PPA and its importance as a place where political solutions can be found.

Stakeholder engagement

We are grateful for the willingness of stakeholders in Wales to submit evidence, issues and views to us ahead of the last meeting of the PPA. It is invaluable in ensuring that issues of importance to Wales are properly fed in. A key challenge in seeking to engage formally with stakeholders ahead of meetings is that agendas are shared at a very late stage. We will continue to work to improve how and when we engage stakeholders ahead of meetings of the PPA.

The [Senedd Commission has accepted](#) the recommendation made by the Senedd's Legislation, Justice and Constitution Committee, that the Senedd should work with relevant chairs of Senedd committees and Members of the Senedd on UK-EU delegations to facilitate stakeholder engagement on UK-EU issues. We look forward to contributing to the work to take this forward.

Engagement with the UK and EU delegations and other Senedd Committees

We drew our last report to the attention of relevant Senedd committees and the First Minister for Wales. We are grateful for their positive response and we will continue to engage with them. We warmly welcome the engagement between the Senedd Culture, , and International Relations Committee and Baroness Bull as part of [its inquiry into Culture and the new relationship with the EU](#) based on her important work on this issue through the PPA.

Senedd committees have continued to engage with UK and EU counterparts on UK-EU issues. The [Senedd's Legislation, Justice and Constitution Committee](#) and the [Economy and Trade Committee](#) engaged with members of the European Parliament's delegation when they visited Brussels in September and November 2023.



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref PO/CG/96/2024
Ein cyf/Our ref PO/CG/96/2024

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

13 March 2024

Legislation and Justice Committee - 26 February 2024

Dear Huw,

At the Legislation and Justice Committee on 26 February I promised to update you on the UK Government's review of the Common Frameworks programme and provide clarification of the role of the IGR Secretariat.

UK Government review of Common Frameworks

The UK Government has undertaken a review of the Common Frameworks programme which is expected to be issued before the summer recess, but we do not yet have a date for publication.

IGR Secretariat

To clarify the latest position with the staffing of the IGR Secretariat, I can confirm the Head of the Secretariat is in post on loan from the Welsh Government for a two-year period and was appointed following a fair and open competition across all governments. The Scottish Government has assigned a member of staff to the IGR Secretariat. Welsh Government is in the process of recruiting an additional member of staff that will also be assigned to the IGR Secretariat. We aim to fill this post as quickly as possible.

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

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

The responsibility for Intergovernmental Relations rests with each government who remain accountable to their respective legislatures. However, the function and role of the IGR Secretariat is outlined on a dedicated [webpage](#), hosted on the UK Government Website.

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

Mick Antoniw AS/MS

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

Agenda Item 10

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

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