

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

Committee Room 2, Senedd

Meeting date: 29 April 2024

Meeting time: 13.00

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

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## Hybrid

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- 1 Introductions, apologies, substitutions and declarations of interest**  
(13:00 – 13.05)
  
- 2 Motion under Standing Order 17.42 to resolve to exclude the public from items 3, 10, 11 and 12**  
(13.05 – 13.10)
  
- 3 Senedd Cymru (Electoral Candidate Lists) Bill: Briefing**  
(13.10 – 13.30) (Pages 1 – 11)  
  
Attached Documents:  
LJC(6)-13-24 – Paper 1a – Legal Advice Note  
LJC(6)-13-24 – Paper 1b – Supplementary Legal Advice Note
  
- 4 Senedd Cymru (Electoral Candidate Lists) Bill: Evidence Session**  
(13.30 – 14.30) (Pages 12 – 84)  
  
Jane Hutt MS, Trefnydd and Chief Whip  
William Whiteley, Deputy Director, Senedd Reform Division, Welsh Government  
Anna Hind, Senior Lawyer, Welsh Government



[Senedd Cymru \(Electoral Candidate Lists\) Bill, as introduced](#)

[Explanatory Memorandum](#)

[Presiding Officer's Statement: 11 March 2024](#)

[Statement of Policy Intent](#)

Attached Documents:

LJC(6)-13-24 – Paper 2 – Briefing Paper

LJC(6)-13-24 – Paper 3 – Senedd Research Service Briefing

LJC(6)-13-24 – Paper 4 – Letter from the Remuneration Board to the Reform Bill Committee, 12 April 2024

LJC(6)-13-24 – Paper 5 – Letter from the Reform Bill Committee to the Remuneration Board, 22 March 2024

LJC(6)-13-24 – Paper 6 – Letter from the Llywydd to the Reform Bill Committee, 15 April 2024

LJC(6)-13-24 – Paper 7 – Letter from the Reform Bill Committee to the Llywydd, 22 March 2024

LJC(6)-13-24 – Paper 8 – Letter from the Llywydd to the Reform Bill Committee, 15 March 2024

LJC(6)-13-24 – Paper 9 – Letter from the Llywydd, 11 March 2024

**Break**

(14.30 – 14.35)

## **5 Instruments that raise no reporting issues under Standing Order**

### **21.2 or 21.3**

(14.35 – 14.40)

(Page 85)

Attached Documents:

LJC(6)-13-24 – Paper 10 – Draft report

### **Made Negative Resolution Instruments**

- 5.1 SL(6)482 – The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024**

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

(14.40 – 14.45)

### **Made Negative Resolution Instruments**

#### **6.1 SL(6)479 – The Medical Examiners (Wales) Regulations 2024**

(Pages 86 – 89)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-24 – Paper 11 – Draft report

LJC(6)-13-24 – Paper 12 – Written Statement by the Cabinet Secretary for Health and Social Care, 15 April 2024

#### **6.2 SL(6)480 – The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) (Amendment) Regulations 2024**

(Pages 90 – 91)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-24 – Paper 13 – Draft report

### **Affirmative Resolution Instruments**

#### **6.3 SL(6)481 – The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024**

(Pages 92 – 93)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-24 – Paper 14 – Draft report

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

(14.45 – 14.50)

### **7.1 SL(6)477 – The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024**

(Pages 94 – 96)

Attached Documents:

LJC(6)-13-24 – Paper 15 – Report

LJC(6)-13-24 – Paper 16 – Welsh Government response

## **8 Inter-Institutional Relations Agreement**

(14.50 – 14.55)

### **8.1 Correspondence from the Welsh Government: Inter-Ministerial Group meetings**

(Page 97)

Attached Documents:

LJC(6)-13-24 – Paper 17 – Letter from the Cabinet Secretary for Economy, Energy and Welsh Language: Inter-Ministerial Group for Trade, 22 April 2024

### **8.2 Written Statement and correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Miscellaneous Amendments) Regulations 2024**

(Pages 98 – 101)

Attached Documents:

LJC(6)-13-24 – Paper 18 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 23 April 2024

LJC(6)-13-24 – Paper 19 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 25 April 2024

**8.3 Written Statement and correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2024**

(Pages 102 – 105)

Attached Documents:

LJC(6)-13-24 – Paper 20 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 23 April 2024

LJC(6)-13-24 – Paper 21 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 24 April 2024

**8.4 Correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: The Phytosanitary Conditions (Amendment) Regulations 2024**

(Pages 106 – 107)

Attached Documents:

LJC(6)-13-24 – Paper 22 – Correspondence from the Cabinet Secretary for Climate Change and Rural Affairs, 24 April 2024

**9 Papers to note**

(14.55 – 15.00)

**9.1 Correspondence from the Cabinet Secretary for Finance, Constitution and Cabinet Office: Welsh Tax Acts etc. (Power to Modify Act) 2022**

(Pages 108 – 112)

Attached Documents:

LJC(6)-13-24 – Paper 23 – Letter from the Cabinet Secretary for Finance, Constitution and Cabinet Office, 19 April 2024

LJC(6)-13-24 – Paper 24 – Letter to the Minister for Finance and Local Government, 19 March 2024

LJC(6)-13-24 – Paper 25 – Letter from the Minister for Finance and Local Government, 6 March 2024

**9.2 Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs: Update on proposals to introduce legislation to ban the supply of wet wipes containing plastics and single-use vapes**

(Pages 113 – 115)

Attached Documents:

LJC(6)-13-24 – Paper 26 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 22 April 2024

**9.3 Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs: Update on the Development of a Deposit Return Scheme**

(Pages 116 – 119)

Attached Documents:

LJC(6)-13-24 – Paper 27 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 25 April 2024

**10 Senedd Cymru (Electoral Candidate Lists) Bill: Consideration of evidence**

(15.00 – 15.20)

**11 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Victims and Prisoners Bill**

(15.20 – 15.50)

(Pages 120 – 142)

Attached Documents:

LJC(6)-13-24 – Paper 28 – Legal Advice Note

LJC(6)-13-24 – Paper 29 – Draft report

**12 Legislative Consent Memorandum on the Renters (Reform) Bill: Draft report**

(15.50 – 16.05)

(To Follow)

Attached Documents:

LJC(6)-13-24 – Paper 30 – Draft report

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# Agenda Item 4

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

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David Rees MS  
Chair  
Reform Bill Committee

12 April 2024

Senedd Cymru (Electoral Candidate Lists) Bill: written evidence

Dear David,

Thank you for your letter dated 22 March and the opportunity to contribute to the Reform Bill Committee's scrutiny of the Senedd Cymru (Electoral Candidate Lists) Bill.

Your letter details several questions relating to the Board's involvement in the preparations of this Bill as well as whether and how the Board might consider the implications of the Bill on matters within the remit of the Board.

I have detailed my answers to these questions in an annex to this letter.

Yours sincerely,



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

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

# Annex A: Remuneration Board Response to Reform Bill Committee Questions

## Reform Bill Committee: Senedd Cymru (Elected Candidate Lists) Bill

April 2024

- 1. We note that the Welsh Government’s Regulatory Impact Assessment accompanying the SC(ECL) Bill identifies no additional costs to the Senedd Commission (including in respect of Members’ pay and allowances). What involvement has the Independent Remuneration Board had in the development of the Regulatory Impact Assessment? Can you confirm that there are no anticipated quantifiable or unquantifiable costs or savings in respect of Members’ pay and allowances associated with the SC(ECL) Bill?**
  - 1.1. The Board has not had any involvement with the development of the Welsh Government’s Regulatory Impact Assessment (RIA), but given the purpose of the Bill and the minimal impact its provisions would have on the Determination, this is to be expected.
  - 1.2. Based on the published Bill, Explanatory Memorandum and RIA for this Bill, the Board does not anticipate any significant quantifiable or unquantifiable costs or savings in respect of Members’ pay and allowances associated with the Bill. The Determination related costs of an increase in size of the Senedd have already been reflected in the RIA for the Senedd Cymru (Members and Elections) Bill, and are based on an uprating of the existing provisions in the Determination.
  - 1.3. A range of Additional Support for Members is currently provided for in the Determination, including (3A.3) support for Members with childcare and other caring responsibilities and (3A.4) support for Members on parental leave. The Determination (4.4.3h) also includes provision for additional accommodation costs for those Members who have a caring responsibility for a dependent normally resident with them in the Cardiff area. Chapter 3A is designed to be responsive to changing needs and costs claimed under this chapter can change during the course of a Senedd term, or a financial year, as is appropriate to meet the changing circumstances or needs of Members.
  
- 2. When you appeared before the Committee on 30 November 2023, you indicated that the Board would shortly be discussing its thematic review of Members' pay and personal support. Given the increase in the number and proportion of women elected to the Senedd the SC(ECL) Bill aims to achieve, what assessment has the Board made of the level and effectiveness of the current financial allowance and support package for Members with childcare or caring responsibilities?**

- 2.1. The Terms of Reference for the Board's thematic review on Members' pay and personal support were consulted on during December 2023 and January 2024 and are included at Annex B for information. This work is commencing in Quarter 1 of 2024-25. Any proposals resulting from this review will be consulted on ahead of the publication of the Determination for the Seventh Senedd.
- 2.2. The Review will consider Members' Pay and personal support, including the existing provisions set out in Chapter 3A of the Determination, which includes support for disabled Members, support with caring responsibilities and support for Members on parental leave. Additionally, there are provisions for Members with caring responsibilities in Chapter 4, relating to residential accommodation expenditure (4.4.4 h), which will also be reviewed.
- 2.3. The review will consider relevant data to understand use of these provisions, review these measures in line with best practice, review recent literature on family friendly and inclusive parliaments and carry out engagement with Members to better understand what is working well and whether there are any barriers or challenges the Board should seek to address for the Seventh Senedd.
- 2.4. Equality, diversity and inclusion (EDI) is also a consideration across all of the Board's thematic reviews to ensure that the Determination not only impacts fairly and equitably on Members but also does what it can to advance equality.

**3. What consideration has been given to the way in which any levers within the remit of the Board might be used to address barriers arising from the Senedd's ways of working that might otherwise inhibit women and under-represented groups from standing for election or constrain the length of their tenure?**

- 3.1. As outlined above, EDI is a consideration across all of the Board's thematic reviews as well its day-to-day work.
- 3.2. We have also noted above how the particular thematic review relating to Members' personal support will be undertaken, which includes provisions to support disabled Members and those with caring responsibilities.
- 3.3. The Board is mindful of how changing ways of working and a hybrid Senedd may change the needs of Members and their staff, and how this may interact with issues of EDI. Several of these matters will relate to procedural arrangements or the parliamentary estate or facilities, which will be considered by the Business Committee and the Senedd Commission respectively. These considerations will inform the Ways of Working review that is being led by Sir David Hanson, which considers how Members might engage and work within and from their constituencies.
- 3.4. Job sharing has previously been explored by Committees and the Expert Panel as an issue which might help reduce barriers to participation. The Board notes that the Reform Bill Committee in its Stage 1 report recommended that the Business Committee should consider proposing the establishment of a new committee in this Senedd to explore issues relating to job sharing and temporary holding of an office, or asking an existing Senedd Committee with a relevant remit to undertake the work. The Board has not considered job sharing to date and would consider the implications on Members' salaries or senior additional office holder

salaries following any legislation or any Senedd decision to bring forward the introduction of job sharing.

- 3.5. A further lever that the Board will be considering as it makes decisions for the Seventh Senedd is the level of flexibility that can be provided to Members under the Determination. The Board recognises that the Determination needs to provide adequate flexibility for Members to respond to their own differing or evolving needs.

#### **4. How does the Board intend to engage with Members and stakeholders on potential changes to the Determination for the Seventh Senedd aimed at supporting women and under-represented groups?**

- 4.1. The Board will consult on proposals for the Seventh Senedd, as it is required to do by the National Assembly for Wales (Remuneration) Measure 2010. It will also continue to engage with Members and support staff through representative groups and Member drop-ins. Consultation and engagement will also be undertaken at different times as thematic reviews progress. The Board will encourage Members to use these opportunities to feed in views and evidence on what works and what could be done differently, particularly in the context of Senedd reform.
- 4.2. The Board will also consult wider stakeholders, particularly those with expertise in the EDI field, so will be taking steps to encourage people and organisations to feed into consultations on policy proposals and the draft Determination for the Seventh Senedd.

# Annex B:

Remuneration Board

## Thematic Review

# Members' Remuneration and Personal Support Terms of Reference

March 2024

### Purpose

1. This document sets out the terms of reference for the Member's Remuneration and Personal Support Thematic Review.

### Objectives

2. The review will seek to ensure the Determination for the Seventh Senedd reflects the statutory objectives of:
  - providing Members of the Senedd with a level of remuneration
    - which fairly reflects the complexity and importance of the functions which they are expected to discharge, and
    - does not, on financial grounds, deter persons with the necessary commitment and ability from seeking election to the Senedd,
  - and providing Members of the Senedd with resources which are adequate to enable them to exercise their functions as Members of the Senedd

### Principles

3. All work undertaken by the Independent Remuneration Board is underpinned by a set of principles:
  - Financial support and remuneration for Members should support the strategic purpose of the Senedd and facilitate the work of its Members

- Decisions must be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales
- The system of financial support for Members must be robust, clear, transparent, sustainable, inclusive and represent value for money for the taxpayer

## Terms of Reference

4. The review will consider Members' salaries, additional office holder salaries, personal support, Members' travel and Residential Accommodation Expenditure, support to Members who leave office. Travel and Residential Accommodation Expenditure, although not pay or remuneration, is included within this review as it helps balance Members' personal and caring commitments, where applicable, whilst enabling and supporting their work-related travel and accommodation needs.
5. The review will have a particular focus on Members' personal support with a view to reducing barriers, promoting accessibility and supporting diversity and equality in the new Senedd and smoothing the transition to life after the Senedd.
6. It will also explore issues related to these areas of support such as flexibility, carbon neutrality, and safety and wellbeing of Members.
7. The review will be organised into three distinct workstreams:
  - **Workstream One:** Member's Pay and Conditions (covering provisions in Chapter 3 and 3A of the Determination on Member's Pay and Allowances)
  - **Workstream Two:** Residential Accommodation and Travel (Chapters 4 and 5 of the Determination)
  - **Workstream Three:** Member's Leaving Office (Chapter 9 of the Determination)
8. In conducting the review, the Board will:
  - Consider any changes to Members' roles and responsibilities in recent Senedd terms
  - Consider the implications of Senedd reform in terms of numbers of Members, their responsibilities and the range of 'additional office holders' entitled to additional salary
  - Seek views of Members on any changes required to the Determination for the Seventh Senedd
  - Seek the views of the Senedd Commission, public and stakeholders, gather comparative evidence and consider methodologies from other parliaments in the UK and internationally.

Dr Elizabeth Haywood  
Chair, Independent Remuneration Board of the  
Senedd

22 March 2024

Dear Elizabeth

**Senedd Cymru (Electoral Candidate Lists) Bill: written evidence**

The Senedd Cymru (Electoral Candidate Lists) Bill ('the SC(ECL) Bill') has been referred to the Reform Bill Committee for Stage 1 scrutiny of its general principles. We are writing to seek written evidence from the Independent Remuneration Board to inform our work. In particular, we would welcome further information in relation to the questions set out below.

In asking these questions, we recognise that there are interdependencies between the design and cost of the SC(ECL) Bill and the Senedd Cymru (Members and Elections) Bill as a package of reforms. However, our role is to scrutinise each Bill and associated Explanatory Memorandum and Regulatory Impact Assessment on their own merits, especially as the commencement provisions in the SC(ECL) Bill do not specify at which Senedd general election the Bill's provisions will come in to force.

1. We note that the Welsh Government's Regulatory Impact Assessment accompanying the SC(ECL) Bill identifies no additional costs to the Senedd Commission (including in respect of Members' pay and allowances). What involvement has the Independent Remuneration Board had in the development of the Regulatory Impact Assessment? Can you confirm that there are no anticipated quantifiable or unquantifiable costs or savings in respect of Members' pay and allowances associated with the SC(ECL) Bill?
2. When you appeared before the Committee on 30 November 2023, you indicated that the Board would shortly be discussing its thematic review of Members' pay and personal support. Given the increase in the number and proportion of women elected to the Senedd the SC(ECL) Bill aims to achieve, what assessment has the Board made of the level and effectiveness of the current financial allowance and support package for Members with childcare or caring responsibilities?

3. What consideration has been given to the way in which any levers within the remit of the Board might be used to address barriers arising from the Senedd's ways of working that might otherwise inhibit women and under-represented groups from standing for election or constrain the length of their tenure?
4. How does the Board intend to engage with Members and stakeholders on potential changes to the Determination for the Seventh Senedd aimed at supporting women and under-represented groups?

It would be helpful if you could respond by 12 April 2024. This letter is being copied to the Finance Committee and the Legislation, Justice and Constitution Committee, and the First Minister.

Yours sincerely



David Rees MS  
Chair, Reform Bill Committee

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



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

Llywydd, Welsh Parliament

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David Rees MS

Chair of the Reform Bill Committee

15 April 2024

Dear David,

### **Senedd Cymru (Electoral Candidates Lists) Bill**

Thank you for your letter of 22 March 2024, and for the opportunity to assist the Committee in its scrutiny of the Senedd Cymru (Electoral Candidate Lists) Bill ("SC(ECL) Bill"). Please find enclosed my response to the questions raised in your letter.

As you will know, as Llywydd, I laid my statement on legislative competence in relation to the SC(ECL) Bill (as required under Standing Order 26.4) on 11 March 2024. As requested, I write to you now in my capacity as both Chair of the Senedd Commission, and Chair of the Senedd's Business Committee. The information enclosed is, therefore, provided independently of my statement on legislative competence. Equally, my enclosed response should bear no influence on the interpretation of my statement on legislative competence.

If I can be of any further assistance to the Committee in its deliberations please do not hesitate to contact me.

Yours sincerely,

The Rt. Hon. Elin Jones MS/AS

Llywydd and Chair of the Senedd Commission

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

## Response to questions contained within the letter from the Chair of the Reform Bill Committee: 22 March 2024

**Question 1:** We note that the Welsh Government's Regulatory Impact Assessment for the SC(ECL) Bill identifies no costs or savings to the Senedd Commission. What involvement has the Senedd Commission had in the development of the Regulatory Impact Assessment? Can you confirm that there are no anticipated quantifiable or unquantifiable costs or savings to the Senedd Commission associated with the SC(ECL) Bill?

**Response:** I can confirm that the Senedd Commission has had no involvement in the development of the SC(ECL) Bill's Regulatory Impact Assessment. The Commission provided costings for the Regulatory Impact Assessment for the Senedd Cymru (Members and Elections) Bill. I understand that, given the scope of the SC(ME) Bill and information provided, the Welsh Government did not require the Senedd Commission to provide any additional information to inform the Regulatory Impact Assessment for the SC(ECL) Bill.

**Question 2:** What preparations is the Senedd Commission making to raise public awareness of the SC(ECL) Bill? What is the estimated cost of this activity?

**Response:** A high-level communications plan has been developed in anticipation of the passing of the reform legislation.

The Senedd Commission's communications campaign for Senedd Reform will set out to:

- Raise awareness of the changes to the Senedd;
- Increase understanding of the role of the Senedd and its Members; and
- Encourage participation in the Senedd election.

This will largely complement the objectives of the Senedd Commission's Communications and Engagement Strategy for the Sixth Senedd, which is in its third year and aims to reach audiences who have not previously engaged with the Senedd. This will remain the Senedd Commission's priority audience, but due to the scale of the changes, the Communications and Engagement Strategy will also incorporate techniques to reach those who are more likely to have engaged with the Senedd and establish itself as a trusted source of information.

Considering the scale of the changes and their importance, work has already begun to explore opportunities to work with partners, such as Welsh Government and Electoral Commission, to align the Senedd Commission's communications plans and ensure each institution is working together wherever possible and to avoid the duplication of efforts, confusing messaging and to provide best use of public money.

The Senedd Commission's Senedd Reform Campaign Plan is split into phases that extend from the passing of the Bill to the introduction of a new, reformed Senedd in 2026.

### **Phase One – Information Sharing (Summer 2024 – Spring 2025)**

This phase of the campaign will concentrate efforts on ensuring people engaging with the Senedd are able to easily access clear and understandable information on the changes and how it will affect them.

This includes updates to the Senedd's website, updated information on site for visitors to the Senedd, updated education sessions and information at the Senedd Commission's summer shows.

This phase of the campaign will also be used to mark the 25th anniversary of the Senedd to highlight what is next in its journey, including exploring media opportunities and events at the Senedd hosted by the Llywydd.

### **Phase Two – Inspiring Participation (Spring 2025 – May 2026)**

During this phase efforts will be stepped up to reach audiences who do not typically engage with the Senedd, as well as maintaining connections with those who have done so before.

This includes focusing most of the Senedd Commission's face-to-face engagement activities on Senedd Reform – including summer shows, community outreach, events and education sessions, using audience insight to align the activities with the needs of those target audiences.

The peak of this phase will come towards its end, when the Senedd Commission launches its election information campaign, early ideas for which include working with social media content creators, a digital advertising campaign, community outreach – with a focus on communities that have been less likely to engage with the Senedd previously, and a step-up of education sessions with a focus on those over 16.

The Senedd Commission will further explore partnership working with key organisations – such as the Electoral Commission - during this phase to ensure efforts are not duplicated and to maximise reach. This could include collaborating on education resources and events, and sharing information on marketing campaigns.

### **Phase Three – Introduction of a Reformed Senedd (May 2026 – Autumn 2026)**

This phase will focus on raising awareness of the Senedd and what it can do to support people and their communities.

With the biggest change likely to be around Members and their constituencies, a key focus of this phase will be on supporting people to find their Members and what their Members can do to support them. This will be a focused effort across all channels, including digital advertising, local media, community engagement, and visits and tours.

### **Costings**

The Regulatory Impact Assessment for the SC(ME) Bill includes the costs of raising public awareness in relation to Senedd reform legislation. No further costings have been identified for the SC(ECL) Bill.

**Question 3:** In light of the likely increase in the number of Members of the Senedd with caring responsibilities for children and infants, has any consideration been given to making adaptations to the Senedd estate, such as the provision of an on-site crèche facility, or increasing the provision of accessible parking, family rooms, and facilities for breastfeeding and expressing milk?

**Response:** In response to Senedd Reform proposals, the Ty Hywel 26 Project has been established within the Senedd Commission's Ways of Working programme. The scope of this project, noting the challenging timescales involved for delivery by early 2026, is to provide additional office space for the potential increase in Members and their support staff, whilst also accommodating Senedd Commission staff and providing sufficient space for an increased number of Welsh Government Ministers and officials. Consultation with Members on their needs are being sought through a number of ways including Cwrt drop ins, Members reference groups and workshops for both the Ty Hywel and Siambwr projects. The Tŷ Hywel project will consider necessary adaptations should Members make representations to that end.

Within the Ways of Working programme, the Senedd Commission has also established the Cardiff Bay 2032 project. This work will identify and deliver the Senedd's long-term estate and accommodation needs, including consideration of a wide range of facilities needed to support the Senedd and its Members, within the funding parameters that are agreed by the Senedd. At the appropriate point in the development of the project, the Senedd Commission will undertake detailed engagement with party groups to ensure that Members' needs are fully reflected within the designs for any proposed future accommodation option.

**Question 4:** Has any consideration been given to the Senedd's future ways of working to address barriers that might otherwise inhibit women and under-represented groups from standing for election, such as the timetabling of Senedd business, flexible working practices and technological innovations?

**Response:** In relation to any barriers which may be presented by the Senedd's procedures, the Business Committee considered a paper on procedural preparedness for Senedd reform in November 2023 and agreed in principle to commence consideration of areas of procedural reform in autumn 2024.

In its current form, the reform legislation contains a number of provisions which, if passed, will necessitate changes to Senedd procedures, including amendments to Standing Orders and associated guidance.

Although the parameters of this review are currently being developed, Business Committee will need to, as a minimum:

- review Standing Orders and associated guidance in light of the Senedd Reform legislation, once passed, and
- propose changes to Standing Orders to the Senedd to ensure that there are no procedural impediments to the operation of the Seventh Senedd.

As part of the work it undertakes to scope this review, the Business Committee will consider, among other things, whether to include matters such as organising business differently and/or considering the effect of any existing or potential procedural changes on the ability of the Senedd to attract as wide and diverse a range of Members as possible.

Additionally, in May 2022 the Special Purpose Committee on Senedd Reform made a recommendation to the Business Committee that it should consider “the practical and procedural issues associated with...two Members job sharing a particular role (such as that of a Committee Chair)”, citing its potentially positive impact on the diversity of candidates standing for election as a reason to explore this area further. The matter has been added to the Business Committee’s procedural forward work programme and is scheduled for consideration in 2024.

Since then, provision relating to a review of possible job sharing (and temporary holding) of offices relating to the Senedd has been proposed in the SC(ME) Bill. In January 2024, the Reform Bill Committee recommended that the SC(ME) Bill be amended to remove the mechanism for reviewing possible job-sharing of offices relating to the Senedd, and that the Business Committee should consider proposing the establishment of a new committee in this Senedd to explore issues relating to job sharing and temporary holding of an office, or asking an existing Senedd Committee with a relevant remit to undertake the work. The Business Committee accepted this recommendation noting that it would consider the request made once there was certainty around the legislative changes (anticipated to be summer term 2024).

In the meantime, as committee chairs are non-statutory roles and therefore do not require legislative changes to enable job sharing, the Business Committee has undertaken initial consideration of proposals for committee chairs job sharing. This early work included consideration of information presented to Senedd committees and elsewhere relating to the impact of job-sharing on the accessibility and flexibility of roles, and the diversity of those who take them on. The Business Committee will return to this work in more detail during the summer term 2024.

It should be noted that the organisation of Senedd business and the timetable are normally matters for the Business Committee and Senedd to decide at the start of its term. In July 2022 the Senedd agreed a number of changes to Standing Orders that had been proposed by the Business Committee following a review of temporary Standing Order 34 and remote participation of Members in Senedd proceedings, both of which had been introduced in response to the Covid-19 pandemic. Having consulted with Members, party groups and others, the Business Committee proposed that the ability for Members to participate remotely in Plenary and committee meetings should be maintained. Following the Senedd’s agreement of changes to Standing Orders, guidance covering virtual and hybrid proceedings was

issued under Standing Order 6.17. The Business Committee has noted that this will be kept under review in light of experience during the Sixth Senedd.

In terms of technological innovations, the Senedd Commission employs a range of technologies that help to remove the barriers to participation in Senedd business, that otherwise might inhibit individuals or groups from standing for election.

Robust cybersecurity measures have allowed the Senedd Commission to deliver ICT tools that enable safe, seamless communication and collaboration from any Internet connected location. Video conferencing, instant messaging, and virtual collaboration platforms such as Microsoft Teams and Zoom facilitate real-time interactions, allowing Members to work from different locations. This extends to formal parliamentary proceedings such as Plenary and committee meetings, allowing Members to fully participate remotely, including voting.

In response to the Senedd Reform proposals, the Siambwr 2026 Project has been established within the Ways of Working Programme. This project will deliver an expanded chamber capable of accommodating 96 Members. Central to this project are improvements to the technologies that underpin Plenary meetings, and the need to ensure that any change takes account of the needs of all those who may wish to stand for election to the Senedd. Full equality impact assessments will be completed for both projects as they progress.

Like many organisations, the Senedd Commission is seeking to harness the benefits of generative AI. It is anticipated that Senedd Members will be able to harness the automation and efficiency improvements these technologies can deliver, eliminating many routine tasks and freeing up Members' time.

All of these technologies will benefit from future improvements and will continue to adapt to allow Members to undertake their role in a way that suits their specific needs and the needs of their constituents.

Y Llywydd

22 March 2024

Dear Llywydd

**Senedd Cymru (Electoral Candidate Lists) Bill: written evidence**

As you will be aware, the Senedd Cymru (Electoral Candidate Lists) Bill ('the SC(ECL) Bill') has been referred to the Reform Bill Committee for Stage 1 scrutiny of its general principles. We are writing to seek written evidence from you in your capacity as Chair of the Senedd Commission and Chair of the Business Committee. In particular, we would welcome further information in relation to the questions set out below.

In asking these questions, we recognise that there are interdependencies between the design and cost of the SC(ECL) Bill and the Senedd Cymru (Members and Elections) Bill as a package of reforms. However, our role is to scrutinise each Bill and associated Explanatory Memorandum and Regulatory Impact Assessment on their own merits, especially as the commencement provisions in the SC(ECL) Bill do not specify at which Senedd general election the Bill's provisions will come in to force.

1. We note that the Welsh Government's Regulatory Impact Assessment for the SC(ECL) Bill identifies no costs or savings to the Senedd Commission. What involvement has the Senedd Commission had in the development of the Regulatory Impact Assessment? Can you confirm that there are no anticipated quantifiable or unquantifiable costs or savings to the Senedd Commission associated with the SC(ECL) Bill?
2. What preparations is the Senedd Commission making to raise public awareness of the SC(ECL) Bill? What is the estimated cost of this activity?
3. In light of the likely increase in the number of Members of the Senedd with caring responsibilities for children and infants, has any consideration been given to making adaptations to the Senedd estate, such as the provision of an on-site crèche facility, or

increasing the provision of accessible parking, family rooms, and facilities for breastfeeding and expressing milk?

4. Has any consideration been given to the Senedd's future ways of working to address barriers that might otherwise inhibit women and under-represented groups from standing for election, such as the timetabling of Senedd business, flexible working practices and technological innovations?

It would be helpful if you could respond by 12 April 2024. This letter is being copied to the Finance Committee and the Legislation, Justice and Constitution Committee, and the First Minister.

Yours sincerely



David Rees MS  
Chair, Reform Bill Committee

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



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

Llywydd, Welsh Parliament

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Davis Rees MS

Chair of the Reform Bill Committee

Senedd Cymru

Cardiff Bay

Cardiff

CF99 1SN

15 March 2024

Dear David,

Thank you for your letter of 1 March 2024.

As you noted in your letter, this timetable includes a period of nine sitting weeks for Stage 1 scrutiny, which is a departure from the usual twelve sitting weeks. Attached is a letter dated 7 March 2024 from the Minister for Rural Affairs and North Wales and Trefnydd in response to a request from the Business Committee for further information about the reasons for proposing an expedited timetable.

At its meeting on 12 March 2024 the Business Committee considered the letters and, by majority decision, agreed the Welsh Government's proposed timetable for Senedd consideration of the Senedd Cymru (Electoral Candidate Lists) Bill. Two Members, including myself, did not agree to the expedited timetable.

I am writing to place on record my reservations, as Llywydd, about the expedited scrutiny timetable for this Bill. I have stated that, in my view, the provisions of this Bill are not within the legislative competence of the Senedd; the Member in charge of the Bill has stated that, in her view, the provisions are within competence. This is the first time that a Bill has been introduced where there are differing views as to its competence.

Scrutiny of the general principles of a Bill at Stage 1 enables committees to interrogate a range of issues, including legislative competence. It is regrettable that your Committee will have less time than is typically the case to consider this novel and complex issue.

In agreeing the timetable the Business Committee noted that should the responsible Committee, in the course of their scrutiny, deem that additional time is essential to their considerations of the general principles of the Bill, then additional time may be sought.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Finance Committee, given their committees will also undertake Stage 1 scrutiny of Bill.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Elin Jones'.

The Rt. Hon. Elin Jones MS/AS

Llywydd

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



Elin Jones MS  
Chair of the Business Committee

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

7<sup>th</sup> March 2024

Dear Elin,

Further to the discussion at the Business Committee meeting on 5 March, I am writing to share additional information regarding the proposed scrutiny timetable for the Senedd Cymru (Electoral Candidate Lists) Bill.

The introduction of the Bill delivers on the recommendations of the Senedd's Special Purpose Committee on Senedd Reform that the Welsh Government brings forward legislation in this area and that Senedd reform is implemented in time for the election in 2026. The Special Purpose Committee's recommendations were endorsed by a majority of Senedd Members.

The timetable proposed by the Welsh Government is fundamental to maintaining a pathway to implementing the measures in time for the 2026 Senedd election. We are working to ensure the measures are in place ahead of that election as this is part of the package of Senedd reform along with the Senedd Cymru (Members and Elections) Bill. A delay of even a month to the passage of the Bill would have implications for that implementation work.

Electoral administrators and political parties will require time to prepare for the implementation of changes, following the making of relevant legislation. The Gould Convention provides that all relevant legislation to an election, including secondary legislation, should be made at least six months prior to the notice of that election, to ensure there is sufficient time for changes to electoral law to be implemented appropriately. In delivering the electoral reforms proposed for the 2026 Senedd election, the Welsh Government is committed to abiding by the Gould Convention.

The provisions of the Senedd Cymru (Electoral Candidate Lists) Bill would need to be implemented through secondary legislation. The National Assembly for Wales (Representation of the People) Order 2007, more commonly referred to as “the Conduct Order”, sets out the detailed rules for conducting elections to the Senedd.

Subject to the Senedd approving both Bills, the Government intends to consolidate and restate the law as part of a new Conduct Order. This will be the first time the Conduct Order is revised in full since 2007. Further, the Conduct Order will be made in English and in Welsh for the first time. This is a major undertaking and requires a significant amount of work. In addition, the Government intends to undertake a public consultation on the Conduct Order.

The proposed timetable provides the best opportunity for making the primary and secondary legislation necessary to allow the successful implementation of the Bill’s provisions in time for the 2026 Senedd election in accordance with the recommendations of the Special Purpose Committee.

In his letter, the Chair of the Reform Bill Committee highlighted the anticipated nomination and appointment of a new First Minister shortly after the Bill’s introduction, which may give rise to uncertainty over the Member in charge of the Bill. While that may be the case, I note the Minister for Social Justice and Chief Whip will be appearing before the Reform Bill Committee on Wednesday, 13 March, as part of its Stage 1 scrutiny, which will enable the Committee to make an immediate start to its scrutiny of the Bill.

I would be grateful if the Business Committee would agree the proposed timetable.

Your sincerely,

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

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



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

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David Rees MS

Chair of the Reform Bill Committee

Huw Irranca-Davies MS

Chair of the Legislation, Justice and Constitution Committee

11 March 2024

Dear David and Huw,

**Senedd Cymru (Electoral Candidates Lists) Bill: Statement on legislative competence**

In accordance with section 110(3) of the Government of Wales Act 2006 (the 2006 Act) and Standing Order 26.4, I have laid a statement setting out my view on whether or not the provisions of the Senedd Cymru (Electoral Candidate Lists) Bill would be within the Senedd's legislative competence.

It is my view that the provisions of the Bill would not be within the legislative competence of the Senedd. My statement sets out my reasons for reaching that view.

As Members will be aware, while I am required to make a statement setting out my views, the content of my statement does not affect whether or not a Bill may be introduced or complete its passage through the Senedd.

To help inform your Stage 1 scrutiny of the Bill, I enclose a summary of the issues I considered in reaching my view. If you would like further information and advice, the officials supporting the Committee will be pleased to assist.

I am copying this letter to the First Minister, the Minister for Social Justice in her capacity as Member in charge of the Bill, and all Members of the Senedd.

Yours sincerely,

The Rt. Hon. Elin Jones MS

Llywydd

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

## **Senedd Cymru (Electoral Candidate Lists) Bill: summary of legislative competence considerations**

In coming to the view that the Senedd Cymru (Electoral Candidate Lists) Bill<sup>1</sup> would not be within the legislative competence of the Senedd, I have considered the tests of legislative competence set out in section 108A of the Government of Wales Act 2006. The merits of the policy behind the Bill did not form part of my decision-making process.

My view is based on the legal tests and the legal advice I have received on those tests. Ultimately, of course, the question of whether any Senedd Bill is within the legislative competence of the Senedd can only be definitively answered by the Supreme Court.

### **The reserved matter of equal opportunities**

As regards my view that the Bill relates to the reserved matter of equal opportunities, I have applied the “relates to” test as set out in section 108A(2)(c) of the 2006 Act and as applied by the Supreme Court in a number of devolution cases.

I considered the purpose and effect of the Bill. While I accept the Bill has the devolved purpose of making the Senedd a more effective legislature, in my view the Bill also has the reserved purpose of equal opportunities.

“Equal opportunities” is a reserved matter in Schedule 7A to the 2006 Act and includes the prevention, elimination or regulation of discrimination between persons on grounds of sex.

From reading the Bill and the Explanatory Memorandum, I concluded that the Bill:

- (a) seeks to address disadvantages and barriers that women face during the candidate selection process;
- (b) will require political parties to treat a man (who would otherwise be more likely to be selected for a place on the list that must be allocated to a woman) less favourably than a woman, because of the man’s sex.

Having considered the purpose and effect of the Bill, I concluded that the Bill has more than a “loose or consequential”<sup>2</sup> connection with the prevention, elimination or regulation of discrimination between persons on the grounds of sex. In other words, in my view, the Bill relates to the reserved matter of equal opportunities and would not be within the legislative competence of the Senedd.

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<sup>1</sup> Section 1 of the Bill is the core of the Bill. Therefore, the focus of my competence analysis was section 1. However, because all other sections of the Bill rely directly on section 1, once I came to the view that section 1 was not within legislative competence, it inevitably followed that the whole Bill was not within legislative competence.

<sup>2</sup> The “loose or consequential” test as applied by the Supreme Court in numerous devolution cases, including: [Martin v. Most \[2010\] UKSC 10](#); [Imperial Tobacco Limited \(Appellant\) v. The Lord Advocate \(Respondent\) \(Scotland\) \[2012\] UKSC 61](#); [AGRICULTURAL SECTOR \(WALES\) BILL - Reference by the Attorney General for England and Wales \[2014\] UKSC 43](#).

I have considered the exceptions to the equal opportunities reservation in Schedule 7A to the 2006 Act, and concluded that none of them is relevant in this case.

### **Modifying the law on reserved matters, namely the Equality Act 2010**

As regards my view that the Bill modifies the law on reserved matters, I have considered the test set out in section 108A(2)(d) of the 2006 Act and the relevant case law of the Supreme Court.

Schedule 7B to the 2006 Act places a number of restrictions on the legislative competence of the Senedd. This includes paragraph 1 of Schedule 7B, which places a restriction on modifying the law on reserved matters.

In my view, the Bill modifies section 104 of the Equality Act 2010, which forms part of the law on reserved matters.

Section 104 of the 2010 Act makes special provision for political parties by permitting them (voluntarily) to adopt discriminatory selection arrangements in order to address under-representation in their candidate selection processes. Therefore, section 104 **permits** political parties to address under-representation, but does not **require** them to do so.

The Bill, however, requires political parties to address under-representation: it requires at least half of candidates on lists submitted by political parties to be women, and it requires that the first or only candidate on at least half of those lists be a woman. In the context of Senedd elections, in my view, the Bill effectively turns the voluntary power to address under-representation in section 104 into a duty to address under-representation.

I have concluded that such a change amounts to a modification of section 104. Even though the Bill does not amend the text of section 104, the Bill is in conflict with section 104, which is a modification of the law on reserved matters.

In reaching this conclusion, I have considered the Supreme Court's explanation of the meaning of "modify".<sup>3</sup> I have also considered the "ancillary" carve-out in paragraph 2 of Schedule 7B, which I do not consider to be relevant in this case.

In my view, the Bill modifies the law on reserved matters and would not be within the legislative competence of the Senedd.

If passed by the Senedd, then, as in the case for all Bills, the Bill will enter into a four week period of intimation. During this period, the Counsel General and the Attorney General may refer the question of whether the Bill, or any provision of the Bill, would be within the Senedd's legislative competence to the Supreme Court for decision, in accordance with section 112 of the 2006 Act. Similarly, the Secretary of State for Wales may intervene by making an order prohibiting the Clerk of the Senedd from submitting

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<sup>3</sup> **THE UK WITHDRAWAL FROM THE EUROPEAN UNION (LEGAL CONTINUITY) (SCOTLAND) BILL - A Reference by the Attorney General and the Advocate General for Scotland (Scotland) [2018] UKSC 64, paragraph 51.**

the Bill for Royal Assent if he or she has reasonable grounds to believe that certain conditions apply (set out in section 114 of the 2006 Act).

## Statutory Instruments with Clear Reports 29 April 2024

### **SL(6)482 – The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024**

#### **Procedure: Affirmative**

This Order:

- Requires community-based adult learning practitioners and principals and senior leaders in further education institutions to register with the Education Workforce Council (EWC).
- Sets the fee for those two new categories of registration (£46 per year).
- Requires all teachers who work within the further education teacher category to hold a specified qualification (and requires the EWC to review the list of qualifications).
- Adds adult learning practitioners and further education teachers to the list of Welsh regulated professions.<sup>1</sup>

**Parent Act:** Education (Wales) Act 2014

**Date Made:**

**Date Laid:**

**Coming into force date:** 10 May 2024

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<sup>1</sup> Under the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023



# Agenda Item 6.1

## **SL(6)479 – The Medical Examiners (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations make provision in respect of medical examiners appointed by a Welsh NHS body to discharge the functions conferred on medical examiners by or under Chapter 2 of Part 1 of the Coroners and Justice Act 2009 (“the Act”). Those functions include functions relating to the medical certification of the cause of deaths which are required to be registered under Part 2 of the Births and Deaths Registration Act 1953.

Regulation 3 sets out provisions about mandatory terms to be included in the terms of appointment of medical examiners and about termination of appointment, and permits the inclusion of such other terms as may be agreed between the appointing body and medical examiner (as defined in regulation 2 of these Regulations).

Regulation 4 makes provision permitting an appointing body to pay remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities to medical examiners.

Regulation 5 makes provision in relation to the training to be undertaken by medical examiners.

Regulation 6 requires medical examiners to follow certain steps where, in relation to a death which is required to be registered, the medical examiner is insufficiently independent within the meaning of that regulation, because of a connection the medical examiner had with the deceased person, the relevant attending practitioner or any other relevant medical practitioner at the time of the death. These steps include declining to exercise functions in relation to a death and notifying their appointing body.

Regulation 7 confers functions on medical examiners which are in addition to their functions relating to the medical certificate of cause of death under regulations made under section 20(1) of the Act.

Regulation 8 provides that the supply of any information under these Regulations does not breach any obligation of confidence. It also provides that these Regulations do not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation.

### **Procedure**

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd



is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## Technical Scrutiny

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

## Merits Scrutiny

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

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

We note that these Regulations form part of the wider reform of the death certification process. In particular, we note the following paragraphs in the Explanatory Memorandum:

*“4.1 These Regulations form part of the wider reform of the death certification process. The reforms change the way in which deaths are scrutinised and certified in England and Wales with the introduction of a statutory medical examiners system. This was announced by the UK Government’s Parliamentary Under Secretary of State, Maria Caulfield, in a written ministerial statement on 27 April 2023 [HCWS750](#).*

*4.2 Medical examiner scrutiny of a death in England and Wales has been operating on a non-statutory basis since 2019. This instrument puts the role of the medical examiner on a statutory basis and means that there will now be an independent review of all deaths in England and Wales.”*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 April 2024**





Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **The Medical Examiners (Wales) Regulations 2024**

**DATE**        **15 April 2024**

**BY**            **Eluned Morgan MS, Cabinet Secretary for Health and Social Care**

Regulations are being laid today in England and Wales, which will establish the legal framework for a statutory, unified system of scrutiny by independent medical examiners for all deaths in England and Wales, which are not investigated by a coroner and will come into force on 9 September 2024.

The new statutory medical examiner (ME) roles – and the new procedures – will have a positive impact for families and for health services in Wales.

The expected benefits include:

- The cause of death recorded on medical certificates of the cause of death (MCCDs) by doctors will be scrutinised by a medical examiner. This will help to identify patterns and trends and, in turn, help to detect any poor practice or even criminal activity.
- MCCDs will provide more accurate information about the causes of death leading to better planning of health services.
- Improved information for clinical governance and health monitoring will support learning and improvement, which will help to make health services safer.
- The death certification process will be easier for bereaved families to understand, open and transparent, and provide opportunities for loved ones to raise concerns with an independent ME about the standard of care leading up to a death. There will also be opportunities for MEs to provide reassurance that the cause of death has been correctly established by the doctor.
- Appropriate referrals to the coroner service.

[The Medical Examiner \(Wales\) Regulations 2024](#) are laid today as part of the wider death certification reforms being introduced in England and Wales through [Regulations](#) being laid by the UK Government's Department of Health and Social Care namely:

- The Medical Certificate of Cause of Death Regulations 2024
- The Medical Examiners (England) Regulations 2024

- The NME (Additional Functions) Regulations 2024

The reforms to the death certification process and the introduction of the statutory role of medical examiners aim to ensure that the system for certifying all non-coronial deaths provides adequate scrutiny to identify and deter criminal activity or poor practice. It rationalises the existing system, ensuring that the level of scrutiny is proportionate and does not impose undue delays for the bereaved family or place undue burdens on medical practitioners and others involved in the process. And it aims to provide a common death certification procedure that ensures the same level of scrutiny and assurance, irrespective of whether a family chooses burial or cremation.

The current ME's non-statutory review of the cause of death provides additional safeguards to representatives of the deceased and provides them with the opportunity to ask questions about the death and to express concerns they may have in relation to the care and treatment of their loved one. MEs, as part of their scrutiny, will also speak to the attending practitioner completing the MCCD and review the patient record.

The medical examiner service in Wales operates independently of the NHS organisation providing care. The three elements of scrutiny allow the ME to understand if there are any factors which can provide valuable independent and early feedback to NHS health boards, trusts and non-acute care providers about issues which may be associated with care before death. In this way they promote learning and improvement in the health system. In Wales, medical examiners provide another means by which the certifying doctor can raise concerns about care, outside their own organisations.

[An Integrated Impact Assessment](#) has been prepared for the Medical Examiner (Wales) Regulations 2024 laid today.

# Agenda Item 6.2

## **SL(6)480 – The Education (Student Support) (Postgraduate Master's Degrees) (Wales) (Amendment) Regulations 2024**

### **Background and Purpose**

The *Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019* ("the **2019 Regulations**") set out the financial support available for eligible students studying postgraduate Master's ("PGM") degree courses in Wales.

The current PGM support package comprises loans and grants. There are two components to grants: (i) a universal 'base' grant of £1,000, and (ii) a means tested contribution-to-costs grant of up to £5,885.

These Regulations amend the 2019 Regulations to:

- remove the base grant and the contribution-to-costs grant from the PGM package of support, and replace the grants with a loan to offset the difference; and
- increase the maximum support value by a measure of inflation (RPIX) to £18,950 (an increase of 0.9%); by increasing the amount of available loan.

The amendments to grant support and the maximum support value will apply to new PGM students who begin courses on or after 01 August 2024.

### **Procedure**

Negative.

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

### **Technical Scrutiny**

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

### **Merits Scrutiny**

The following two 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.**



Whilst the Explanatory Memorandum states that the proposals have been discussed with a number of 'key stakeholders' (including Universities Wales, NUS Wales and representatives of the sector), no formal consultation has been undertaken in respect of these Regulations.

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

The Explanatory Memorandum contains a Regulatory Impact Assessment ("RIA") setting out six options considered by Welsh Ministers to amend PGM financial support. It states:

*6.3 [...] Removal of [the grants described above] has been prompted by significant pressures on Welsh Government budgets for the 2024/25 financial year. Savings are required. Change is necessary ahead of the 2024/25 academic year because of the particular pressures on this year's budget.*

*6.4 Options for support for PGM students for the 2024/25 academic year were considered against this need to restructure budgets for Welsh Government, in light of significant budgetary pressures. In addition, sustained inflationary pressures impact the cost of living for students.[...]*

Paragraph 8.4 in the 'Costs and Benefits' section of the RIA states:

**Compared to existing policy, a student will lose a minimum of £1,000 and a maximum of £6,885 in grant assistance but can apply for an increased loan. Therefore, a student's debt is likely to increase. This may deter some prospective students from undertaking a course of postgraduate study – a disincentive effect.** It is not possible to quantify this disincentive effect. However, the mitigation of replacing grants with loans will mean that new students will not experience any loss of in-study income compared to previous cohorts, minimising the disincentive effect. [emphasis added]

## **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**22 April 2024**



# Agenda Item 6.3

## **SL(6)481 – The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations amend the Plant Health etc. (Fees) (Wales) Regulations 2018 and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019.

Regulation 2(2) amends the fees for documentary checks relating to certain plants, plant products or other objects originating from an EU Member State, Liechtenstein or Switzerland. It also provides that no fee is payable for physical and identity checks relating to certain goods from EU Member States, Liechtenstein and Switzerland and provides exceptions to that rule.

Regulation 2(3) inserts a table of certain plants, plant products and other objects to which the fees amended by regulation 2(2) relate. The table updates and corrects the import inspection fees for *Solanum lycopersicum* from Morocco and the Canary Islands.

Regulation 3 amends the Plant Health (Fees) (Forestry) (Wales) Regulations 2019. Paragraph (2) corrects the type of inspection for which a fee is chargeable under those Regulations.

### **Procedure**

Draft Affirmative.

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

### **Technical Scrutiny**

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

### **Merits Scrutiny**

One point is identified for reporting under Standing Order 21.3 in respect of this instrument –

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

These regulations were previously considered by the Committee in its meeting on 18 March 2024. The Committee's report noted three technical errors which the Welsh Government agreed to correct. On 3 April 2024, the regulations were formally withdrawn under standing order 27.1 and were re-laid on 16 April 2024. The errors identified have been corrected. On 15 March 2024, the Committee sent a [letter](#) to the Counsel General, Mick Antoniw MS requesting that where subordinate legislation was being used to amend errors in previous instruments that it would be helpful if that was highlighted in the accompanying explanatory



memorandum. The Committee acknowledge and welcome the fact that these corrections have been highlighted clearly to the Committee in section 2 of the explanatory memorandum.

## **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 April 2024**



Senedd Cymru

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

—

Welsh Parliament

**Legislation, Justice and Constitution Committee**

**Pack Page 93**

# Agenda Item 7.1

## **SL(6)477 – The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024**

### **Background and Purpose**

The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024 (“these Regulations”) implement changes made to the Building Act 1984 (“the 1984 Act”) brought about by the Building Safety Act 2022 (“the 2022 Act”).

These Regulations commence section 49(1) and (2) of the 2022 Act and amend the following legislation in relation to Wales:

- the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215);
- the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);
- the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118).

These Regulations come into force on 25 April 2024 and are part of a suite of new legislation bringing into force provisions made by the 2022 Act which received Royal Assent in 2022. Changes to the 1984 Act have been implemented in phases in order to bring the new building control regime into place.

The Welsh Government’s Explanatory Memorandum provides that the overall purpose of these amendments is to ensure that the regulatory framework continues to apply, where appropriate, as private sector building control transitions from Approved Inspectors, under the previous regime, to Registered Building Control Approvers under the new regime.

### **Procedure**

Negative.

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

### **Technical Scrutiny**

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

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



The Welsh Government is asked to explain the different drafting approaches taken in relation to regulation 3(j) and (k). Both regulations amend references to “approved inspector” to “approver” so that they will continue to apply to registered building control approvers. Regulation 3(j) specifically refers to “*substituted paragraph 4(a)*”, whilst regulation 3(k) simply refers to “*substituted paragraph 3*”. Given the similarities between regulation 20(6) and 20(6A), as referred to in regulation 3(j) and (k), it is questioned why the drafting is different by specifying the sub-paragraph in one provision but not the other.

### Merits Scrutiny

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

### Welsh Government response

A Welsh Government response is required.

### Committee Consideration

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



**Government Response: *The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024***

Technical Scrutiny point 1: The Welsh Government notes the point and agrees that it would have been preferable for the drafting to be consistent. The reference in regulation 3(j) should be a reference to “*substituted paragraph 4*” rather than “*substituted paragraph 4(a)*”. However, the Welsh Government does not believe the existing drafting will lead to confusion for the reader and it is therefore suitably clear.

Jeremy Miles AS/MS  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg  
Cabinet Secretary for Economy, Energy and Welsh Language

Agenda Item 8.1



Llywodraeth Cymru  
Welsh Government

Paul Davies MS  
Chair of Economy, Trade, and Rural  
Affairs Committee

Sarah Murphy MS  
Chair of Legislation, Justice and Constitution  
Committee

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[SeneddLJC@assembly.wales](mailto:SeneddLJC@assembly.wales)

22 April 2024

Dear Paul, Sarah

I am writing in accordance with the inter-institutional relations agreement to inform you that I attended the Inter-ministerial Group for Trade on Tuesday 16 April 2024.

The meeting was attended by Greg Hands, Minister of State at the Department for Business and Trade, Minister Conor Murphy of the Northern Ireland Executive, a senior Scottish Government official and representatives from the Wales, Northern Ireland and Scotland Offices.

We discussed some of the outcomes from the World Trade Organisation's 13<sup>th</sup> ministerial conference (MC13), as well as the ongoing negotiations with the Gulf Co-operation Council and India.

I will write to you again to inform you of the date of the next meeting.

Yours sincerely,

**Jeremy Miles AS/MS**  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg  
Cabinet Secretary for Economy, Energy and Welsh Language

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

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



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

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<b>TITLE</b>	<b>The Official Controls (Miscellaneous Amendments) Regulations 2024</b>
<b>DATE</b>	<b>23 April 2024</b>
<b>BY</b>	<b>Huw Irranca-Davies, Cabinet Secretary for Climate Change and Rural Affairs</b>

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

Agreement was sought by the Minister of State for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller to make a Statutory Instrument (SI) titled the Official Controls (Miscellaneous Amendments) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State, in exercise of the powers conferred under:

- Articles 72(3), 73(2), 76(4) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (“the Plant Health Regulation”).
- Articles 22(2), 48(h), 54(3), 77(1), 90 and 144(6) of, and paragraph 3(2) of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection product (“the Official Controls Regulation”).

The purpose of the 2024 Regulations is to implement milestones of the Border Target Operating Model (“BTOM”), that come into force on 30<sup>th</sup> April, to protect biosecurity and support trade between Great Britain (“GB”) and third countries. It introduces a new global risk-based import regime for goods from both the European Union (“EU”) and the rest of the world (“RoW”) from the end of April 2024. The changes made by

the 2024 Regulations relate to controls on imports to Wales, England and Scotland for the set of commodities known collectively as sanitary and phytosanitary (“SPS”) goods.

These Regulations include provisions which exempt goods arriving from Ireland from the requirement for identity and physical checks. We have not yet agreed with the UK and Scottish governments a date for physical checks to begin on imports from Ireland, and have already announced that our facilities will not be operational until spring 2025.

On 28 April 2022, the UK Government announced a pause to the introduction of further import controls on SPS goods from the EU to Great Britain, and its intention to develop a Borders Target Operating Model (BTOM) setting out a new regime of border import controls. The intended changes to the SPS border official controls regime were published in the BTOM in August 2023. This new regime will apply equally to EU and goods from the rest of the world, with a proportionate risk-based and technologically advanced approach to controls.

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

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The 2024 Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

A phased introduction of SPS controls on imports from the EU and reforming the current SPS control regime for imports from the rest of the world is being used. This targets activity at higher risk consignments while simplifying processes where it is safe to do so, in order to facilitate trade. The BTOM is being implemented through a phased approach, enabled by a series of legislative changes ahead of the published milestones.

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

### **The purpose of the 2024 Regulations**

The purpose of the 2024 Regulations is to protect biosecurity, ensure food safety and support trade, by introducing the milestones set out in the Border Target Operating Model, agreed by all administrations in Great Britain.

The Regulations and accompanying Explanatory Memorandum, setting out the purpose, and effect of the 2024 Regulations are available here:

<https://www.legislation.gov.uk/uksi/2024/541/contents/made>

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

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model between the three administrations in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain to protect biosecurity and ensure food safety standards are maintained.

Huw Irranca-Davies AS/MS  
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HID/5010/24

Sarah Murphy MS Chair,  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

25 April 2024

Dear Sarah

Further to my letter of 18 March 2024. I am writing to inform the Committee that I have given my consent to the Minister of State to lay the Official Controls (Miscellaneous Amendments) Regulations 2024 in relation to Wales. I have laid a Written Statement which can be found at:

[WS-LD16459 - The Official Controls \(Miscellaneous Amendments\) Regulations 2024](#)

Consent has been given for the UK Government to make these Regulations in order to implement to implement the milestones of the Borders Target Operating Model (BTOM). The Regulations intersect with devolved policy and will apply to Wales. The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 22 April 2024 with a commencement date of the 30<sup>th</sup> April.

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

Yours sincerely

**Huw Irranca-Davies AS/MS**  
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change and Rural Affairs

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

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



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

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<b>TITLE</b>	<b>The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2024</b>
<b>DATE</b>	<b>23 April 2024</b>
<b>BY</b>	<b>Huw Irranca-Davies Cabinet Secretary for Climate Change and Rural Affairs</b>

Members of the Senedd will wish to be aware that I have given consent to the Minister of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

The Minister of State for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller sought my agreement to make a Statutory Instrument (SI) titled the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State, in exercise of the powers conferred under:

- paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, and
- paragraph 11A of Schedule 2 to the Trade in Animals and Related Products Regulations 2011.

The purpose of the 2024 Regulations, in conjunction with the Official Controls (Miscellaneous Amendments) Regulations 2024 is to implement the second milestone of the TOM from 28 April 2024. The 2024 Regulations amend the Transitional Staging Period end date from 29<sup>th</sup> April 2024 to 31 January 2025 so the second stage of the TOM can begin from 30<sup>th</sup> April 2024.



Huw Irranca-Davies AS/MS  
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion  
Gwledig  
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-HIDCC-0895-24

Sarah Murphy MS  
Chair, Legislation, Justice and Constitution Committee  
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24 April 2024

Dear Sarah,

I am writing to inform the Committee that I have given my consent to the Minister of State for Biosecurity, Animal Health and Welfare to lay the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2024.

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

<https://senedd.wales/media/4pynmxqb/ws-ld16460-e.pdf>

These Regulations have been made using powers in

- paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, and
- paragraph 11A of Schedule 2 to the Trade in Animals and Related Products Regulations 2011.

Consent has been given for the UK Government to make these Regulations following the agreement on, and publication of, the Border Target Operating Model (TOM).

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

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

In conjunction with the Official Controls (Miscellaneous Amendments) Regulations 2024, this statutory instrument will implement the second milestone of the TOM from 28 April 2024. The purpose of the SI is to amend the Transitional Staging Period ('TSP') end date, from 29<sup>th</sup> April 2024 to 31 January 2025 so the second stage of the TOM can begin from 30<sup>th</sup> April 2024.

It also amends the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020. I have made equivalent provisions for Wales in the Meat Preparations (Amendment) (Wales) Regulations 2024 which was laid before the Senedd on the 12 April.

We have not yet agreed with the UK and Scottish governments a date for physical checks to begin on imports from Ireland and have already announced that our facilities will not be operational until spring 2025 so a further extension to the transitional staging period will be required from the end of January 2025.

The Statutory Instrument is subject to the negative procedure and was laid before Parliament on 22 April 2024 and will come into force on 28 April 2024.

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

I am writing in similar terms to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



**Huw Irranca-Davies AS/MS**

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/05086/24

Sarah Murphy MS  
Chair of the Legislation, Justice and Constitution Committee  
Welsh Parliament  
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24 April 2024

Dear Sarah,

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Phytosanitary Conditions (Amendment) Regulations 2024 ("The Regulations") by 9 May 2024.

I received a letter from Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare, requesting consent to the Regulations. The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 5(3), 30(1), 37(5) and (5A), 40(3), 41(3), 72(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants. Article 2a(2) of Regulation (EU) 2016/2031 provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers.

The purpose of the Regulations is to update aspects of the Phytosanitary Conditions Regulations (PCR) to introduce the following changes:

- Introduce measures against the import of host plants, wood, and woodchips, for pests *Chrysobothris femorata* and *C. mali*, from the USA and Canada to prevent the introduction of the pests into GB.
- Regulate the seed of *Solanum sisymbriifolium* ("sticky nightshade") as a host of the regulated non-quarantine pest ("RNQP"), potato spindle tuber viroid ("PSTVd"), after it was recently found to harbour this pest.
- Every year, a small number of culturally significant Norwegian Christmas trees are gifted to the UK government by the Norwegian government and municipalities. The Regulations will provide a specific import requirement for the introduction of these spruce Christmas trees, not intended to be placed on the market, from Norway for short term display only.

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- Alter the regulatory status of some pests following a technical review of their current risk to GB biosecurity.
- Correct some errors detected in the Phytosanitary Conditions Regulation.

The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before UK Parliament on 9 May 2024.

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

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

I have written similarly to Llŷr Gruffydd MS, the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



**Huw Irranca Davies AS/MS**

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change and Rural Affairs

# Agenda Item 9.1

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



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Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Chair of the Finance Committee and  
Chair of the Legislation, Justice and Constitution Committee  
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19 April 2024

Dear Sarah and Peredur

Thank you for the joint letter in response to my letters to the Chairs of your respective Senedd Committees.

I would like to clarify any potential misunderstanding of my proposed meeting. I have not yet reached the stage where I am able to make proposals as to the future architecture for making changes to the Welsh Tax Acts. Prior to commencing work on the proposals, my intention was for my officials to meet with you to gain insights and early thinking, including discussing proposals you may have, understanding your views on essential parts of any future architecture, and how the proposals may operate. This is because I intend for you to be involved from the start in this process to ensure that your proposals can be included early in the planning stage.

The Chancellor's budget on 6 March provided an example of the types of external events that the power provided in the Welsh Tax Acts etc. (Power to Modify) Act 2022 was specifically aimed. The Chancellor announced that the stamp duty land tax (SDLT) transfers involving multiple dwellings relief would, subject to Parliament's approval, be repealed with effect from 1 June 2024. The Provisional Collection of Taxes Act 1968 resolutions passed after the Chancellors speech included the abolition of the relief as well as related transitional rules. Due to the commonality of the rules in SDLT and our own land transaction tax (LTT) relief for acquisitions involving multiple dwellings, there will be block

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grant adjustments and a reduction in our resources resulting from the Chancellor's announcements.

I had planned to launch a consultation seeking views on proposals to amend the relief for acquisitions involving multiple dwellings as part of the final budget on 5 March. However, given the Chancellor's statement was to occur the following day, I chose to wait to see if any announcements impacted my plans. You will not be surprised to hear that the UK government chose not to share their plans with me or my officials prior to the Chancellor's announcement. As you will know, I launched a consultation on 8 April on the abolition of the LTT relief for acquisitions involving multiple dwellings and some other matters. The abolition of the SDLT transfers involving multiple dwellings relief provides a timely example of the issues that can arise because of external events that we will need to ensure the future architecture can address.

I therefore ask that we make arrangements for this initial presentation and meeting as I am very eager to hear what proposals Members from the two Committees may have as to what might provide the appropriate future architecture.

Yours sincerely,

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

**Rebecca Evans AS/MS**

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

Rebecca Evans MS

Minister for Finance and Local Government

19 March 2024

Dear Rebecca

Welsh Tax Acts etc. (Power to Modify Act) 2022: Section 6 (Review of operation and effect of this Act)

Thank you for your letter of 6 March 2024, which was considered at the meeting of the Legislation, Justice and Constitution Committee on 11 March and the Finance Committee on 13 March.

We are grateful to you for offering us the opportunity to receive a presentation from your officials about a review of the operation and effectiveness of the above Act.

Before considering the matter further, we would be grateful to receive details of the terms of reference and timeframes for the review, a copy of any consultation document issued and, if not included in that document (or not available), any information about options for alternative legislative mechanisms under consideration by the Welsh Government.

We look forward to hearing from you in due course.

Yours sincerely,



Huw Irranca-Davies  
Chair  
Legislation, Justice and Constitution Committee



Peredur Owen Griffiths  
Chair  
Finance Committee



Ein cyf/Our ref: RE/78/2024

Huw Irranca-Davies MS  
Chair of the Legislation, Justice and Constitution Committee  
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06 March 2024

Dear Huw,

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

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

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

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

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

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

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

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

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

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

I am making a similar offer to the Finance Committee.

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

Yours sincerely,

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

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol

Minister for Finance and Local Government

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Update on proposals to introduce legislation to ban the supply of wet wipes containing plastics and single-use vapes</b>
<b>DATE</b>	<b>22 April 2024</b>
<b>BY</b>	<b>Huw Irranca-Davies, MS, Cabinet Secretary for Climate Change and Rural Affairs</b>

Our Circular Economy Strategy, *Beyond Recycling*, published in 2021, sets out our goal to achieve zero waste by 2050. A key commitment in the Strategy is to phase out single-use plastic products, with the longer-term objective of addressing other single-use products regardless of material.

Our 2020 consultation, *Reducing Single Use Plastics*, received overwhelming support for proposals to ban several commonly littered single-use plastic products in Wales, with over 85% of respondents in favour. Respondents to the consultation also urged the Welsh Government to go further with some additional 60 products suggested for future action.

We heeded these calls and introduced the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. This is a key piece of legislation aimed at turning the tide on plastic pollution. The first phase of bans has already commenced and, subject to the will of the Senedd, a second phase will be completed before the end of this Senedd term.

As the Act passed through the Senedd, my predecessor agreed to prioritise consideration of bans for several other products, this included wet wipes containing plastic. A UK wide approach has been agreed to introduce regulations to prohibit the sale and supply of wet wipes containing plastic to be delivered by each individual Government. Adopting this approach will ensure consistency in how our regulations are implemented and will help provide businesses and manufacturers with a clear understanding of what is required of them.

Between 14 October and 25 November 2023, we jointly consulted with the Scottish Government, the UK Government and the Northern Ireland Executive on the proposed ban of the manufacture, supply and sale of wet wipes containing plastic. A total of 1461 responses were received, 104 from Wales.

[The four nation Government Response has now been published](#), it sets out the consultation outcomes and the measures the four governments will now take forward. This includes an agreement to:

- **A ban on the supply of wet wipes containing plastic.** We have listened to stakeholders and acknowledge the size of the manufacturing industry in the UK. Therefore, we decided to introduce a ban on the supply of these wipes, in line with scope of the first phase of bans brought under the Act. This is intended to mitigate the economic impact of the ban and reduce the possibility of job losses in the industry.
- An **18-month transition period** will be provided to enable manufacturers to shift production to alternative materials and to reduce the risk that remaining stocks would be sent to landfill or incinerated.
- To provide an **exemption** for the supply and sale of wet wipes containing plastic for industrial and medical purposes. This follows consultation feedback which highlighted that for some uses, plastic free alternatives are either unsuitable or unavailable. The full details of these exemptions will be included in the regulations, however it will allow for businesses such as hospitals and food production sites to buy wet wipes containing plastic from other businesses, such as wholesalers. For those who receive or require medical care in their own home, the exemption will allow for supply and sale by registered pharmacies. Wet wipes containing plastic will not be permitted for sale on the shelves and customers who require these products for medical purposes will need to specifically ask the pharmacist for these. This is a similar model to that implemented for the plastic straws ban.

It is our intention for the ban on wet wipes containing plastic to come into force by June 2026.

Under separate legislation, we are also taking action to ban the supply of single-use vapes. These products have a significant environmental impact and are undermining our drive towards a circular economy. Over 360 million such vapes are bought each year in the UK, with valuable and critical materials such as lithium and copper regularly being binned that could instead be powering nearly 5,000 electric vehicles.

We are in the process of developing these regulations and I confirm our intention is for the bans on single-use (disposable) vapes to come into force in Wales on 1 April 2025. This will be aligned with similar bans in England and Scotland and will provide businesses with the necessary time to prepare, supported by the publication of guidance and communication materials, developed in collaboration with business representative groups.

I am committed to supporting action to reduce waste and maximise resourcing efficiency by following the principles of the waste hierarchy: Reduce, Reuse, Recycle. This includes moving away from a take, make, waste model and towards a circular economy.



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Update on the Development of a Deposit Return Scheme</b>
<b>DATE</b>	<b>25 April 2024</b>
<b>BY</b>	<b>Huw Irranca-Davies MS, Cabinet Secretary for Climate Change and Rural Affairs</b>

In working to deliver on our commitment to securing a stronger, fairer and more sustainable future for Wales, we have been working to develop a Deposit Return Scheme (DRS) for drinks containers in line with the commitment to bring forward a scheme in *Beyond Recycling*, our circular economy strategy, and *Net Zero Wales*, our emissions reduction plan.

Wales is already a recycling nation; our recycling performance is the highest in the UK and amongst the very best in the world. Our track record of delivery has been underpinned by clear long-term goals, consistent policy, a progressive regulatory regime and sustained investment – supported by successful partnership with industry and with our Local Authorities.

Building on our success to date, we are committed to continuing our journey, recognising both the environmental imperative of the climate and nature emergency and the economic importance for resilience and competitiveness in a decarbonising global economy. Following the recent introduction of our Workplace Recycling Regulations, the implementation of a DRS for Drink Containers in parallel with the introduction of Extended Producer Responsibility for packaging is an important next step.

International evidence shows that a DRS is an extremely effective way to capture drinks containers so that they are not wasted and can go back into the economy. By doing so, not only is it effective in tackling emissions and dramatically reducing litter, but it also reduces the need to extract raw materials and the damage that can cause, supports reuse and the recycling of materials and reduces the energy needed in manufacturing. By securing high quality source separated recyclable materials and potentially reusable containers, it can be a crucial enabler of a more circular economy, benefitting producers and consumers, creating new economic opportunities, and reducing reliance on volatile global supply chains.

I am therefore pleased to be making a joint statement along with the Ministers responsible for the development of the scheme in England, Northern Ireland and Scotland on the progress that has been made in developing shared positions to maximise the interoperability between our respective schemes.

From the outset, the Welsh Government has sought to work in partnership with the other governments to develop a coordinated approach to a DRS. I therefore welcome the agreement we have reached following intensive work in partnership with our counterparts in the other UK nations to agree a clear framework for interoperability across a wide range of areas which will collectively underpin our schemes. These include on the deposit level, the size of containers in scope, an exemption for low volume products, registration and reporting, labelling and return points.

We have also agreed to delay the implementation of DRS in Wales in line with the other nations so that the UK schemes will be brought in at the same time in October 2027. In doing so we have collectively recognised the call from industry and drawn upon learning from international schemes emphasising the need to provide sufficient time for industry to prepare and the infrastructure to be put in place. However, with the announcement today underlining the commitment from all four nations to progress with a scheme and setting out the detailed areas of interoperability, I would underline the need for industry to now begin preparations at pace.

In the meantime, as a government we will continue to prepare for the implementation of a DRS in Wales. In progressing our scheme our intention remains to bring forward a scheme that is in line with our commitments covering PET plastic, aluminium, steel, and glass. The Welsh Government has been consistent throughout, and our position has not changed – and remains consistent with the position we consulted on jointly with the UK Government, to which an overwhelming number of respondents (86%) supported the inclusion of glass. It also remains consistent with the final scheme design, agreed and published jointly with the UK Government following the consultation and is consistent with the Scottish Government's preferred approach.

I note with regret that the UK Government has not responded to industry calls for consistency in the materials covered by reevaluating its decision to diverge away from the previously agreed common approach. We respect however that in this devolved area it is a matter for the UK Government to determine what form of DRS works best for England; just as it is our responsibility to determine the form of DRS for Wales. I also acknowledge that the very different context in England means that considerable gains in recycling can still be achieved from a narrower and less ambitious scheme. Even if questions around its effectiveness in supporting a transition to net zero will remain.

For Wales, our already world class recycling puts us in a different position, necessitating a more ambitious approach if we are to justify the significant investment and change of consumer behaviour a DRS requires. It also puts us in a unique position, with no other examples where a DRS has been introduced into an already high recycling nation. I reiterate that Wales's baseline and landscape is different to our UK counterparts. Our Well-being of Future Generations Act also requires us to look beyond the short term and ensure our decisions are evidence based.

The evidence on glass is clear. With over 50 successful international examples of DRSs where the overwhelming majority include glass as standard. Not only should Wales not have to settle for less than the international best practice standard, but it is essential if we are to continue to make progress against our baseline and ensure the scheme will be effective in supporting the transition to net zero.

Having looked at international schemes such as those in Finland, Estonia, Denmark, Lithuania, the US, Canada and Australia, it is striking that the best examples not only include glass but are already supporting the reuse of glass bottles. As alluded to in the title of our circular economy strategy, *Beyond Recycling*, and underlined by our programme for government commitments, supporting a move to more widespread reuse is a necessity if we are to be able to move to a circular economy and transition to net zero. With the best international DRS schemes already supporting up to 60% of glass bottles to be reused, this transforms what is the most energy and carbon intensive material into the most sustainable current option. Bringing win-win benefits to both businesses and consumers alike.

Excluding glass whilst all other materials are included therefore not only risks there not being a level playing field, which may result in producers changing material for less environmentally friendly and higher carbon options, but also excludes what is currently the most sustainable potential option. It also risks hampering the ability of the glass sector to transition and remain competitive, with high quality source separated material being crucial to delivering to increasing recycled content against the legal requirements that will be in place in any event. Fundamentally it also adds complication for consumers - with one scheme covering all material types being far simpler. The question around putting glass in is when, not if, and with Wales being prepared to take these steps on glass in, and supporting a pathway to reuse, we can provide invaluable learning for our neighbouring countries.

Whilst our preference remains the aligned scheme previously agreed, I note the threat the UK Government have made to repeat their actions in Scotland by using the Internal Market Act to restrict our ability to go further and impose a watered-down DRS on Wales. The Welsh Government supports the proper regulation of the internal market, which we agree needs to be protected. However as shown by international examples of different approaches to DRS being delivered within a single market - including by small nations with porous borders - delivering different schemes that are responsive to the different contexts in our respective nations is eminently feasible.

Moreover, the history to date in this very policy area is one where devolved Governments being able to use the tools of devolution to innovate has added significant value to the UK as a whole. In Wales we are rightly proud of the fact that we were the first in the UK to bring in the carrier bag charge. Its overwhelming success having seen it adopted by the rest of the UK and highlighting that piloting approaches in devolved areas can add significant value to the UK as a whole. The approach to the bans on single use plastic is another more recent example where the devolved Governments within the UK are driving change and in a DRS context, last week I announced the positive outcome of a world first full-town digital deposit return scheme trial in Brecon.

The misuse of the Internal Market Act as a means to restrict devolution is not about the market – as evidenced by the UK Government’s refusal to re-examine its decision to diverge from what was the common position. Our objection to the Act lies in the fact that it is open to abuse as it places all the power with the UK Government and goes far beyond the structures needed to ensure economic and regulatory cooperation between the nations of the UK. Innovation is a key part of a successful common market; it does not serve the interests of the UK as a whole to stifle Wales’ ability to innovate and seek to tie it to the lowest common denominator. The Internal Market Act should not be used to seek to impose policy on devolved governments, regardless of our own policy aims or very different domestic context.

Going forward, the Welsh Government remains committed to working positively and constructively in partnership as four nations to deliver DRS across the UK as we have done throughout. In addition to the range of areas where we have collectively agreed the interoperability arrangements published today, to further maximise alignment we will be drawing from the UK Government’s legislation for England and Northern Ireland in now drafting the legislation for the Welsh scheme.

In parallel we will continue our preparations, working in partnership with local authorities, producers, retailers and other businesses to progress the scheme as a key part of our move to a circular economy. In addition, as well as continuing our work trialling the potential for a digital approach as part of a DRS, we are working with industry to bring forward a pilot for reuse drawing on the evidence from successful examples we have seen working in countries similar to ours.

Our aim is to bring forward a scheme based on international best practice, which will not only help tackle the blight of litter but will also support our drinks industry to transition and be resilient and competitive in a decarbonising global economy. Fundamentally, it must also be effective in helping to tackle the climate and nature emergency by learning from the known solutions which are being delivered successfully elsewhere.

Wales is already a recycling nation. To be effective our Deposit Return Scheme must help us to take a further step forward. The Welsh DRS can expect to be groundbreaking as the first scheme of its type implemented in a nation already achieving high recycling rates.

# Agenda Item 11

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

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