

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 15 April 2024	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

- 1 Motion to elect a temporary Chair under Standing Order 17.22 for the Committee meeting**
(13.30 – 13.35)
- 2 Introductions, apologies, substitutions and declarations of interest**
(13.35)
- 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)466 – The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024**

(Pages 1 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-24 – Paper 1 – Draft report



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3.2 SL(6)470 – The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024

(Pages 4 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-24 – Paper 2 – Draft report

3.3 SL(6)473 – The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2024

(Pages 7 – 8)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-24 – Paper 3 – 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)461 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024

(Pages 9 – 11)

Attached Documents:

LJC(6)-11-24 – Paper 4 – Report

LJC(6)-11-24 – Paper 5 – Welsh Government response

5 Inter-Institutional Relations Agreement
(13.45 – 13.50)

5.1 Correspondence from the Welsh Government: Inter-Ministerial Groups

(Pages 12 – 13)

Attached Documents:

LJC(6)-11-24 – Paper 6 – Letter from the Minister for Finance and Local Government: Finance: Interministerial Standing Committee, 19 March 2024

5.2 Correspondence from the Minister for Rural Affairs and North Wales, and Trefnydd: The Biocidal Products (Health and Safety) (Amendment and Transitional Provisions etc.) Regulations 2024

(Pages 14 – 15)

Attached Documents:

LJC(6)-11-24 – Paper 7 – Letter from the Minister for Rural Affairs and North Wales, and Trefnydd, 18 March 2024

5.3 Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd: The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No. 2) Regulations 2024

(Pages 16 – 17)

Attached Documents:

LJC(6)-11-24 – Paper 8 – Written Statement by the Minister for Rural Affairs and North Wales, and Trefnydd, 19 March 2024

6 Papers to note

(13.50 – 14.00)

6.1 Written Statement by the Counsel General and Minister for the Constitution, and the Minister for Social Justice and Chief Whip: Devolution of policing

(Pages 18 – 19)

Attached Documents:

LJC(6)-11-24 – Paper 9 – Written Statement by the Counsel General and Minister for the Constitution, and the Minister for Social Justice and Chief Whip, 18 March 2024

6.2 Correspondence with the Business Committee: The Committee's Report on the Welsh Government's Legislative Consent Memoranda on the Leasehold and Freehold Reform Bill

(Pages 20 – 21)

Attached Documents:

LJC(6)-11-24 – Paper 10 – Letter from the Business Committee, 20 March 2024

LJC(6)-11-24 – Paper 11 – Letter to the Business Committee, 15 March 2024

6.3 Correspondence from the Cabinet Secretary for Housing, Local Government and Planning: The Welsh Government's response to the Committee's Report on the Welsh Government's Legislative Consent Memoranda on the Leasehold and Freehold Reform Bill

(Pages 22 – 25)

Attached Documents:

LJC(6)-11-24 – Paper 12 – Letter from the Cabinet Secretary for Housing, Local Government and Planning, 11 April 2024

LJC(6)-11-24 – Paper 13 – Letter to the Minister for Climate Change, 19 March 2024

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

(Pages 26 – 29)

Attached Documents:

LJC(6)-11-24 – Paper 14 – Letter from the Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations to the Chair of the House of Lords Constitution Committee, 21 March 2024

LJC(6)-11-24 – Paper 15 – Letter to the Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations from the Chair of the House of Lords Constitution Committee, 5 March 2024

6.5 Correspondence from the Finance Committee: Welsh Government Draft Budget 2024–2025

(Pages 30 – 32)

Attached Documents:

LJC(6)–11–24 – Paper 16 – Letter from the Finance Committee, 22 March 2024

6.6 Correspondence from the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the Chair of the House of Lords International Agreements Committee: UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

(Pages 33 – 48)

Attached Documents:

LJC(6)–11–24 – Paper 17 – Letter from the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the Chair of the House of Lords International Agreements Committee, 25 March 2024

6.7 Written Statement by the Cabinet Secretary for Education: Amendments to UK Government legislation to support the establishment of the Commission for Tertiary Education and Research

(Pages 49 – 50)

Attached Documents:

LJC(6)–11–24 – Paper 18 – Written Statement by the Cabinet Secretary for Education, 27 March 2024

6.8 Correspondence related to the cancellation of the fifth meeting of the UK–EU Parliamentary Partnership Assembly

(Pages 51 – 55)

Attached Documents:

LJC(6)–11–24 – Paper 19 – Letter from the Convener of the Constitution, Europe, External Affairs and Culture Committee to Sir Oliver Heald MP, the Co–Chair of the UK–EU Parliamentary Partnership Assembly, 26 March 2024

LJC(6)–11–24 – Paper 20 – Letter to Sir Oliver Heald MP, Co–Chair of the UK–EU Parliamentary Partnership Assembly, 20 March 2024

LJC(6)-11-24 – Paper 21 – Letter to Nathalie Loiseau MEP, Co-Chair of the UK-EU Parliamentary Partnership Assembly, 20 March 2024

6.9 Correspondence with the Cabinet Secretary for Housing, Local Government and Planning: Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill

(Pages 56 – 58)

Attached Documents:

LJC(6)-11-24 – Paper 22 – Letter from the Cabinet Secretary for Housing, Local Government and Planning, 8 April 2024

LJC(6)-11-24 – Paper 23 – Letter to the Minister for Climate Change, 19 March 2024

6.10 Correspondence from the Cabinet Secretary for Finance, Constitution and Cabinet Office: The Welsh Government's response to the Committee's report on the Local Government Finance (Wales) Bill

(Pages 59 – 77)

Attached Documents:

LJC(6)-11-24 – Paper 24 – Letter from the Cabinet Secretary for Finance, Constitution and Cabinet Office, 11 April 2024

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

(14.00)

8 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Automated Vehicles Bill

(14.00 – 14.10)

Attached Documents:

LJC(6)-11-24 – Paper 25 – Legal Advice Note

9 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Leasehold and Freehold Reform Bill

(14.10 – 14.20)

Attached Documents:

LJC(6)-11-24 – Paper 26 – Legal Advice Note

10 House of Lords Constitution Committee Inquiry: The Governance of the Union: Consultation, Co-operation and Legislative Consent – Consideration of draft submission

(14.20 – 14.30)

Attached Documents:

LJC(6)-11-24 – Paper 27 – Draft submission

11 Forward Work Planning

(14.30 – 14.40)

SL(6)466 – The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024

Background and Purpose

A [Pupil Referral Unit \("PRU"\)](#) is a type of school established by a local authority which has a duty to provide suitable education for children and young people who, by reason of exclusion, illness or otherwise, may not receive such education in a mainstream school.

The management committee of a PRU plays a strategic and advisory role in setting out and maintaining the vision, aims and objectives of the PRU in conjunction with the local authority.

These Regulations amend the *Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003* (the "**2003 PRU Regulations**") to:

- a) prescribe that the management committee of a PRU, instead of the local authority that maintains it, is to be the responsible body to consider whether an excluded pupil should be reinstated, and
- b) require the responsible body to consider whether pupils excluded permanently should be reinstated, in addition to those excluded for a fixed period in certain cases.

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 4 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 6(4)(b), in paragraph (i), the location of the existing text for amendment in regulation 7(2)(b) of the 2003 PRU Regulations is described as "*in the words before subparagraph (b)(i)*".



However, the opening words of regulation 6(4)(b) have already stated that the amendment is made "*in sub-paragraph (b)*". Therefore, the location of the text for amendment should have more correctly been described as "*in the words before paragraph (i)*".

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

Regulation 10 amends the Schedule to the *Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003* (the "**Maintained Schools Exclusions Schedule**").

In particular, regulation 10(3) modifies the reference to regulation "7(1)" in paragraph 1(1) of the Maintained Schools Exclusions Schedule so that it reads as referring to regulation "8(1)".

This amendment does not seem to serve a purpose as paragraph 3 in the Schedule to the 2003 PRU Regulations already provides for this substitution in each place it occurs in the Maintained Schools Exclusions Schedule.

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

Whilst this is a separate point to reporting point 2 (immediately above), it should be considered in conjunction with it.

In regulation 10(3), in the new paragraph 1A inserted in the Schedule to the 2003 PRU Regulations, in sub-paragraph (a), there is a difference between the English and Welsh texts.

In the English text, the existing reference that is modified is "7(1)" but in the Welsh text the modification is made to a reference to "6(1)". This is due to an historical error that exists in the Welsh text of paragraph 1(1) of the Maintained Schools Exclusions Schedule.

Therefore, the amendment made by the Welsh text attempts to modify that incorrect reference to "6(1)" so that it will also be read as "8(1)". However, this does not appear to be an appropriate approach as it fails to address the existing error in the Welsh text of paragraph 1(1) of the Maintained Schools Exclusions Schedule.

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

In regulation 10(7), in the new paragraph 6 which is inserted in the Schedule to the 2003 PRU Regulations, in the Welsh text, "*there is substituted*" has been translated as "**rhodder**". However, the existing modifications in the Welsh text of that Schedule have generally used a slightly different form of that verb "**rhoddir**", which has also been used in the new paragraph 1A inserted by regulation 10(3) of these Regulations.

Therefore, the translation of the new paragraph 6 is not consistent with the style of the Welsh text in the original Schedule. The drafting guidelines in paragraph 7.30(1) of Writing



Laws for Wales recommends that amendments should generally be consistent in their style with the original text.

Merits Scrutiny

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

5. 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 Explanatory Memorandum states that a consultation has not been undertaken in respect of these regulations because:

"[...] local authorities and Teachers in Charge of PRUs have informed us current practice is in line with the proposed amendments".

Welsh Government response

Technical Scrutiny point 1: The Welsh Government agrees with this technical point. However, as the reference is not incorrect and the location of the text to be amended is very clear, it is not considered that this needs to be corrected in order to avoid misleading readers.

Technical Scrutiny point 2: The Welsh Government agrees that it was not strictly necessary for regulation 10(3) to modify the reference to regulation "7(1)". However, it is not considered that this needs to be corrected in order to avoid misleading readers.

Technical Scrutiny point 3: The Welsh Government acknowledges that there is an error in the Welsh text of the Schedule to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 ("the Maintained School Regulations"). The reporting point does not relate to an error in the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 ("the 2024 PRU Regulations") but to an error in the Maintained School Regulations. The purpose and effect of the 2024 PRU Regulations is to change the law in relation to PRUs. We will make the necessary amendment to the Maintained Schools Regulations to correct the error the next time those Regulations are amended, which is anticipated to be later this year.

Technical Scrutiny Point 4: The Welsh Government accepts that the form of the verb "rhoddir" would have been more consistent in style with the original text rather than the form of the verb "rhodder". However, we consider that the meaning of the term is clear so that the reader would not be misled.

Legal Advisers

Legislation, Justice and Constitution Committee

20 March 2024



Agenda Item 3.2

SL(6)470 – The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations amend the Home Energy Efficiency Schemes (Wales) Regulations 2011 (the “2011 Regulations”) to amend the eligibility criteria for grant support available to low-income households living in the least energy efficient homes in Wales (EPC rating of E or less) by:

- Extending eligibility to lower income households who are not in receipt of means-tested benefits;
- Including job-seeker’s allowance to the list of eligible means-tested benefits;
- Extending eligibility to dwellings with an EPC rating of D or less where the applicant is either on means-tested benefits or from a lower income household and the applicant has a chronic respiratory, circulatory or mental health condition; and
- Removing the restriction on repeat applications, opening up the possibility of further grants to eligible dwellings that have previously benefitted from grants under the 2011 Regulations.

Procedure

Negative.

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

Technical Scrutiny

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

Merits Scrutiny

The following 3 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

Regulation 4(b) of these Regulations amends the definition of “*means-tested benefit*” in regulation 2 of the 2011 Regulations. The existing definition in the 2011 Regulations, in the Welsh text, uses the letters of the English alphabet (rather than the Welsh alphabet) for the numbering of its paragraphs as a result of the substitution made by regulation 3 of the Home



Energy Efficiency Schemes (Wales) (Amendment) Regulations 2013 (S.I. 2013/2843 (W.270)). The amendment made by these Regulations continues the pattern of using the English alphabet in the Welsh text.

These Regulations may have been an opportunity to correct that error, rather than continuing the use of the English alphabet for divisions where the Welsh alphabet should be used.

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

Regulation 6 of these Regulations substitutes text in regulation 9(1)(a)(ii) of the 2011 Regulations with the words “*sub-paragraph (i)*”. However, this description is incorrect and should instead refer to “*paragraph (i)*”.

Additionally, there is an existing historical error in regulation 9(1)(a) of the 2011 Regulations where an incorrect reference is made to “*paragraph (b)*”, rather than “*sub-paragraph (b)*”. These Regulations may have been an opportunity to correct that error.

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 transitional provision at regulation 7 uses the term “*works application*”. However, that term is not defined for the purpose of these Regulations, although it is defined in regulation 2 of the 2011 Regulations.

Whilst we take the view that this lack of definition does not interfere with the interpretation of that transitional provision, was consideration given to defining that term for the purpose of these Regulations (for example, by reference to regulation 2 of the 2011 Regulations), in order to aid accessibility?

Welsh Government response

Merit Scrutiny point 1:

This point is noted. However, we do not intend to make any amendment at this stage. Regulation 2 of the principal Regulations has been drafted in this way since 2013 and the drafting does not, in our view, create any uncertainty or lack of clarity to the reader such that any amendment is required.

Merit Scrutiny point 2:

We note the merit points concerning regulation 6 of the Regulations and the historical error in regulation 9(1)(a) of the principal Regulations. However, we do not think the current drafting creates any uncertainty or lack of clarity to the reader such that any amendments are required at this stage, but these errors will be corrected the next time the principal Regulations are amended.

Merit Scrutiny point 3:



This point is noted. However, we consider the drafting is clear and does not require any amendment.

Legal Advisers

Legislation, Justice and Constitution Committee

21 March 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)473 – The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations clarify technical language in existing domestic legislation for polychlorinated biphenyls (“PCBs”). In 2020, amendments were made to the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 (“the 2000 Regulations”) to reflect a new Stockholm Convention and EU requirement to remove equipment containing volumes of PCBs over a certain threshold before the end of 2025. Stakeholders subsequently highlighted that there was some ambiguity in the language introduced to the 2000 Regulations by those 2020 amendments.

The amendments made by these Regulations are considered necessary to provide clarity to stakeholders around references to volumes of PCBs in equipment, by removing any ambiguity over which pieces of equipment must be removed from use by the 2025 deadline.

Procedure

Negative.

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

Technical Scrutiny

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

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

These Regulations have been laid before Senedd Cymru and the United Kingdom Parliament. The Regulations have been made in English only. The Welsh Government’s Explanatory Memorandum states as follows (at paragraphs 2.2 and 2.3):

The 2024 Regulations are being made on a composite basis. This is being done to maintain a consistent statute book for businesses operating in England and Wales. There is no policy divergence, and the amendments being made by the 2024 Regulations are to an existing



English language statutory instrument covering England and Wales. The amendments are to clarify the meaning of existing regulations and do not constitute policy change for either the Welsh or UK Government.

As the 2024 Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for the 2024 Regulations to be made or laid bilingually.

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

8 April 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Pack Page 8

Legislation, Justice and Constitution Committee

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.

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 Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024*

Scrutiny point 1: In correspondence to the Children, Young People and Education (CYPE) Committee in November 2022, the Minister for Education and Welsh Language highlighted that a phased approach to implementation was being adopted based on three key principles:

- Ensuring continuity of provision for the sector with no discernible disruption for providers or learners during the establishment of the Commission for Tertiary Education and Research (the Commission),
- Avoiding undue burden on providers during the implementation phase, for example managing and synchronising the volume and timing of engagement and formal consultation,
- The strategic duties, as set out in Part 1 of the Act, to form the core foundation for the Commission's work from the outset, including the preparation and publication of the Welsh Ministers' statement of priorities.

The Minister for Education and Welsh Language published a written statement on 24 January, which he also referenced when he attended the CYPE Committee on 28 February, confirming that the legislative powers would now transfer to the Commission on 1 August 2024, with the Higher Education Funding Council for Wales (HEFCW) continuing to exercise its full regulatory and funding functions until that time. The revised date has been agreed to ensure a smooth transition of the existing legal and regulatory environment which has proved more complex than initially anticipated when the 2023 Order was made.

Whilst the operational date for the Commission has been revised, it will continue to work on the development of its first strategic plan and preparations for the new tertiary education regulatory system. Whilst staff will now transfer to the Commission on 1 August 2024, officials continue to work closely with HEFCW and the Commission to ensure suitable staffing arrangements are in place to maintain momentum and to provide continuity for the sector. This essential preparatory work is designed to support a smooth transition towards the Commission becoming operational, ensuring there is no discernible disruption to either learners or providers.

The revised operational date is in line with the implementation principles detailed above and seeks to balance providing appropriate time to ensure the changes to the legislative landscape are successfully delivered whilst also ensuring that the new arrangements are effective on the ground as soon as practicable.

Stakeholders have welcomed this approach and recognise that a smooth transition for learners, providers and staff is key in delivering our innovative and ambitious vision for Wales' tertiary education and research sector.

Agenda Item 5.1

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



Llywodraeth Cymru
Welsh Government

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

19 March 2024

Dear Huw,

Further to my recent letter advising you of the extraordinary virtual meeting of the Finance: Interministerial Standing Committee (F:ISC) on 14 March, I would like to briefly report on the discussions. A communique will also be published shortly: [Communiqués from the Finance: Interministerial Standing Committee - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/communique/interministerial-standing-committee)

Joining me in attendance were Rt Hon Laura Trott MBE MP, Chief Secretary to the Treasury, Shona Robison MSP, Deputy First Minister of Scotland and Cabinet Secretary for Finance, and Dr Caoimhe Archibald MLA, Minister of Finance for Northern Ireland.

During our discussions on the UK Budget, I raised the implications for Wales, in particular highlighting my concerns over the lack of additional funding for public services. I emphasised the need for early certainty of any additional funding in-year in 2024-25, particularly in relation to public sector pay. We also discussed the importance of clarity on the UK Government's plans for a spending review to support forward planning of our budget.

As with prior meetings of the F:ISC, I reiterated the case for additional budgetary flexibility, pointing to our experience of the latest UK Supplementary Estimates process. I secured a commitment for officials to develop proposals for improving in-year funding processes including consideration of capital to resource switches, to be discussed during a future F:ISC meeting.

Finally, I noted that the Northern Ireland Executive would receive funding through the Shared Prosperity and Levelling Up Funds to administer directly. I reiterated that our position remains that under our devolution settlement, funds for regional investment should be returned to the Welsh Government to deliver.

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

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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

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

The next meeting will take place in June.

Yours sincerely,

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

Rebecca Evans AS/MS

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



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

18 March 2024

Dear Huw,

I refer to my letter to you of 5 February 2024. I wish to inform the Committee I have given my consent to the Secretary of State to lay The Biocidal Products (Health and Safety) (Amendment and Transitional Provisions etc.) Regulations 2024 in relation to Wales. I have laid a Written Statement which can be found at [sub-ld16411-e.pdf \(senedd.wales\)](#)

The Regulations intersect with devolved policy and will apply to Wales. The Regulations extend to England, Scotland and Wales.

The Regulations were made in exercise of the powers delegated to the Secretary of State 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). The Statutory Instrument was subject to the negative procedure and was laid before Parliament on 13 March 2024 with a commencement date of 6 April 2024.

Currently legislation provides a power for the Secretary of State only to make regulations but there is a consent requirement and 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 substance of the amendments to apply to Wales as the Regulations are technical in nature and contain no change of policy. There is no policy divergence between the Welsh and UK Government in this matter. Under the current legislation, there is no provision allowing me to legislate separately for Wales.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@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.

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

Yours sincerely,

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

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



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment)(No. 2) Regulations 2024
DATE	19 March 2024
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd

The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No.2) Regulations 2024 (“the 2024 Regulations”)

Members of the Senedd will wish to be aware I have given consent to the Secretary of State exercising a concurrent power to make subordinate legislation in a devolved area in relation to Wales.

Consent was sought on 15 January 2024 by Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare, to make a statutory instrument titled the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) (No.2) Regulations 2024. The 2024 Regulations apply in relation to Great Britain and Northern Ireland.

The 2024 Regulations will be made by the Secretary of State in exercise of powers conferred by section 36(1)(a), 36(1)(b) and section 51(a) of the Fisheries Act 2020.

This instrument makes amendments to the following retained EU law:

Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean

Consent was granted as these Regulations ensure the UK is compliant with its obligations under the International Convention on the Conservation of Atlantic Tunas (the Convention). In order for them to be effective, it is considered application on a UK basis and to all vessels operating in UK waters or wherever they may be.

The 2024 Regulations were laid before Parliament on 14/03/2024 and will come into force on 7/06/2024.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Publication of the ‘Preparing for the Devolution of Policing in Wales’ report
DATE	18 March 2024
BY	Mick Antoniw MS, Counsel General and Minister for the Constitution Jane Hutt MS, Minister for Social Justice and Chief Whip

Pursuing the devolution of justice and policing is a commitment in the Welsh Government’s [Programme for Government 2021-26](#). As Members are aware, this reflects a recommendation in the 2019 Commission on Justice in Wales (the [Thomas Commission](#)), which was the largest ever examination of the operation of the justice system in Wales.

The Commission on Devolution in Wales (the [Silk Commission](#)), which was set up by the UK Government, which reported in 2014 and, more recently the [Independent Commission on the Constitutional Future of Wales](#), both supported the devolution of policing.

In pursuing the case for the devolution of policing, it is important we understand the challenges involved and how these could be addressed. In November last year, we commissioned an independent team to work with key stakeholders to understand the benefits, opportunities, challenges and risks.

The team, led by former Chief Constable of North Wales Police Carl Foulkes QPM, has gathered insight from those with expertise of policing in Wales; with the four elected police and crime commissioners in Wales and with Dame Vera Baird KC in her capacity as independent expert adviser to the Welsh Government on justice devolution.

We are today publishing [the report](#), which explores potential options for a devolved policing service in Wales, taking into account the practical considerations associated with implementing devolution.

The review does not express views about the merits of devolving policing, but it clarifies – at a level of detail not previously produced – the issues which would need to be considered in doing so. It is a hugely valuable contribution to our understanding, and we are grateful to Carl Foulkes and all those who worked to support him in the production of this report.

We are also grateful to all those who gave of their time to contribute to this report. In particular, we are grateful to chief constables of Wales' police forces, for supporting the review team in identifying the issues that would need to be addressed.

The report contains specific next steps for the Welsh Government to consider. This will form the basis for our future consideration and we will continue to work closely with police partners.

We will also continue to take forward work in the other areas we have identified as suitable for devolution – youth justice and probation. The [Delivering Justice for Wales progress report](#), published last month, provides an update about progress in these areas.

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

20 March 2024

Report on the Leasehold and Freehold Reform Bill LCM

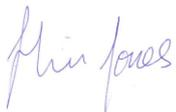
Dear Huw,

Thank you for your letter of 15 March drawing our attention to the recommendation in your report on the Leasehold and Freehold Reform Bill LCM, which is relevant to the Business Committee:

Recommendation 3. The Business Committee may wish to review Standing Order 29.1 as part of its ongoing work in relation to the legislative consent process."

We considered the recommendation at our meeting on 19 March and I am writing to confirm that the Business Committee is happy to accept the recommendation and to confirm that Standing Order 29.1 will be considered as part of the Business Committee's planned work in relation to the legislative consent process.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

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

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

15 March 2024

Annwyl Lywydd,

Legislative Consent Memoranda on the Leasehold and Freehold Reform Bill

I am writing to draw your attention to the Committee's [report on the Welsh Government's Legislative Consent Memoranda on the Leasehold and Freehold Reform Bill](#), which has now been published.

I would like to draw your attention specifically to paragraph 51 and Recommendation 3 which relate to ongoing work of the Business Committee in relation to the operation of the legislative consent process.

Yours sincerely,



Huw Irranca-Davies
Chair

Agenda Item 6.3

Julie James AM
Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning



Llywodraeth Cymru
Welsh Government

Our Ref: JJ/PO/113/2024

Chair
Legislation, Justice and Constitution Committee
Cardiff Bay
Cardiff
CF99 1SN
SeneddLJC@senedd.cymru

11 April 2024

Dear Chair,

I am writing in response to your report on the first two legislative consent memoranda on the Leasehold and Freehold Reform Bill, published on 14 March, and your letter, sent on 19 March.

In my response, references to the Bill refer to the latest version available, which was published following House of Commons Report stage, and may be found at this link: [Leasehold and Freehold Reform Bill \(parliament.uk\)](https://www.parliament.uk)

Thank you for your consideration of the first two LCMs. In response to points raised in your report:

Recommendation 1:

My view, as set out in the LCM, is that all provisions of the Bill make provision for a purpose within the legislative competence of the Senedd, namely housing. The LCM has been laid in recognition of the relevant test in Standing Order 29, which I recognise differs from the tests for legislative competence should these provisions be sought in a Senedd Bill. As such, the LCM does not contain an analysis of the ability of the Senedd to pass similar provision.

Recommendation 2:

As the Committee will be aware, our final position on recommending consent will involve consideration of a range of constitutional, policy, political and other factors. As indicated in the legislative consent memoranda, there are outstanding issues of discussion that I will confirm the Welsh Government's position on in due course.

Recommendation 3 is for the consideration of the Business Committee.

Recommendations 4 and 5:

The UK Government has initially extended regulation making powers to Welsh Ministers only where their own devolution analysis indicated provisions are neither reserved nor restricted. It has always been the intention for the distribution of powers to be revisited, as

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Correspondence.Julie.James@gov.Wales

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

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

has been indicated in the LCMs laid to date. All provisions in the Bill where powers are extended only to the Secretary of State are subject to discussion. There is currently no agreement for UK Government to make regulations in devolved areas.

I expect amendments to be brought forward in due course which address the balance of conferred powers in the Bill, and will draw the attention of the Senedd to these changes in the LCM which deals with those amendments.

Recommendation 6:

The power in Gov 57 was initially conferred on the Secretary of State as per the initial distribution of powers as described above in response to recommendation 4. It is the subject of further discussion, as with all the powers in the Bill.

The Leasehold Valuation Tribunal (acting under the umbrella of the Residential Property Tribunal Wales) deals with a variety of leasehold cases on devolved matters. The Bill will amend the underpinning legislation which determines in which areas the tribunal may act and will extend and enhance the powers of the tribunal in related areas in ways which are of benefit to homeowners in Wales. The amended remit of the tribunal will of course be taken into account when developing proposals for tribunal reform legislation.

Recommendation 7: The possibility of pursuing a section 109 order has not been explored as there has been no immediate need for one. We have no planned Senedd legislation in the housing space that would necessitate such an order.

In response to points raised in your letter of 19 March:

- i) The assessment of the impact of the Bill on the devolved Leasehold Valuation Tribunal is ongoing. It, among other matters, will form part of the analysis which will inform my consideration of whether to recommend that the Senedd give its consent to the Bill. I do not intend to publish any of this material.
- ii) The UK Government prepared the impact analysis of the Bill. Officials were engaged by counterparts prior to the publication of the impact assessment, but, as is commonly the case, Ministerial consent was not sought.
- iii) The impact assessment prepared and published by UK Government fulfils their obligation to publish an assessment of the impact of primary legislation being introduced to UK Parliament. The work referred to under financial implications in the LCMs is outlined above.
- iv) Welsh Government assessment of the likely impact is ongoing in light of amendments to the Bill.

I hope you find this response helpful in your further consideration of the Bill.

Yours sincerely



Julie James AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning

Julie James MS

Minister for Climate Change

19 March 2024

Dear Julie

Welsh Government's Legislative Consent Memoranda on the Leasehold and Freehold Reform Bill

We laid our [report](#) 14 March covering the Welsh Government's [Legislative Consent Memorandum on the Leasehold and Freehold Reform Bill](#) (the Memorandum) and the [Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) on the Bill](#) (Memorandum No. 2).

In the Memorandum, on financial implications you state:

79. This Bill makes significant provision in relation to the devolved Leasehold Valuation Tribunal, which will have an impact on its powers and case load. Work is ongoing to assess the potential impact on the tribunal and to understand what the financial implications of that impact will be.

80. The UK Government have prepared an Impact Assessment for the Bill which covers the wider implications of the Bill as a whole, including the impacts on Wales. I understand that this is due to be published shortly.

In Memorandum No. 2, you repeat paragraph 79 of the Memorandum at paragraph 55 and, in paragraph 56, you provide an update to what is set out in paragraph 80 of the Memorandum by providing a [link](#) to the UK Government's impact assessment, which covers the impacts on Wales.

You laid a [Supplementary Legislative Consent Memorandum \(Memorandum No. 3\) on the Bill](#) (Memorandum No. 3) on 4 March 2024. In Memorandum No. 3, at paragraph 56, you repeat that "Work is ongoing to assess the potential impact on the tribunal and to understand what the financial implications of that impact will be."

Please could you let us know:

- i. when you intend to publish your assessment of the potential impact of the Bill on the devolved Leasehold Valuation Tribunal, including the financial implications;
- ii. who assessed the Bill's impacts on Wales in order to provide information for inclusion in the UK Government's impact assessment and (if applicable) if you were consulted;
- iii. how the work being undertaken by the Welsh Government differs from the work undertaken on information for inclusion in the UK Government's impact assessment;
- iv. why the Welsh Government's assessment was not undertaken in time to be included in the UK Government's impact assessment, such that it is not currently available for scrutiny in the legislature where the Bill will be considered and subject to amendment.

I would be grateful to receive a response by 17 April 2024.

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

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Agenda Item 6.4



Department for Levelling Up,
Housing & Communities

Rt Hon Michael Gove MP

Secretary of State for Levelling up, Housing & Communities

Minister for Intergovernmental Relations

2 Marsham Street

London

SW1P 4DF

Baroness Drake
Chair, Constitution Committee
House of Lords

21 March 2024

Dear Baroness Drake,

Thank you for your letter of 5 March 2024, following the 29 February meeting of the Inter-Parliamentary Forum, which Minister Buchan attended on my behalf.

I welcome the continued interest the Forum has shown with regards to the Common Frameworks programme. This Forum provides the opportunity to strengthen accountability and transparency for outcomes in policy areas in which the devolved administrations lead, as well as discussion on shared challenges. The UK Government deeply values transparency, accountability, and effective scrutiny by Parliament and the broader public on Government's participation in intergovernmental structures.

I strongly welcome the restoration of the Northern Ireland Executive and Northern Ireland Assembly. With their new powers and a funding package worth over £3 billion, we have the opportunity and responsibility to deliver a more prosperous future for all people in Northern Ireland. I share your view that the restoration of devolved institutions in Northern Ireland will make it possible to make substantial progress in implementing Common Frameworks.

The Provision of Services Common Framework completed stakeholder engagement on 23 February. The results from that exercise will now be considered. The Framework will then be submitted to ministers in the Department of Business and Trade and relevant devolved administration (DAs) departments, for provisional sign off and publication for scrutiny.

The development of the Mutual Recognition of Professional Qualifications (MRPQ) Common Framework has been paused following the passage of the Professional Qualifications Act 2022. This is given practical considerations around the Act's implementation and the role of any Common Framework, and until a consultation on the implementation of Sections 3 and 5 of the Act is concluded. A pause will allow for analysis by officials in DLUHC and the DAs supporting the Common Frameworks programme on the impact of an alternative approach.

Regarding the evaluation, the expectation is to publish it before the summer as my officials are completing the final data collection phase with input from Government and DA departments. The final report will be shared with the Scottish Government, Welsh Government, and NI Executive. The findings can then feed into the first review of each Common Framework. I will be happy to provide the forum with a copy of the evaluation once completed.

The legislatures have played, and will continue to play, a vital role. Although I cannot comment on how the legislative branch ought to scrutinise the functioning of the programme, I do note

the commitment of current and former committee members to the Common Framework's programme's improvement has been a positive force. This is further emphasised by the attention the Forum has given to Common Frameworks. In line with the final letter I received from the Common Frameworks Scrutiny Committee, however, I would consider it appropriate for the remaining scrutiny of Frameworks by the UK Parliament (and the future holding of departments to account for their operation) to take place through Departmental committees. This aligns with the ambition to embed Common Frameworks firmly into business as usual.

My view is that the Forum has got the balance broadly right: the constitutional committees represented in the Forum ensures its continued good coverage of the programme, while allowing Government and DAs to benefit from members' collective insights on the programme.

With every good wish

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail on the 'e'.

RT HON MICHAEL GOVE MP
Secretary of State for Levelling Up, Housing & Communities
Minister for Intergovernmental Relations

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', written in black ink.

Baroness Drake

Chair, House of Lords Constitution Committee

Chair, Children, Young People, and Education Committee

Chair, Climate Change, Environment, and Infrastructure Committee

Chair, Culture, Communications, Welsh Language, Sport, and International

Relations Committee

Chair, Economy, Trade, and Rural Affairs Committee

Chair, Equality and Social Justice Committee

Chair, Health and Social Care Committee

Chair, Legislation, Justice and Constitution Committee

Chair, Local Government and Housing Committee

22 March 2024

Dear Committee Chairs,

Scrutiny of the Draft Budget

You will recall that I wrote last year inviting Committees to express views on improvements that the Welsh Government could make to the documents it produces alongside its Draft Budget and in ministerial written evidence provided to Committees.

Your responses were considered by the Committee on 21 June 2023 and I subsequently wrote to the Minister for Finance and Local Government (the Minister) on 23 June 2023 asking for the concerns raised to be taken into account ahead of the 2024-25 budget round. These related to:

- the late publication of the Draft Budget leading to truncated scrutiny;
- a lack of transparency regarding the impact that the Draft Budget has on policy areas within each Committee's remit;
- the poor quality of written evidence provided by the Welsh Government; and
- the Welsh Government not providing responses to certain Committee recommendations ahead of the Final Budget debate.

These issues were raised again during the consideration of the Welsh Government Draft Budget 2024-25 earlier this year. Our report made the following recommendations and conclusions building on the views previously expressed:

***Conclusion 2.** The Committee will consult Senedd Committees involved in budget scrutiny ahead of the 2025-26 budget round to gain a better understanding of the evidence provided by the Welsh Government in support of the Draft Budget, and to explore ways to maximise budgetary scrutiny throughout the year*

***Recommendation 1.** The Committee recommends that the Minister publishes ministerial evidence papers at the same time as the Draft Budget in order to provide clarity on the criteria and priorities behind ministerial decisions, with the aim of enabling stakeholders to engage in the scrutiny process more effectively and at an earlier stage.*

***Recommendation 2.** The Committee recommends that, if the Draft Budget is delayed again in future years:*

- *the Minister and officials continue to attend a pre-scrutiny session with the Finance Committee; and*
- *the Minister works with the Finance Committee to identify approaches that can enhance scrutiny opportunities, including providing documentation relating to the Draft Budget, at an earlier stage.*

These recommendations were accepted in principle, with the Minister highlighting the practical difficulties in responding to the quantity of information requested by individual committees, at the same time as the publication of the Draft Budget.

We therefore ask you to consider the following issues, and to provide a response by Friday 24 May 2024.

- What improvements, if any, have you seen in the documentation provided by the Welsh Government alongside the Draft Budget 2024-25?
- Have you identified any further improvement that could be made to the information provided alongside the Draft Budget?
- Given the short time available for scrutiny, what consideration, if any, have you given to scrutinising budgetary matters within your remit at an earlier stage, for example considering longer terms strategic planning, following up on previous scrutiny recommendations or pre-scrutiny of decision making processes before the Draft Budget is published?

- The Committee is also currently working with the Minister and other stakeholders to review the Budget Process Protocol to ensure that the Senedd's budgetary processes reflect custom and practice developed in the Sixth Senedd to date. Do you have any views regarding the Senedd's budget procedures more widely?

We are grateful to you for your ongoing engagement with us on these matters and welcome any further correspondence responding to the points above.

Our aim is to raise these issues on behalf of Committees with the Minister in advance of the Plenary debate on budget priorities for 2025-26 that will take place before summer recess.

Yours sincerely,



Peredur Owen Griffiths MS
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

The Rt Hon the Lord Goldsmith KC
Chair, International Agreements Committee
House of Lords
London
SW1A 0PW

25 March 2024

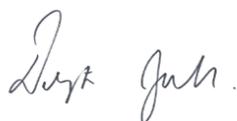
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

Dear Lord Goldsmith,

Our Committee has recently considered the UK Government's plans to ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. We have agreed to maintain a watching brief over implementation of the convention as it relates to devolved matters falling within our remit. We await with interest the findings of the UK Government's public consultation on the first stage of the convention's implementation. I write to share with you the responses we have received from the Welsh and UK Governments about the involvement of the devolved administrations in these plans and the anticipated benefits of the convention for our shared cultural heritage.

We welcome the International Agreement Committee's support in the securing of international agreements, and we will continue to copy you into future correspondence on matters of shared interest. I am copying this letter to the Chair of the Senedd's Legislation, Justice and Constitution Committee.

Yours sincerely



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS
Prif Weinidog Cymru/First Minister of Wales

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau, Chwaraeon a Thwristiaeth
Deputy Minister for Arts, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Delyth Jewell AS/MS
Chair
Culture, Communications, Welsh Language,
Sport, and International Relations Committee

6 March 2024

Dear Delyth,

I am writing in response to your letter dated 9 February regarding the UK Government's plans to ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

The Welsh Government welcomes the UK Government's proposal to ratify the UNESCO 2003 Convention for Safeguarding of the Intangible Cultural Heritage and the launch of a public consultation on the initial stages of implementation.

This is an opportunity to raise awareness and the profile of Intangible Cultural Heritage (ICH) in Wales for the benefit of current and future generations and to showcase the diverse traditions and heritage that exist here.

The process of ratifying the Convention is still in its early stages and therefore many areas remain unclear. The UK will be the state signatory, but it is of course important that the UK works with devolved governments as part of taking this work forward. A number of the questions you raise resonate with concerns which the Welsh Government has expressed in its consultation response, and this is attached as Doc 1.

As set out in the consultation documents, the nomination of items of ICH for the inventory should be bottom up and community led, and we agree with the approach that ICH can only be heritage when it is recognised as such by the communities, groups or individuals who create, maintain and transmit it. The Welsh Government will not be expressing preferences on what we would like to see included in the inventory, however we will encourage and support communities, groups or individuals who wish to submit items.

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Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@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.

You will see in the consultation documents that DCMS is proposing that compatible inventories are created for each of the four nations of the UK, as well as for participating Overseas Territories or Crown Dependencies. Each inventory will then be collated into the National Inventory of Intangible Cultural Heritage in the UK.

The consultation document does specifically suggest that inventories created for each part of the UK could draw on and complement existing inventories, for example, the list maintained by Museums Galleries Scotland, and the Red List of Endangered Crafts compiled by Heritage Crafts.

Contact with the UK government in respect of UNESCO conventions takes place at a number of levels. In March 2023, as part of a programme to launch Wales in France, the First Minister visited UNESCO in Paris. The Welsh delegation, comprising representatives from Wales Arts International, Amgueddfa Cymru, Urdd Gobaith Cymru, and the Office of the Future Generations Commissioner, alongside the First Minister, engaged in discussions with several senior UNESCO officials on topics including youth, culture, language and heritage.

Lord Parkinson of Whitley Bay, Parliamentary Under-Secretary of State for Arts and Heritage is the Minister responsible for the ratification of the Convention and also the ongoing implementation of the UNESCO World Heritage Convention to which the UK is already a signatory. Lord Parkinson provides updates on actions relating to UNESCO conventions in writing and through meetings with myself as Deputy Minister for Arts, Sport and Tourism and equivalent Culture Ministers in Scotland and Northern Ireland. During the past year this has included discussions in respect of the UK tentative list for WHS nominations and the proposal to ratify the ICH convention.

Welsh Government officials in Cadw support practical delivery of the UK's international obligations in respect of the implementation of the UNESCO World Heritage Convention including participating in advisory groups operating at UK level. Officials from the Welsh Government have participated in discussions with DCMS officials in advance of and during the present consultation process for ratification and implementation of the ICH convention.

The arrangements for collating and maintaining intangible cultural heritage inventories is the subject of the current consultation and will be the responsibility of the UK State Party.

Following consultation, the Welsh Government looks forward to working with the UK Government on the policy paper which will outline the details of how the UK plans to implement the Convention. We expect this paper will include monitoring and compliance arrangements.

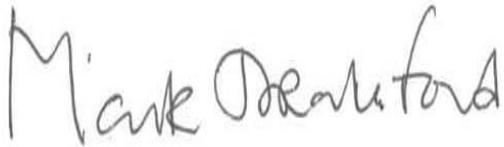
Wales has a distinct culture and heritage and the Welsh Government is supportive of the inventory representing both traditional and contemporary culture and ensuring diverse practices are included that reflect a modern society. The inclusion within the criteria that "*The Intangible Cultural Heritage can originate from anywhere*", means that diverse traditions or practices by people who have migrated and settled in Wales over generations can also be recognised and celebrated. It is important to also note the criteria that the IHG item "*can be from any time*" and "*must be currently practised*".

There have been calls over a number of years to make St David's Day a bank holiday in Wales. The subject was debated by the National Assembly for Wales on 1 March 2000 and received unanimous support. However, the Welsh Government does not have the power to designate bank holidays.

Any new bank holiday would need to be added to the list of existing bank holidays in the Banking and Financial Dealings Act 1971. This is currently only within the gift of the UK Government. As the creation of bank holidays is not a devolved matter, a request had to be made to the UK Government to designate the day as a bank holiday in Wales. The UK Government formally rejected the request in October 2002 and successive UK Governments have maintained this position.

We will continue to make the case for the devolution of the powers to the Senedd and the Welsh Ministers to make St David's Day a bank holiday.

Yours sincerely,



MARK DRAKEFORD



Dawn Bowden MS
Deputy Minister for Arts, Sport and Tourism

Response to DCMS Consultation on the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

The Welsh Government

General

1. The Welsh Government welcomes the UK Government's proposal to ratify the UNESCO 2003 Convention for Safeguarding of the Intangible Cultural Heritage and the launch of a public consultation on the initial stages of implementation.
2. Culture is a devolved matter. The Welsh Government values the commitment made by the UK Government to an inclusive, respectful and collaborative intercultural dialogue, and the recognition that there is no single government or organisation which can be responsible for the implementation of the Convention across the UK.
3. The UK Government should take an approach of equal partnership in relation to all decision-making pertaining to the signing of, and the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage in the UK.
4. The Well-being of Future Generations (Wales) Act includes a goal of '*A Wales of vibrant culture and thriving Welsh Language*'. The links between cultural participation and individual and community well-being, how culture supports community cohesion, and the need for sustainable approaches to supporting culture are key considerations in Wales, and this is true of intangible cultural heritage.
5. The articles of the UNESCO Convention emphasise the importance of formal and informal education and research, of building greater awareness, especially amongst young people, and of ensuring the widest possible participation as part of safeguarding activity. At present, the means by which this would be achieved are unclear within the information released for the UK consultation process.
6. The Welsh Government would welcome being sighted on the consultation responses received from Wales and being consulted further on drafts of the policy paper which will outline how the UK plans to implement the Convention in due course.
7. In ratifying the Convention, a commitment to long-term funding and other resources required to support safeguarding must be apparent. An early discussion is required to understand what level of resource can be made

available from the UK Government to support all aspects of ratifying the Convention.

The Inventory

8. The Welsh Government welcomes the proposal to create compatible inventories for each of the four nations of the UK, and that each inventory will then be collated into a national Inventory of Intangible Cultural Heritage in the UK.
9. The commitment to ensuring each nation is well represented on a UK inventory is noted, however, no specific detail has been shared about the process for reflecting the four nation inventories within the UK level inventory. Further discussion is required to understand how decisions will be made around the inclusion of Wales-based Intangible Cultural Heritage (ICH) in the UK inventory. The Welsh Government is eager to understand how a Wales inventory would be lifted and included in a UK level inventory, and where would the decision-making powers lie for this process. At this early stage, committing to ensuring a balanced approach, with full consultation and empowerment of each nation on the process of managing the UK level inventory content would offer reassurances.
10. The process for adding items to the inventory is described as a 'call for items' with submissions led by communities, groups or individuals followed by a 'light-touch' approvals process, with new entries announced on a regular basis – probably quarterly. The Welsh Government would welcome early discussions to clarify whether and how the process described relates to the UK inventory and the four nations' inventories.
11. The introduction to the consultation states that 'we will look to engage and provide support for those who wish to submit items.' As the Welsh language is afforded legal status in Wales, all support, processes and communications relating to the safeguarding of ICH must be provided in both English and Welsh.

Safeguarding

12. Safeguarding is being proposed as the second stage of implementation, to follow an initial stage of creating an inventory of ICH in the UK.
13. The implementation outline explains that '*safeguarding is generally understood to include raising awareness, building participation, ensuring sustainability, and supporting the passing on of skills and knowledge,*' and that '*the question of what, where, and how ongoing safeguarding looks like does not ... have a straightforward answer.*'

14. The Welsh Government acknowledges that safeguarding is not straightforward and that approaches to safeguarding need to be flexible and responsive to the granular areas of ICH activity. However, Article 13 and 14 of the UNESCO Convention outline measures for safeguarding and education, awareness-raising and capacity building in far more detail than the UK's consultation document. The UK should reflect Articles 13 and 14 in how it defines approaches to safeguarding.
15. We note the Consultation explanatory document expresses that *'ratifying the Convention does not signal a commitment for any immediate action from the UK government, the devolved administrations, local government or associated public bodies ... we are starting with no assumptions as to what actions to increase and improve safeguarding should look like of focus on.'* We believe this statement risks undermining the commitment to ratify the Convention and suggests that in fact there is potential to do nothing. We would urge the UK Government to commit to immediate engagement with the devolved governments and key cultural stakeholders to agree next steps.

Not listing items at UNESCO's global list

16. The Welsh Government notes the UK Government's intention not to focus on nominating items of ICH from the UK for the first few years following ratification; that there is currently no commonly agreed way of assessing which ICH elements are more valuable and important in the UK, and that a small number of items selected for the UNESCO list may be inherently unrepresentative of the wider ICH across the UK.
17. We believe that ratifying and implementing the UNESCO Convention in the UK should include the objective to list items of ICH at UNESCO and that there is a need to start considering a UK framework for assessing ICH for listing at UNESCO. Waiting to address this issue for the first few years risks placing the UK at a disadvantage globally, undermines the importance of UK based ICH, excludes the UK from accessing international expertise and support via UNESCO, and is detrimental to the profile of UK based ICH.
18. Agreeing an approach to listing at UNESCO will require collaboration and joint decision-making across the four nations of the UK.
19. The Consultation explanatory document expresses that the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article 17) and the Register of Best Safeguarding Practices are smaller and have more specific criteria for inclusion, and that the UK proposes to *'consider engaging with these once the Inventory of Intangible Cultural Heritage in the UK is up and running.'* The Welsh Government believes that these are important components of safeguarding ICH and that the UK should commit to engaging with the List and Register and should implement these in the UK as soon as possible.

Alongside the four nations' inventories, a four nation approach should be adopted for the List and Register.

Annex A - Responses to Survey Questions

1. Inventory Criteria

Criteria 1 – The Intangible Cultural Heritage must be currently practised.

The Welsh Government believes that there is a tension between the wording of criteria 1 and criteria 2 as currently expressed which could be addressed by merging them to read:

- The Intangible Cultural Heritage can be from any time, but must be currently practised.

AGREE

Criteria 2 – The Intangible Cultural Heritage can be from any time

Criteria 2 currently states that the UK Government does not wish to place a historical start date or ‘minimum age’ for any item to be included in the inventory. The Welsh Government believes that ICH activity can only become recognised, embedded and transmitted after a certain period of time. Not applying a ‘minimum age’ or a criteria for proving that a practice is established risks placing an unnecessary pressure on the maintenance of inventories and the work of approval panels. A ‘minimum age’ would be appropriate – this could be a decision for each approval panel, to enable them to be responsive to cultural and societal changes.

DISAGREE

Criteria 3 – The Intangible Cultural Heritage can originate from anywhere

The UNESCO Convention states that some practices are common to more than one country, enabling a practice to be inscribed by a number of different countries, for example, [falconry](#).

The Welsh Government agrees with the criteria, but the first explanatory bullet could be amended as the singular use of ‘culture’ may be perceived as exclusionary. We believe that this would be more inclusive if re-worded to say ‘... *specific to a culture, cultures or communities*’.

AGREE

Criteria 4 – The Intangible Cultural Heritage must be a living practice and can not be a material product or object

The explanatory bullets indicate that DCMS does not have responsibility for food and language. The Welsh Government notes the importance of working across government department boundaries in relation to safeguarding ICH.

STRONGLY AGREE

2. Are there any criteria in addition to the above that should be added in your view?

No. The Welsh Government believes that the UK should adopt the criteria of the Convention as expressed by UNESCO.

Communities

3. Are you supportive of the concept of community representation? If not, why not? What suggestions do you have for obtaining support for a community for a submission to the Inventory?

The Welsh Government is supportive of community representation and is committed to the concept of cultural rights and cultural democracy, where communities lead on identifying what is culturally important. We agree that items submitted for inclusion on the UK and four nations' inventories should be community led.

The Welsh Government strongly believes that any UK process should be actively aware of the unconscious biases that could arise during decision making processes where certain ICH items are intrinsically linked to a minority language, culture or community.

Ensuring the full breadth of community representation on an approvals panel is more difficult. An approvals panel should have a focus on ensuring it includes diverse voices, and whilst it is unlikely that a panel can be representative of all communities across the UK or within any of the four nations, panel membership should be ethnically/racially diverse.

The process for submitting items for inclusion on an inventory must therefore have two distinct areas of consideration:

1. whether the item has the support of, and is representative of a community of practice, and
2. whether the right lived experience and expertise exists on the approvals panel to enable a thorough and fair consideration of the item submitted for listing.

Enabling flexible approaches, for example, ensuring panels can commission expertise or temporarily co-opt members with the right lived experience to help with considering a specific inventory application will be important. Ensuring a regular review of approval panels' skillsets, supporting regular turnover of panel membership, and developing frameworks for shared learning across the UK will help enable approval panels to resolve problems and be responsive to emerging challenges.

There is a need to understand the role of the Welsh Government in providing support to communities who wish to submit items for inclusion on the Wales inventory.

Categories

4. What are your views on the 5 categories?

STRONGLY AGREE.

The Welsh Government believes that the UK inventory categories should align with the UNESCO categories.

5. What are your views on the additional category of Traditional games and sports?

NEITHER AGREE NOR DISAGREE.

Adding categories to the UK and four nation inventories may be helpful in safeguarding at UK level, but will not lead to these activities being recognised by UNESCO unless items listed in the UK inventory could be included within one of the five existing UNESCO categories. In this instance, traditional games and sports could be included under UNESCO's social practices, rituals and festive events category.

6. What are your views on the additional category of Culinary traditions / knowledge?

NEITHER AGREE NOR DISAGREE.

Adding categories to the UK and four nation inventories may be helpful in safeguarding at UK level, but will not lead to these activities being recognised by UNESCO unless items listed in the UK inventory could be included within one of the five existing UNESCO categories. In this instance, culinary traditions could be included under UNESCO's knowledge and practices or traditional craftsmanship categories.

7. In your view, should there be any additional categories? If so, what categories would you want included?

A brief review of other countries' approaches to inventory categories suggests that there may be some benefit in adding a 'skills' element to the traditional craftsmanship category, to read 'traditional skills and craftsmanship'. Folklore is also a popular inventory category addition and would work well for Wales.

Approvals process

8. Are you supportive of our intended approach to the approvals process?

NEITHER AGREE NOR DISAGREE.

The role of the Welsh Government in establishing an approvals panel for Wales is not clear in the explanation of the approvals process. We believe that the Welsh Government should play a lead role in considering and establishing an approvals panel for Wales, even if the intention is for the panel to be independent of Government.

Questions that will need to be addressed include the means by which appropriate members will be recruited to the panels. It is not clear whether the panel membership will be set up using a competitive, open and transparent process, similar to public appointments, how often the panel will meet, who will provide secretariat support, or whether these will be paid roles.

In addition to members with knowledge and experience of each of the category areas, and members from public bodies with responsibility and interest in those areas, it is important that the panels have a focus on diversity. In Wales, ensuring the panel provides appropriate regional representation and Welsh language skills will also be a consideration. In line with the legal status of the Welsh language in Wales, a Wales panel should be able to operate bilingually.

The proposed approach indicates no restrictions on re-applying for inclusion. If adopted, this should be supplemented by a common approach across the four nations and UK approval panels for dealing with vexatious applications.

Common terms of reference should be developed for all panels, with appropriate flexibility in place for four nation differences.

Article 8 of the Convention outlines the working methods of UNESCO's Intergovernmental Committee, and states that (3) The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task; and (4) The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognised competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters. The Welsh Government believe that reflecting these approaches across the four nations' approval panels would be appropriate.

A UK approvals panel should include equal representation of each of the four nations.

Appeals from the four nations could be channelled upwards to the UK panel if the nation panel deems it appropriate.

Further information is required before the Welsh Government can support the proposed approvals process.

Review of the Inventory

9. Are you supportive of our intended approach to reviewing the inventory? Should the period of review be:

MORE OFTEN

Consideration should be given to an annual requirement for items to be reconfirmed by those responsible for submission so that items and contact details remain up to date. The proposal to move items to an inactive list if renewal does not take place is supported. The risk of longer periods between confirmation is for contacts to be lost and information held on the inventory to become increasingly out of date.

No details have been provided in the consultation regarding the membership, remit and responsibilities of the Safeguarding Committees and their relationship with the management of the Inventory. Welsh Government would welcome contributing to UK-wide discussions to agree appropriate approaches to this important element of the Convention in due course.



Department
for Culture,
Media & Sport

Lord Parkinson of Whitley Bay
Minister for Arts & Heritage
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www.gov.uk/dcms

Delyth Jewell MS
Chair, Culture, Communications, Welsh Language,
Sport, and International Relations Committee
Welsh Parliament
Cardiff Bay
Cardiff CF99 1SN

8 March 2024

INT2024/01850/DC

Dear Delyth,

Thank you for your letter to the Secretary of State for Culture, Media and Sport regarding our plans to ratify the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. I am replying as the Minister for Arts and Heritage.

Whilst the Department for Culture, Media and Sport (DCMS) will act as the 'State Party' to the Convention, as much of culture and heritage policy is devolved, I have worked closely with the Devolved Administrations as we prepare for ratification.

HM Government believes that a benefit of ratifying this Convention is to start conversations about the extraordinary range and breadth of intangible cultural heritage across the whole United Kingdom, so I warmly welcome your interest and am glad to respond to your specific questions:

- 1. What benefits can be expected from inclusion on the national inventory, such as access to funding or initiatives to support intangible heritage?*

The inventory is an important first stage in safeguarding intangible cultural heritage, and in ensuring the viability of intangible cultural heritage in the United Kingdom. Ratifying the Convention is intended to start a national conversation about cultural and community heritage and its value to the identity, pride and cohesion of our communities and people across all parts of the United Kingdom.

Inclusion on the inventory is the first step in this process. The initial benefit will be to recognise and raise awareness of the items that are included. Further aspects of safeguarding, such as seeking further funding or researching initiatives to support items on the inventory, will be considered as part of the ongoing conversations about how, collectively, we should safeguard living heritage in the United Kingdom.

2. *When it comes to the approval panels that will be allocated to each nation, how will the panel for Wales be established, and with which government will responsibility lie? For example, will the Welsh Government be determining the membership for the panel in Wales?*

We have been seeking public views on the functioning of the approval panels. We are now collating views and DCMS will work with the Devolved Administrations to agree next steps.

The Department has taken care to avoid making these panels burdensome or overly bureaucratic. That is why we are consulting in detail on the inventory criteria, in order to help make the approvals panel process as light-touch as possible.

3. *How does the UK Government envision a 'compatible inventory' operating, and how will the UK and Welsh governments work together to maintain the Convention's arrangements?*
4. *How will the UK Government work with the devolved governments to ensure the inventory is maintained?*

With regard to the inventories, continuing the approach of ensuring that implementation of the Convention is as light-touch as possible, DCMS and the Devolved Administrations have been discussing a model where the 'back end' or infrastructure for the inventories are managed in a single place. Each inventory will also use the same criteria and same submission format to minimise any duplicative effort.

It is a key aspect that intangible cultural heritage is not fixed and evolves as it is passed on from generation to generation. It is therefore also important that the inventories remain a living record and are kept up to date. We are also consulting on how best to ensure this and, as above, will launch discussions with the Devolved Administrations in due course.

Thank you again for your interest in this area. Intangible cultural heritage plays a hugely important role in the identity, pride, and cohesion of people and communities across the whole United Kingdom. I hope that, in ratifying this Convention, we can continue to work together to champion that role and the great value of our shared heritage.

With best wishes,



Lord Parkinson of Whitley Bay
Minister for Arts & Heritage

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	Amendments to UK Government legislation to support the establishment of the Commission for Tertiary Education and Research
DATE	27 March 2024
BY	Lynne Neagle MS, Cabinet Secretary for Education

The Tertiary Education and Research (Wales) Act 2022 (the 2022 Act) provides for the establishment of the Commission for Tertiary Education and Research (the Commission) and the dissolution of the Higher Education Function Council for Wales (HEFCW).

The Commission will be the first ever national steward for the whole tertiary education and research sector, bringing together responsibility for overseeing Wales' higher and further education, school sixth forms, apprenticeships and research and innovation in one place. Through the reforms provided for in the 2022 Act we are seeking to shape a new structure and system to better support learners, and provide them with the knowledge and skills for lifelong learning, development and success.

A small number of technical amendments that are outside the Senedd's legislative competence are required as a consequence of the 2022 Act.

When issues arising from Senedd legislation require amendments to legislation beyond the Senedd's legislative competence, an Order under section 150 'Power to make consequential provision' of the Government of Wales Act 2006 can be developed in partnership with the Westminster Government.

The Secretary State for Wales has made the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Order 2024. This Order provides for consequential amendments to the following legislation to remove references to HEFCW, add references to the Commission and make technical amendments in relation to provisions that are being repealed as a consequence of the 2022 Act:

- House of Commons Disqualification Act 1975 - removing the reference to members of HEFCW in receipt of remuneration and inserting reference to members of the Commission in receipt of remuneration so that any member of the Commission in

receipt of remuneration will be disqualified from membership of the House of Commons.

- Further and Higher Education Act 1992 – substituting references to HEFCW and the Welsh Ministers with a reference to the Commission so that the Commission will be defined as a relevant authority for the purposes of section 82 of that Act and must, if directed to do so by the Secretary of State, make provision jointly with another relevant authority, or the Secretary of State, in relation to quality assessment of higher education.
- Freedom of Information Act 2000 – specifying the Commission as a public authority for the purposes of that Act and removing reference to HEFCW. Replacing the definition of an institution in Wales.
- Counter-Terrorism and Security Act 2015 – substituting reference to HEFCW with a reference to the Commission to enable the Secretary of State, by notice, to delegate the functions of a monitoring authority in relation to relevant higher education bodies in Wales to the Commission.
- Higher Education and Research Act 2017 – substituting reference to HEFCW with reference to the Commission to enable the Commission to exercise its funding functions jointly with another relevant authority, where exercising the function jointly would be more efficient, or would enable them more effectively to exercise their functions. Removing amendments which are superseded by amendments made by this Order.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.



The Scottish Parliament
Pàrlamaid na h-Alba

Sir Oliver Heald MP
Co-Chair of the UK-EU
Parliamentary Partnership
Assembly
(By e-mail)

The Scottish Parliament
EDINBURGH
EH99 1SP

CEEAC.committee@parliament.scot

26th March 2024

Dear Oliver,

Cancellation of the 5th meeting of the Parliamentary Partnership Assembly

We note the recent correspondence to you from colleagues in Senedd Cymru dated 20 March 2024. We agree with the views expressed in Huw's letter and also regret the cancellation of the 5th meeting of the PPA especially at such short notice. In particular, we agree that in order to avoid a similar situation in future, it would be of assistance to us to understand on what basis the decision was made and why it was not possible to put alternative arrangements in place. We also agree there is a need to ensure procedures are put in place to avoid a similar situation in future. In our view, this should involve appropriate levels of consultation with the devolved legislatures.

I am copying this letter to Huw Irranca Davies, Chair, Legislation, Justice and Constitution Committee, Senedd Cymru and Paula Bradshaw MLA, Chair of the Northern Ireland Assembly's Committee for The Executive Office.

Yours sincerely,

Clare Adamson MSP, Convener of the Constitution, Europe, External Affairs and Culture Committee

Sir Oliver Heald MP
Co-Chair of the UK-EU Parliamentary Partnership Assembly,
House of Commons

20 March 2024

Dear Oliver,

Cancellation of the 5th meeting of the Parliamentary Partnership Assembly

It was with deep regret that Adam Price MS and I were informed by Senedd Commission officials of the decision to cancel the fifth meeting of the Parliamentary Partnership Assembly (PPA) to be held from 18 to 19 March. We understand that this was due to the scheduling of business by the UK Government in the House of Commons that prevented Members of Parliament travelling to Brussels.

We were very much looking forward to further constructive and insightful conversations with our UK and European colleagues. It is a lost opportunity to cement the positive and constructive relationship that has developed through the PPA ahead of the European Parliament elections in June and likely change in delegation membership. I have no doubt that UK delegation members will have been equally disappointed by the cancellation.

As Senedd Members we have yet to receive any formal correspondence notifying us of why the decision was taken and why consultation with members from the devolved legislatures about the decision did not take place in advance.

In order to avoid a similar situation in future, it would be of assistance to us to understand on what basis the decision was made and why it was not possible to put alternative arrangements in place.

In addition, it would be helpful to know if there are any steps that could be taken and considered by both the UK and EU sides in future to avoid last minute cancellations due to changes to parliamentary business.



Given that there is likely to now be a considerable gap before the next meeting of a re-constituted PPA, it seems to be an opportune moment to ensure procedures are put in place to avoid a similar situation in future.

I would also like to take this opportunity to thank you for your support and engagement over the last two years and for your work with Nathalie Loiseau and other PPA Bureau members to ensure that the PPA has continued to evolve into a meaningful forum for cooperation.

I hope both the UK Government and European Commission value equally the positive impact the work of the PPA has had on UK-EU relations and continue to recognise its value and support its work in future.

I am copying this letter to Clare Adamson MSP, Convener of the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee and Paula Bradshaw MLA, Chair of the Northern Ireland Assembly's Committee for The Executive Office.

Best wishes,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Nathalie Loiseau MEP
Co-Chair of the UK-EU Parliamentary Partnership Assembly,
European Parliament

20 March 2024

Chère Nathalie,

Cancellation of the 5th meeting of the Parliamentary Partnership Assembly

It was with deep regret that we were informed by the UK delegation on 11 March of the decision to cancel the fifth meeting of the Parliamentary Partnership Assembly (PPA) to be held from 18 to 19 March due to the scheduling of business by the UK Government in the House of Commons that prevented Members of Parliament travelling to Brussels.

Senedd Members were very much looking forward to further constructive and insightful conversations with our European and UK colleagues, as I am sure were the European delegation. It is a lost opportunity for meaningful engagement between both sides.

As we are unable now to meet in person before the European Parliament elections, I wanted to extend my thanks to you as Co-Chair and to the European Parliament's delegation for their support, friendship and willingness to engage with the Senedd both within the formal structures of the PPA and more informally. It has been invaluable to us and is greatly appreciated. The PPA has evolved quickly to become a meaningful body for cooperation and the sharing of ideas and experiences between Parliamentarians from across the EU and UK.

I would like to take this opportunity to wish both you and delegation colleagues well in the upcoming election period and look forward to further joint working in future.



I am copying this letter to Clare Adamson MSP, Convener of the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee, Paula Bradshaw MLA, Chair of the Northern Ireland Assembly's Committee for The Executive Office and Sir Oliver Heald MP.

Best wishes,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

Agenda Item 6.9

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning



Llywodraeth Cymru
Welsh Government

Chair, Legislation, Justice and Constitution
Committee Cardiff Bay
Cardiff
CF99 1SN
SeneddLJC@senedd.cymru

8 April 2024

Dear Chair

Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill

Thank you for your letter of 19 March following the Committee session of 11 March 2024.

My officials were in regular contact with UK Government officials prior to the introduction of the Renters (Reform) Bill to keep in touch with what was happening with the Bill. My officials had regular contact with UK Government counterparts, particularly where matters might stray into devolved areas.

On 26 April, Welsh Government officials were informed that the Bill was likely to be laid in early May and that the Bill was to apply to England only. The UKG also informed policy officials that they were working up proposals regarding blanket bans on "No DSS claimants" and "No children" practices ("the blanket ban"). These provisions would not be ready for introduction of the Bill, but were likely to be brought forward at House of Commons Committee Stage.

At this time, an informal approach to Welsh Government was made about the possibility of extending the blanket ban provisions to Wales. At that stage it was envisaged that Committee Stage would be in early June, so timing was very tight.

Following their own consideration of how this would work, my officials briefed me about the invitation on 17 May and I gave indication that this was a course of action that I would like officials to explore. My officials then held meetings with UK Government officials over the coming weeks to work through the policy requirements for Wales in more detail.

In the meantime, the consideration of the Bill as introduced was completed by officials, and on 24 May, I was advised that the Bill did not require legislative consent. I subsequently wrote to the UK Government's Minister for Housing to confirm that I considered that legislative consent was not required.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Correspondence.Julie.James@gov.Wales

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

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

On 12 June, I gave formal agreement for officials to engage with UK Government on the potential to extend the blanket ban provisions to Wales.

Committee Stage of the Bill slipped several months to the final date of 18 November. My officials worked closely with UK Government officials in the development of policy instructions ahead of this time. Draft amendments were, in turn, shared with Welsh Government for consideration. The amendments were finalised and agreed by Welsh Government and UK Government officials on 18 October. My officials also engaged with UK Government on supporting documentation, such as Explanatory Notes and the Delegated Powers Memorandum during this time.

On 25 October, I wrote to the Llywydd and the Chair of the Legislation, Justice and Constitution Committee, copying in the Chair of the Local Government and Housing Committee, to make them aware that my officials were working with the UK Government to bring forward amendments to the Renters (Reform) Bill to introduce the blanket ban provisions to Wales.

On 14 November, the amendments in relation to Wales were published, and the Minister for Levelling Up wrote to the Minister for Climate Change to formally request legislative consent from the Senedd. I responded on 31 January to confirm that legislative consent was being sought, and that a Legislative Consent Memorandum had been laid on 30 January.

My officials have been in contact with UK Government throughout the process and engagement continues as the Bill progresses through Parliament.

Yours sincerely



Julie James AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning

Julie James MS
Minister for Climate Change

19 March 2024

Dear Julie

Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill

Thank you for giving evidence to my Committee on 11 March 2024 in relation to the Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill.

In the course of the session, it was noted that regular meetings took place between Welsh and UK Government officials (RoP paragraphs 70 to 73), and you undertook (RoP paragraph 87) to provide the Committee with a timeline of engagement on matters related to the Bill.

We would be grateful if this timeline could start with any engagement with the UK Government *prior* to the Bill's introduction and finish with the most recent contact. It would also be helpful if that timeline could include routine and specific engagement between Ministers, and also between officials, where relevant matters were raised or discussed. Information about formal Ministerial correspondence would also be useful.

I would be grateful to receive a response by close on 10 April 2024.

Yours sincerely,



Huw Irranca-Davies
Chair

Eich cyf/Our ref:

The Chair – Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

11 April 2024

Dear Chair,

Local Government Finance (Wales) Bill

I thank the Legislation, Justice and Constitution Committee for considering the Local Government Finance (Wales) Bill and the corresponding report of 6 March 2024.

Please see my response below to the set of recommendations and conclusions within the report. I am pleased to have been able to accept many of the recommendations.

I have not been able to accept the group of similar recommendations to leave out several sections of the Bill which include regulation-making powers. The response to each such recommendation sets out the impact that removing the relevant section would have, in isolation. It is also important to recognise that some of these powers are connected, in that they complement one another by acting on different parameters within the local taxation system. A potential intermediate position, which retained some of these powers and removed others, would mean that we would not always be able to use the most appropriate tool in response to future priorities. For example, new non-domestic rates support would be provided as a relief, exemption or differential multiplier, depending on the optimal approach to delivering the specific policy aim. It is important that all of these tools are equally usable by the Welsh Ministers through regulations, to uphold the policy intention behind the provisions and ensure the optimal operation of the system as a whole.

I have attached for information copies of the letters I have sent to the chairs of the Local Government and Housing Committee and the Finance Committee, and I am sending a copy of this letter to the chairs of both of those Committees also.

I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

Bae Caerdydd • Cardiff Bay
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Gohebiaeth.Rebecca.Evans@llyw.cymru

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

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

Yours sincerely,

Rebecca Evans.

Rebecca Evans AS/MS

Ysgrifennydd y Cabinet dros Gyllid, y Cyfansoddiad a Swyddfa'r Cabinet
Cabinet Secretary for Finance, Constitution & Cabinet Office

Responses to the Legislation, Justice and Constitution Committee Conclusions and Recommendations in relation to the Local Government Finance (Wales) Bill

Recommendation 1: The Minister should respond to the conclusions and recommendations we make in this report at least two working days before the Stage 1 general principles debate takes place.

ACCEPT.

Recommendation 2: The Minister should confirm whether she has had discussions with the Counsel General and the Welsh Government Cabinet about the priority which should be attached to the consolidation of the law on local taxation.

ACCEPT. I discussed legislative options with the Counsel General ahead of the drafting of the Bill and, as I explained to the Committee, the decision was made not to consolidate the law on local taxation at the present time. The Committee's continuing commitment to the accessibility of Welsh law and support for consolidation is helpful, and the findings in the Committee's report will be taken into account as proposals for future consolidation projects are developed. I have, therefore, shared the Committee's views on this matter with the Counsel General.

Recommendation 3: The Minister should provide full details of why, on each of the occasions mentioned in the Explanatory Memorandum to the Bill and in her letter to the Committee on 18 January 2024 when UK Bills have been used, the Senedd would not have been able to pass its own legislation to deliver the necessary changes to the non-domestic rates and council tax systems in Wales.

ACCEPT. The Legislative Consent Memoranda laid before the Senedd in respect of each occasion when a Legislative Consent Motion has been tabled set out the key considerations and rationale for recommending consent. To assist the Committee in accessing this information, links are provided in **Annex A** to this letter.

Recommendation 4: The Minister should provide to the Senedd a clear, full and detailed list of each and all delegated powers in the Bill, by reference to specific location, type, scrutiny procedure, and whether it is a restated power (with or without amendment).

ACCEPT. The information requested is provided in **Annex B** to this letter. "Restated powers without amendment" are considered to be those which have the same effect as existing powers, albeit some minor textual amendments may have been made to ensure clarity. "Restated powers with amendment" are considered to be those which broadly have the same effect as existing powers but where more significant amendments have been made.

Recommendation 5: The Minister should table an amendment to the Bill to leave out section 5.

REJECT. The Local Government Finance Act 1988 (“1988 Act”) already contains a range of individual powers for the Welsh Ministers to provide for reliefs by regulations. This power is no more significant in its potential effect on non-domestic rates liability than other legislative and discretionary mechanisms which already exist, but provides for consistency across the landscape of reliefs.

Adopting this recommendation could disadvantage ratepayers by delaying or even preventing the provision of new support where there is a need to act very quickly. Recent examples include the need to rely on discretionary mechanisms to provide more than £1bn in relief to retail, leisure and hospitality businesses since 2020-21 and the budget available to inform the Welsh Government’s approach to providing transitional relief following the 2023 revaluation being affected by the UK Government 2022 Autumn Statement.

Recommendation 6: The Minister should table an amendment to the Bill to leave out section 9.

REJECT. Adopting this recommendation could disadvantage ratepayers by delaying the provision of a new exemption. There are a variety of ways in which a ratepayer’s liability may be reduced to zero. These include the use of legislation or existing discretionary powers of local authorities to provide full relief. Exemptions are an alternative to the provision of full relief, applied when it is considered that the chargeable amount of non-domestic rates for a certain type of property should be zero on a permanent basis. In such circumstances, there would be a cost and no benefit associated with valuing properties of that type. This power is, therefore, no more significant in its potential effect on liability than other legislative or discretionary mechanisms which already exist, but provides greater consistency across these different elements of the system.

Recommendation 7: The Minister should provide full and detailed reasoning as to why provision is not made on the face of the Bill for a multiplier for small businesses.

ACCEPT. There is no current policy intention to create a small business multiplier for Wales. Creating a multiplier for small businesses is just one example of an approach it would be possible to adopt using the powers in section 10 of the Bill. This example was used because it demonstrates how the existing legislative framework limits the options available to the Welsh Ministers, including in respect of policies advocated by Senedd Members.

There are other ways in which the Welsh Government may wish to target the use of any differential multipliers, in relation to our priorities and the needs of Wales. Section 10 is intended to enable analysis of a wider range of policy options when considering whether to introduce a differential multiplier for Wales.

Recommendation 8: The Minister should table amendments to the Bill to leave out sections 10 and 11.

REJECT. The 1988 Act already contains a power for the Welsh Ministers to set the existing single multiplier at any level. This power is, therefore, no more significant in its potential effect on liability than that which already exists. Differential multipliers exist elsewhere in the UK and the rationale for these provisions has been set out. The existing legislative framework limits the options available to the Welsh Ministers, including in respect of policies advocated by Senedd Members (for example, introducing and freezing a lower multiplier for small businesses).

Recommendation 9: The Minister should provide specific examples of anti-avoidance behaviour that would have been addressed by the use of the proposed power in section 13 in recent years had it been available to the Welsh Ministers earlier.

ACCEPT. It is first worth noting that, if an anti-avoidance power had been introduced some years ago, it would not necessarily have been drafted in the way it is presented now, and the landscape in which it would have been used has also evolved (as a result of case law, for example). As with any power, its use would also be subject to consultation. An anti-avoidance power may, therefore, have been used differently in previous years to how a new power could be used in future. Secondly, the response to this recommendation is necessarily limited to how a power could have been used. It is not a question of how primary legislative opportunities could also have been used, had they been available before now.

Setting aside those matters, the Welsh Ministers may have sought to use an anti-avoidance power to address avoidance arrangements which rely on:

- third party, openly advertised, rates mitigation schemes;
- occupation arrangements not made on a commercial basis;
- phoenix companies exploiting relief for unoccupied properties;
- illegitimate “charities” exploiting charitable relief for unoccupied properties.

The Committee will be familiar with concerns about the exploitation of charitable relief for unoccupied properties, as this matter is now addressed by section 6 of the Bill. This issue has been known about since we consulted on a range of measures to address avoidance in 2018. Had an anti-avoidance power already been available at that time, the Welsh Ministers could have used it to address the issue promptly. In the absence of such a power, this Bill is the first available opportunity to take steps to address the exploitation. Amendments to the 1988 Act are considered sufficient in this case, because the avoidance can be addressed by strengthening the evidence requirements which need to be satisfied before the relief is granted. This demonstrates our commitment to adjusting existing legislation where we identify that improvements can be made, and other examples of this approach are noted in response to recommendation 10.

However, we consider that many avoidance arrangements cannot be adequately addressed simply by altering the existing legislative provisions which are being exploited. The availability of a distinct anti-avoidance regime which provides for liability to be adjusted in specific cases of artificial avoidance arrangements responds to that problem. This regime will be provided by the new anti-avoidance provisions in the 1988 Act and the statutory instrument which will define the specific artificial arrangements. This legislative approach ensures that tax avoidance techniques, which continually evolve, can be dealt with in a timely manner, so that the revenue risk to public funds is minimised.

Recommendation 10: The Minister should explain how such anti-avoidance behaviour has previously been addressed by the Welsh or UK Governments given the long established nature of non-domestic rating.

ACCEPT. As described in response to recommendation 9, the absence of some of the powers in the Bill has constrained the Welsh Government's ability to address avoidance in a timely manner. Addressing non-domestic rates avoidance is an area in which the Welsh Government is ahead of the UK Government, having made incremental progress with the implementation of a range of measures announced in 2018. Some measures have been possible to deliver using regulations (e.g. increasing the period between instances of eligibility for relief for unoccupied properties), but primary legislation has been necessary for most (e.g. powers for local authorities to enter and survey properties or request information from third parties conducting a business in relation to a property). Where primary legislation has been required, opportunities for provisions in a suitable legislative vehicle have been limited. For this reason, sections 6 and 13 of this Bill provide for two of the measures first announced in 2018.

Recommendation 11: In the absence of specific evidence demonstrating a need for the power, the Minister should table an amendment to the Bill to leave out section 13.

REJECT. Adopting this recommendation would lead to a delay in addressing identified anti-avoidance arrangements, resulting in the prolonged avoidance of liability. The power to make regulations in section 13 of the Bill has been carefully designed to be as limited as possible while still enabling the long-established and uncontroversial policy intention behind the provisions to be achieved. Proposals to define new artificial avoidance arrangements will have been subject to consultation prior to regulations being brought forward.

Recommendation 12: The Minister should table an amendment to the Bill to leave out section 18.

REJECT. Adopting this recommendation would mean the Welsh Ministers would continue to be restricted in changing elements of the discounts currently provided for in the LGF Act 1992. It would prevent Welsh Ministers from introducing new discounts or ensuring discounts can be targeted to help support the most vulnerable and low-income households. The existing arrangements are a mix of provisions which are not as clear as they could be, and which do not work particularly well together.

Removing this section could disadvantage council tax payers, local authority practitioners and advice services who would benefit from the policy aims to simplify the arrangements in relation to Wales, providing clarity and removing the ambiguity that exists in some of the current provisions in the 1992 Act. Removing this section could also disadvantage some council tax payers from benefiting from the Welsh Government's policy aims of meeting broader socioeconomic goals, such as tackling poverty.

Recommendation 13: The Minister should clarify which scrutiny procedure will apply to regulations made under section 13(1) of the 1992 Act (as amended).

ACCEPT. Regulations made under section 13(1) of the 1992 Act will be subject to the negative procedure as already provided in the 1992 Act. Table 5.1 in the Explanatory Memorandum will be amended to reflect this position.

Responses to Committee conclusions

You will note below that I provide a single response to cover conclusions 1-10 and 12.

Conclusion 1: The capacity of, and pressures on, the Welsh Government should not be confused or conflated with the Senedd's capacity and duty to perform its legislative function.

Conclusion 2: We disagree with the Minister's statement that "the arrangements proposed in this Bill will enhance the Senedd's role considerably".

Conclusion 3: We are unclear how the Bill will, in the Minister's view, "give the Senedd more power over decisions that are taken here in Wales in respect of non-domestic rates and council tax".

Conclusion 4: We find the Minister's comments that the Bill is a legislative framework for futureproofing to be at odds with her views that it is also consistent with long-standing principles in relation to the role of the legislature.

Conclusion 5: While we acknowledge that there may well be occasions in any given year where unforeseen and urgent circumstances may require legislative changes, this of itself is not a sufficient enough reason to justify the taking of substantial executive power when the Senedd has procedures in place to accommodate expedited scrutiny of primary legislation.

Conclusion 6: We do not welcome the remarks by the Minister that the Bill will "allow future governments to think creatively about different things", especially in light of the constraints on the Senedd itself to influence this "creative thinking".

Conclusion 7: We do not consider that the Bill represents an appropriate way for a government to legislate. Primary legislation that creates extensive regulation-making powers should not be proposed by a government to enable future governments 'to think

creatively'. This facilitates the avoidance of detailed scrutiny by Members of a democratically elected Senedd.

Conclusion 8: Through the Bill, the Minister is asking this Senedd to grant broad delegated powers to an unelected future government for unknown reasons and to do a wide range of things that are not necessarily understood today. The excessive granting of secondary legislative powers denies the Senedd its proper constitutional role.

Conclusion 9: We have repeatedly commented on the 'futureproofing' justification often put forward by the Welsh Ministers. Excessively futureproofing primary legislation takes away powers from future Seneddau and is not an acceptable practice.

Conclusion 10: We believe that the Bill is an example of the Welsh Government making inappropriate legislative choices, and this is particularly concerning in the context of Senedd reform.

Conclusion 12: In line with long-standing parliamentary principles, we believe that significant changes to local taxation should be made by primary legislation once specific policy has been developed.

NOTED. I acknowledged during my evidence to the Committee that, capacity aside, it is also a matter of what is reasonable and proportionate in terms of legislating in this area. I have set out my reasons for the approach taken in this Bill, as the Committee's report has recognised. It is for these reasons that the Government is seeking these regulation-making powers, rather than introducing separate primary legislation each time a change is required. Based on the volume of local tax changes in recent years, such an approach is not considered achievable. I appreciate that the Committee takes a different view on this.

I have also been clear in my evidence that I consider the proposed approach set out in this Bill to be a significant improvement in comparison to the system we have relied on to date of seeking consents for Wales through UK Parliament Bills.

Finally, I note the Committee's comment in relation to the increased capacity of the Senedd to undertake scrutiny in future, should the Senedd Cymru (Members and Elections) Bill be passed.

Conclusion 11: The Minister is asking the Senedd to delegate significant powers to be exercised by the executive and the Senedd should know the exact number, location and type contained in the Bill.

NOTED. The information requested in recommendation 4 is in **Annex B** to this letter.

Conclusion 13: Section 9 is another example in the Bill where broad powers to make subordinate legislation are being taken with no evidence or policy aim in mind. We do not consider this to be appropriate or acceptable.

NOTED. The context and rationale behind section 9 of the Bill has been clarified. As set out in the information previously provided, and reflected in the Committee's report, the power in section 9 is no more significant in its potential effect on non-domestic rates liability than other legislative and discretionary mechanisms which already exist.

Conclusion 14: Given the example the Minister has cited as regards a multiplier for small businesses, we are unclear why the Bill is not being used to create such a multiplier.

NOTED. This matter is clarified in my response to recommendation 7.

Title of legislation	Link to details relating to legislative consent	The reason(s) for adopting this approach outlined in the Legislative Consent Memorandum
The Localism Act 2011	https://business.senedd.wales/mglIssueHistoryHome.aspx?lId=1334&Opt=0&AIID=2878	<p>Advantages of utilising this Bill</p> <p>It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in Wales at the earliest opportunity.</p>
Local Government Finance Act 2012	<p>https://business.senedd.wales/mglIssueHistoryChronology.aspx?lId=3938&Opt=2</p> <p>https://business.senedd.wales/documents/s8221/CELG4-15-12-Paper%203%20Legislative%20%20Consent%20Memorandum%20-%20Local%20Government%20Finance%20Bill.pdf</p>	<p>Advantages of utilising this Bill</p> <p>It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in Wales at the earliest opportunity. These provisions will allow the Welsh Ministers to introduce appropriate legislation in accordance with Welsh priorities and concerns, prior to the abolition of Council Tax Benefit in March 2013.</p>
The Growth and Infrastructure Act 2013	<p>https://business.senedd.wales/mglIssueHistoryHome.aspx?lId=5396&Opt=0&AIID=9232</p> <p>https://senedd.wales/media/pq2ogkd3/lcm-ld9146-e-english.pdf</p>	<p>Advantages of utilising this Bill</p> <p>It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in relation to Wales at the earliest opportunity. Waiting for similar provisions to be included in an Assembly Bill could lead to a delay which would lead to Wales being at a disadvantage in comparison with the position in England. The provisions will allow the Welsh Ministers to introduce appropriate secondary legislation in accordance with Welsh priorities.</p>
The Enterprise Act 2016	https://business.senedd.wales/mglIssueHistoryChronology.aspx?lId=13706&Opt=2&AIID=26974	<p>Advantages of utilising this Bill</p> <p>It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill for reasons of timing and coherence. The interconnected nature of the relevant Welsh and English administrative NDR systems and the cross-border operation of the VOA as an agency of</p>

Title of legislation	Link to details relating to legislative consent	The reason(s) for adopting this approach outlined in the Legislative Consent Memorandum
	https://senedd.wales/laid%20documents/lcm-ld10372/lcm-ld10372-e.pdf	HMRC mean that it is effective and appropriate for provision for both the Wales and England administrations to be taken forward at the same time in the same legislative instrument.
Telecommunications Infrastructure (Relief from Non-Domestic Rates) Act 2018	https://business.senedd.wales/mgIssueHistoryHome.aspx?lId=19909	<p>Advantages of utilising this Bill</p> <p>It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill for reasons of timing and coherence. This includes the need to provide parity with England to ensure investment in fibre infrastructure in Wales is not adversely affected. The interconnected nature of the relevant Welsh and English administrative systems also supports provision being taken forward at the same time in the same legislative instrument.</p>
Non-Domestic Rating (Nursery Grounds) Act 2018	https://business.senedd.wales/mgIssueHistoryHome.aspx?lId=22279&Opt=0 https://senedd.wales/laid%20documents/lcm-ld11580/lcm-ld11580-e.pdf	<p>Reasons for making these provisions for Wales in the Bill</p> <p>The possibility of making this change through a future Welsh Government Bill has been discounted because there is not currently a firm legislative opportunity within the timescale required. Also, using a Welsh Government Bill would result in different valuation approaches operating in Wales and England for a period, i.e. until such time as a Welsh Government Bill became law. This would not be desirable or justifiable.</p>
Non-Domestic Rating (Lists) Bill 2019 (The Bill fell when UK Parliament was prorogued, but was re-introduced)	https://business.senedd.wales/mgIssueHistoryHome.aspx?lId=25705	<p>Reasons for making these provisions for Wales in the Bill</p> <p>Considerable preparatory work is required in preparing new rating lists to take effect on 1 April 2021 and in making ratepayers aware of the prospective changes. The confirmation of the valuation date in legislation provides the statutory basis for this work. The possibility of making this change through a future Welsh Government Bill has been discounted because there is no suitable legislative opportunity within the timescale required to enable the VOA to complete the necessary valuation work. Also, using a later Welsh Government Bill would result in less certainty for businesses and other ratepayers in Wales in the interim. The Bill will ensure that the timing of the revaluation in Wales aligns with that in England and that valuations are carried out in a consistent manner.</p>

Title of legislation	Link to details relating to legislative consent	The reason(s) for adopting this approach outlined in the Legislative Consent Memorandum
Non-Domestic Rating (Public Lavatories) Bill 2019 (The Bill fell when UK Parliament was prorogued, but was re-introduced)	https://business.senedd.wales/mgIssueHistoryChronology.aspx?Ild=25775&Opt=2	Reasons for making these provisions for Wales in the Bill The possibility of making this change through a future Welsh Government Bill has been discounted because there is currently no suitable primary legislative opportunity which would allow the rates liability on public lavatories to be removed in Wales at the same time as in England. Including provisions for Wales within the Bill provides the zero-rating of liability for public lavatories in Wales and will reduce the cost of maintaining them and may help them to remain open.
Non-Domestic Rating (Lists) Bill 2020 (The Bill was superseded by the Non-Domestic Rating (Lists) Act 2021)	https://business.senedd.wales/mgIssueHistoryHome.aspx?Ild=28724	Reasons for making these provisions for Wales in the Bill Considerable preparatory work is required in preparing new rating lists to take effect on 1 April 2021 and in making ratepayers aware of the prospective changes. The confirmation of the valuation date in legislation provides the statutory basis for this work. The possibility of making this change through a future Welsh Government Bill has been discounted because there is no suitable legislative opportunity within the timescale required to enable the VOA to complete the necessary valuation work. Also, using a later Welsh Government Bill would result in less certainty for businesses and other ratepayers in Wales in the interim. A Welsh Government Bill would need to be laid, debated, passed and commenced before the end of June for the changes to be effective for April 2021. The Bill will also require the amendment of the Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2016 and these revised regulations must be in force by 31 December 2020, otherwise they will not be effective. The Bill will ensure that the timing of the revaluation in Wales aligns with that in England and that valuations are carried out in a consistent manner.
Non-Domestic Rating (Public Lavatories) Act 2021	https://business.senedd.wales/mgIssueHistoryHome.aspx?Ild=28394	Reasons for making these provisions for Wales in the Bill The possibility of making this change through a future Welsh Government Bill has been discounted because there is currently no suitable primary legislative opportunity which would allow the rates liability on public lavatories to be removed in Wales at the same time as in England.

Title of legislation	Link to details relating to legislative consent	The reason(s) for adopting this approach outlined in the Legislative Consent Memorandum
		Including provisions for Wales within the Bill provides the zero-rating of liability for public lavatories in Wales and will reduce the cost of maintaining them and may help them to remain open.
Non-Domestic Rating (Lists) (No.2) Bill / Non-Domestic Rating (Lists) Act 2021	https://business.senedd.wales/mgIssueHistoryHome.aspx?lId=29631&Opt=0	<p>Reasons for making these provisions for Wales in the Bill</p> <p>Considerable preparatory work is required in preparing new rating lists to take effect on 1 April 2023 and in making ratepayers aware of the prospective changes. The confirmation of the valuation date in legislation provides the statutory basis for this work. The possibility of making this change through a future Welsh Government Bill has been discounted because there is no suitable legislative opportunity within the timescale required to enable the VOA to complete the necessary valuation work. Also, using a later Welsh Government Bill would result in less certainty for businesses and other ratepayers in Wales in the interim. The Bill will also ensure that the timing of the revaluation in Wales aligns with that in England and that valuations are carried out in a consistent manner.</p>
Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021	https://business.senedd.wales/mgIssueHistoryHome.aspx?lId=37958	<p>Reasons for making these provisions for Wales in the Bill</p> <p>These changes can only be made by way of primary legislation. The possibility of making these changes through a future Welsh Government Bill has been discounted as no suitable legislative vehicle is planned within the time-scales necessary for these provisions. Using a later Welsh Government Bill would result in uncertainty for businesses and other ratepayers in Wales in the interim. It would also give rise to significant financial implications. A Welsh Government Bill would need to be laid, debated, passed and commenced for the changes to be effective retrospectively. Any delay would increase the administrative burden on ratepayers, the VOA and Welsh local authorities. Consenting to provisions in the Bill would enable the matter to be resolved promptly, enabling resources to be better targeted and allowing targeted support to be introduced for ratepayers negatively affected by the legislation. The Bill would ensure that the treatment of appeals in Wales aligns with that in England and that Welsh ratepayers would be treated in a consistent manner.</p>

Title of legislation	Link to details relating to legislative consent	The reason(s) for adopting this approach outlined in the Legislative Consent Memorandum
The Non-Domestic Rating Act 2023	https://business.senedd.wales/mglIssueHistoryHome.aspx?lId=41256	<p>Reasons for making these provisions for Wales in the Bill</p> <p>These changes can only be made by way of primary legislation. The possibility of making these changes through a future Welsh Government Bill has been considered. The changes have been identified as suitable for pursuing through a UK Government Bill on the basis that they would be beneficial to implement as soon as practically possible. Awaiting the Welsh Government's planned Local Government Finance (Wales) Bill would lead to both the Welsh Government and ratepayers in Wales being put at a disadvantage and rescheduling the Senedd Bill would have wider negative impacts on our legislative programme.</p>

Section of Bill	Provision in amended Act	Power in relation to Wales to (description)	Procedure	New or restatement
4	Section 54AB(1) of the Local Government Finance Act 1988 (the 1988 Act)	Amend sections 41ZA(3) and 52ZA(3) of the 1988 Act to: (a) substitute a different year for the year that is for the time being specified as the revaluation year (b) insert a reference to a different year from the year that would otherwise be the revaluation year (c) substitute a different interval between revaluation years for the interval that is for the time being specified there (d) make other amendments consequential on, or incidental to, the amendments made under paragraph (a), (b), or (c)	Draft affirmative	New
5(2)	Paragraph 8A(2)(b)(i) of Schedule 4ZA to the 1988 Act	Prescribe conditions to confer an additional partial relief in respect of occupied local list hereditaments	Draft affirmative	New
	Paragraph 8B(2) of Schedule 4ZA to the 1988 Act	Prescribe conditions to confer an additional full relief in respect of occupied local list hereditaments	Draft affirmative	New
	Paragraph 8C of Schedule 4ZA to the 1988 Act	Amend or repeal any provision in Parts 2 and 3 of the Schedule for the purposes of varying or withdrawing a relief set out in those parts in respect of occupied local list hereditaments	Draft affirmative	New
	Paragraph 9A of Schedule 4ZA to the 1988 Act	Amend paragraph 9 of the Schedule for the purpose of providing for the calculation of the chargeable amount when more than one relief applies to occupied local list hereditaments	Draft affirmative	New
	Paragraph 10(6A) of Schedule 4ZA to the 1988 Act	Prescribe the value of "F" in the formula used for the purposes of conferring a new partial relief in respect of occupied local list hereditaments	Draft affirmative	New
5(3)	Paragraph 2A(2)(b)(i) of Schedule 4ZB to the 1988 Act	Prescribe conditions to confer an additional partial relief in respect of unoccupied local list hereditaments	Draft affirmative	New

Section of Bill	Provision in amended Act	Power in relation to Wales to (description)	Procedure	New or restatement
	Paragraph 2B(2) of Schedule 4ZB to the 1988 Act	Prescribe conditions to confer an additional full relief in respect of unoccupied local list hereditaments	Draft affirmative	New
	Paragraph 2C of Schedule 4ZB to the 1988 Act	Amend or repeal any provision in Part 2 of the Schedule for the purposes of varying or withdrawing a relief set out in that part in respect of unoccupied local list hereditaments	Draft affirmative	New
	Paragraph 2E of Schedule 4ZB to the 1988 Act	Amend paragraph 2D of the Schedule for the purpose of providing for the calculation of the chargeable amount when more than one relief applies to unoccupied local list hereditaments	Draft affirmative	New
	Paragraph 3(5A) of Schedule 4ZB to the 1988 Act	Prescribe the value of "F" in the formula used for the purposes of conferring a new partial relief in respect of unoccupied local list hereditaments	Draft affirmative	New
5(4)	Paragraph 4A(2)(b)(i) of Schedule 5A to the 1988 Act	Prescribe conditions to confer an additional partial relief in respect of central list hereditaments	Draft affirmative	New
	Paragraph 4B(2) of Schedule 5A to the 1988 Act	Prescribe conditions to confer an additional full relief in respect of central list hereditaments	Draft affirmative	New
	Paragraph 4C of Schedule 5A to the 1988 Act	Amend or repeal any provision in Part 2 of the Schedule for the purposes of varying or withdrawing a relief set out in that part in respect of central list hereditaments	Draft affirmative	New
	Paragraph 5B of Schedule 5A to the 1988 Act	Amend paragraph 5A of the Schedule for the purpose of providing for the calculation of the chargeable amount in when more than one relief applies to central list hereditaments	Draft affirmative	New
	Paragraph 6(5A) of Schedule 5A to the 1988 Act	Prescribe the value of "F" in the formula for the purposes of conferring a new partial relief in respect of central list hereditaments	Draft affirmative	New
9(2)	Paragraph 20A(1) of Schedule 5 to the 1988 Act	Insert, amend, revoke or repeal any provision in the Schedule to confer, vary or withdraw an exemption	Draft affirmative	New

Section of Bill	Provision in amended Act	Power in relation to Wales to (description)	Procedure	New or restatement
10	Paragraph A16(1)(a) of Schedule 7 to the 1988 Act	Specify the description of local list hereditaments to be subject to a differential multiplier	Draft affirmative	New
	Paragraph A16(1)(b) of Schedule 7 to the 1988 Act	Specify the rateable value of central list hereditaments to be subject to a differential multiplier	Draft affirmative	New
	Paragraph A16(2)(b) of Schedule 7 to the 1988 Act	Prescribe the value of "N" for the purposes of calculating a differential multiplier	Draft affirmative	New
	Paragraph A18(a) of Schedule 7 to the 1988 Act	Substitute for references to the consumer prices index references to another index, for the purpose of calculating the multiplier	Draft affirmative	Restatement (without amendment)
	Paragraph A18(b)(i) of Schedule 7 to the 1988 Act	Substitute the figure for B in the formula used for the purpose of calculating the multiplier	Draft affirmative	Restatement (without amendment)
	Paragraph A18(b)(ii) of Schedule 7 to the 1988 Act	Substitute the figure for C in the formula used for the purpose of calculating the multiplier	Draft affirmative	Restatement (without amendment)
13	Section 63H(1)(a) of the 1988 Act	Specify a type of artificial avoidance arrangement to be counteracted in accordance with the provisions in section 13 of the Bill	Draft affirmative	New
	Section 63M(1) of the 1988 Act	Provide for the imposition of a financial penalty for failure to pay an amount due to counteract an advantage gained from making an artificial avoidance arrangement	Draft affirmative	New
	Section 63M(6) of the 1988 Act	Substitute for a different amount the maximum penalty specified in that section	Draft affirmative	New
17	Section 5(4B)(a) and (b) of the Local Government Finance Act 1992 (the 1992 Act)	Amend or substitute the proportions and bands used in council tax calculations	Draft affirmative	Restatement (without amendment)

Section of Bill	Provision in amended Act	Power in relation to Wales to (description)	Procedure	New or restatement
	Section 5(4B)(c) and (d)	Amend the valuation band used as a mid-point in formulas applied under sections 36 and 47 of the 1992 Act used to calculate the amount of council tax that is payable	Draft affirmative	New
18	Sections 6 and 9 of the 1992 Act	Prescribe which persons should be disregarded for the purpose of determining joint and several liability in relation to council tax	Draft affirmative	New
	Section 11E of the 1992 Act	Make regulations to: (a) set the levels and prescribe the conditions or criteria that must exist for a discount to apply (b) determine categories of resident that are disregarded for the purposes of discount	Draft affirmative	New
	Section 11F of the 1992 Act	Prescribe classes of dwellings in relation to which a billing authority may by determination either disapply or reduce a discount	Draft affirmative	Restatement (with amendment)
19	Section 13 of the 1992 Act	Provide for persons liable to pay council tax to pay a reduced amount in some circumstances	Negative	New
21	Section 22B(3C) of the 1992 Act	Amend subsection (3B) so as to: (a) substitute a different year for the year that is for the time being specified as the revaluation year (b) insert a reference to a different year from the year that would otherwise be the revaluation year (c) substitute a different interval between revaluation years (d) make other amendments to subsection (3B) that are consequential on, or incidental to, the amendments made under paragraph (a), (b) or (c)	Draft affirmative	New
	Section 22B(7A)(a) of the 1992 Act	Specify a date other than 1 September for a draft list compiled under subsection 22B(3A) to be sent to authorities by the Listing Officer	Negative	New
23	N/A	Make incidental, supplementary, consequential, transitional or savings provisions as required as a result of the Bill	Draft affirmative to amend primary	New

Section of Bill	Provision in amended Act	Power in relation to Wales to (description)	Procedure	New or restatement
			legislation, but negative otherwise	
Paragraph 12(2)(m) of the Schedule	Paragraph 5F(A1) of Schedule 9 to the 1988 Act	Make regulations about the notices which can be issued in relation to the notification duties extended to Wales by section 12 of the Bill	Negative	New
Paragraph 12(2)(n) of the Schedule	Paragraph 5FB of Schedule 9 to the 1988 Act	Make regulations to increase or decrease the amount of any penalty issued in respect of failure to comply with the notification duties extended to Wales by section 12 of the Bill	Draft affirmative	New