

Agenda – Legislation, Justice and Constitution Committee

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|---------------------------|--|
| Meeting Venue: | For further information contact: |
| Video conference via Zoom | P Gareth Williams |
| Meeting date: 3 June 2024 | Committee Clerk |
| Meeting time: 13.30 | 0300 200 6565 |
| | SeneddLJC@senedd.wales |

Remote

Public meeting

(13.30 – 13.50)

1 Introductions, apologies, substitutions and declarations of interest

(13.30)

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

(13.30 – 13.35)

Made Negative Resolution Instruments

2.1 SL(6)485 – The Education (Arrangements for Assessing Reading and Numeracy in the Curriculum for Wales) Regulations 2024

(Pages 1 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–18–24 – Paper 1 – Draft report

3 Inter–Institutional Relations Agreement

(13.35 – 13.40)



Senedd Cymru
Welsh Parliament

3.1 Correspondence from the Welsh Government: Inter-Ministerial Group meetings

(Pages 6 – 7)

Attached Documents:

LJC(6)-18-24 – Paper 2 – Letter from the Cabinet Secretary for Culture and Social Justice: The Safety, Security and Migration Interministerial Group, 16 May 2024

LJC(6)-18-24 – Paper 3 – Letter from the Counsel General: Inter-Ministerial Group for Elections and Registration, 22 May 2024

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

(Pages 8 – 9)

Attached Documents:

LJC(6)-18-24 – Paper 4 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 10 May 2024

3.3 Correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: The Animal Welfare (Livestock Exports) Enforcement Regulations 2024

(Pages 10 – 11)

Attached Documents:

LJC(6)-18-24 – Paper 5 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 21 May 2024

3.4 Written Statement and correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: The Ivory Act (Meaning of "Ivory" and Miscellaneous Amendments) Regulations 2024

(Pages 12 – 15)

Attached Documents:

LJC(6)-18-24 – Paper 6 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 22 May 2024

LJC(6)-18-24 – Paper 6a – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 22 May 2024

3.5 Written Statement and correspondence from the Cabinet Secretary for Finance, Constitution and Cabinet Office: The Procurement Act 2023 Commencement No. 3, Transitional and Saving Provisions Regulations 2024

(Pages 16 – 18)

Attached Documents:

LJC(6)-18-24 – Paper 7 – Written Statement by the Cabinet Secretary for Finance, Constitution and Cabinet Office, 30 May 2024

LJC(6)-18-24 – Paper 7a – Letter from the Cabinet Secretary for Finance, Constitution and Cabinet Office, 30 May 2024

4 Papers to note

(13.40 – 13.50)

4.1 Correspondence from the Finance Committee: Welsh Government Draft Budget 2025–26

(Pages 19 – 21)

Attached Documents:

LJC(6)-18-24 – Paper 8 – Letter from the Finance Committee, 8 May 2024
[received on 9 May 2024]

4.2 Correspondence from the Cabinet Secretary for Economy, Energy and Welsh Language: Legislative Consent Memoranda on the Data Protection and Digital Information Bill

(Pages 22 – 31)

Attached Documents:

LJC(6)-18-24 – Paper 9 – Letter from the Cabinet Secretary for Economy, Energy and Welsh Language, 13 May 2024

LJC(6)-18-24 – Paper 10 – Letter from the Cabinet Secretary for Economy, Energy and Welsh Language to the Culture, Communications, Welsh Language, Sport, and International Relations Committee, 13 May 2024

4.3 Correspondence from the Cabinet Secretary for Housing, Local Government and Planning: Infrastructure (Wales) Bill

(Page 32)

Attached Documents:

LJC(6)-18-24 – Paper 11 – Letter from the Cabinet Secretary for Housing, Local Government and Planning, 14 May 2024

4.4 Correspondence with the Cabinet Secretary for Health and Social Care: Legislative Consent Memorandum on the Tobacco and Vapes Bill

(Pages 33 – 37)

Attached Documents:

LJC(6)-18-24 – Paper 12 – Letter from the Cabinet Secretary for Health and Social Care, 14 May 2024

LJC(6)-18-24 – Paper 13 – Letter to the Cabinet Secretary for Health and Social Care, 30 April 2024

4.5 Correspondence with the Business Committee: Review of Standing Order 29

(Pages 38 – 40)

Attached Documents:

LJC(6)-18-24 – Paper 14 – Letter from the Business Committee, 15 May 2024

LJC(6)-18-24 – Paper 15 – Letter to the Business Committee, 10 May 2024

4.6 Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs: Policy Framework for Radioactive Substances and Decommissioning

(Pages 41 – 42)

Attached Documents:

LJC(6)-18-24 – Paper 16 – Written Statement by the Cabinet Secretary for Climate Change and Rural Affairs, 16 May 2024

4.7 Correspondence from the Cabinet Secretary for Culture and Social Justice: The Well-being of Future Generations (Wales) Act 2015 (Public Bodies) (Amendment) Regulations 2024

(Pages 43 – 44)

Attached Documents:

LJC(6)-18-24 – Paper 17 – Letter from the Cabinet Secretary for Culture and Social Justice, 17 May 2024

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

(Pages 45 – 46)

Attached Documents:

LJC(6)-18-24 – Paper 18 – Written Statement by the Cabinet Secretary for Education, 22 May 2024

4.9 Correspondence with the Counsel General: Subordinate legislation laid in English only

(Pages 47 – 52)

Attached Documents:

LJC(6)-18-24 – Paper 19 – Letter from the Counsel General, 22 May 2024

LJC(6)-18-24 – Paper 20 – Letter to the Counsel General, 24 April 2024

4.10 Correspondence from the Cabinet Secretary for Climate Change and Rural Affairs: Publication of the UK Emissions Trading Scheme Scope Expansion: Waste and Integrating Greenhouse Gas Removals Consultations

(Pages 53 – 54)

Attached Documents:

LJC(6)-18-24 – Paper 21 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs, 23 May 2024

4.11 Correspondence between the Climate Change, Environment, and Infrastructure Committee and the Cabinet Secretary for Climate Change and Rural Affairs: Assessment of the Retained EU Law (Revocation and Reform) Act 2023 on environmental law in Wales

(Pages 55 – 60)

Attached Documents:

LJC(6)-18-24 – Paper 22 – Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment, and

Infrastructure Committee, 24 May 2024

LJC(6)-18-24 – Paper 23 – Letter from the Climate Change, Environment, and Infrastructure Committee to the Cabinet Secretary for Climate Change and Rural Affairs, 2 May 2024

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

(13.50)

Private meeting

(13.50 – 15.35)

6 Statutory Instrument Consent Memorandum – The Energy Act 2023 (Consequential Amendments) Regulations 2024

(13.50 – 14.00)

(Pages 61 – 64)

[Statutory Instrument Consent Memorandum Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-18-24 – Paper 24 – Legal Advice Note

LJC(6)-18-24 – Paper 25 – Letter from the Cabinet Secretary for Economy, Energy and Welsh Language, 21 May 2024

7 International Agreements: Draft report

(14.00 – 14.10)

(Pages 65 – 78)

Attached Documents:

LJC(6)-18-24 – Paper 26 – Draft report

8 The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022: Draft correspondence

(14.10 – 14.15)

(Pages 79 – 80)

Attached Documents:

LJC(6)-18-24 – Paper 27 – Draft letter to the Cabinet Secretary for Climate Change and Rural Affairs

9 Proposals relating to supporting a healthier food environment in Wales: Draft correspondence

(14.15 – 14.20)

(Pages 81 – 82)

Attached Documents:

LJC(6)-18-24 – Paper 28 – Draft letter to the Cabinet Secretary for Health and Social Care

10 Correcting draft affirmative Statutory Instruments: Draft correspondence

(14.20 – 14.25)

(Pages 83 – 85)

Attached Documents:

LJC(6)-18-24 – Paper 29 – Draft letter to the Counsel General

11 The legislative consent process: Draft correspondence

(14.25 – 14.30)

(Pages 86 – 88)

Attached Documents:

LJC(6)-18-24 – Paper 30 – Draft letter to the Business Committee

12 Welsh Tax Acts etc. (Power to Modify Act) 2022: Draft correspondence

(14.30 – 14.35)

(Pages 89 – 90)

Attached Documents:

LJC(6)-18-24 – Paper 31 – Draft letter to the Cabinet Secretary for Finance, Constitution and Cabinet Office

13 Consideration of correspondence from the Business Committee: Committee remits

(14.35 – 14.45)

(Pages 91 – 93)

Attached Documents:

LJC(6)-18-24 – Paper 32 – Letter from the Business Committee, 22 May 2024

LJC(6)-18-24 – Paper 33 – Letter from the Climate Change, Environment, and Infrastructure Committee to the Business Committee, 10 May 2024

14 Update on UK Bills

(14.45 – 14.55)

(Pages 94 – 96)

Attached Documents:

LJC(6)-18-24 – Paper 34 – Research briefing

15 Forward Work Planning

(14.55 – 15.05)

16 Senedd Cymru (Electoral Candidate Lists) Bill: Draft report

(15.05 – 15.35)

(To Follow)

Attached Documents:

LJC(6)-18-24 – Paper 35 – Draft report

SL(6)485 – The Education (Arrangements for Assessing Reading and Numeracy in the Curriculum for Wales) Regulations 2024

Background and Purpose

The Education (Arrangements for Assessing Reading and Numeracy in the Curriculum for Wales) Regulations 2024 (“these Regulations”) give legal effect to the assessment arrangements for reading and numeracy in the Curriculum for Wales for pupils who attend schools (other than a community special school established in a hospital) maintained by a local authority in Wales (“the national personalised assessments”).

The national personalised assessments replace the reading and numeracy tests (“the national tests”) which are given legal effect by the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (“the 2013 Order”). The 2013 Order is to be revoked from 1 September 2024 by the Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022 (“the 2022 Regulations”).

The national personalised assessments are sat online and assess the same skills as the national tests. However, there are some differences to the way the national personalised assessments will be administered in comparison to the way the national tests have been administered. These differences are listed in the Explanatory Note to these Regulations.

In addition, these Regulations amend the Provision of Information by Head Teachers to Parents and Adult Pupils (Wales) Regulations 2022 (“the Provision of Information Regulations”). Paragraph 6 of Schedule 2 to the Provision of Information Regulations requires the head teacher to provide a brief commentary on the results of the national tests (“the reporting obligation”). In consequence of the revocation of the 2013 Order from 1 September 2024, regulation 6 of these Regulations substitutes a reference to these Regulations for the reference to the 2013 Order in paragraph 6 of Schedule 2 to the Provision of Information Regulations. This amendment ensures that the reporting obligation continues in respect of the national personalised assessments.

Procedure

Negative.

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

Technical Scrutiny



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

Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Regulation 2 of these Regulations defines “the NPA administration handbook” by reference to the document entitled the “National Reading and Numeracy Personalised Assessments: administration handbook”, which is statutory guidance published by the Welsh Ministers from time to time. The definition of “the NPA disapplication guidance” in regulation 2 also makes reference to that handbook.

Whilst it is noted that the version of the handbook currently published on the Welsh Government’s Hwb website relates to requirements for the 2023 to 2024 academic year, in order to aid accessibility it would have been helpful if these Regulations had contained a hyperlink, by way of a footnote, to the section of the Hwb website on which updated versions of the handbook will be made available from time to time.

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

It is noted that pupils in year 4 to year 9 are subject to different requirements as to the National Reading Personalised Assessments that must be administered to them depending on the language-medium through which the majority of that pupil’s lessons are taught. This is the continuation of a policy that has existed under the 2013 Order in relation to the national tests.

Regulation 4 of these Regulations provides that a head teacher must make arrangements for the Welsh-medium National Reading Personalised Assessment (“NRPAW”) to be administered at least once in every school year to each pupil in year 2 to year 9 (as defined in regulation 2) where, in the opinion of the head teacher, the majority of that pupil’s lessons are taught through the medium of Welsh.

Similarly, regulation 3 of these Regulations provides that a head teacher must make arrangements for the English-medium National Reading Personalised Assessment (“NRPAE”) to be administered at least once in every school year to each pupil in year 2 and year 3 where, in the opinion of the head teacher, the majority of that pupil’s lessons are taught through the medium of English. Arrangements must also be made for the NRPAE to be administered at least once in every school year to each pupil in year 4 to year 9, but no distinction is made as to the medium through which the majority of those pupils’ lessons are taught.



In practice, this means that pupils in year 4 to year 9 in Welsh-medium education will be required to be administered both the NRPAW and the NRPAE at least once in every school year. This is in contrast to pupils in year 4 to year 9 in English-medium education, who will only be required to be administered the NRPAE.

This is summarised in statutory guidance entitled the "[National Reading and Numeracy Personalised Assessments: administration handbook](#)" published by the Welsh Ministers which details the administrative arrangements of the national personalised assessments. That document states, in the section titled "Requirements for learners receiving education through the medium of Welsh", that "*Learners in Years 4 to 9 in Welsh-medium education are required to take both the Welsh and English Reading personalised assessments. There is no Welsh Reading personalised assessment for learners in English-medium education.*"

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

It is noted that no public consultation has taken place in respect of these Regulations. The Explanatory Memorandum to these Regulations explains that:

"The 2021 Act does not require a consultation prior to making provision for assessment pursuant to section 56(1), (3) and (6) or section 74(1)(a) of that Act. Further the purpose of these Regulations is to ensure the continuation of existing arrangements for assessing and reporting in respect of reading and numeracy skills. The national personalised assessments are sat online and assess the same skills as the national tests.

However, as noted above there are some differences to the way the national personalised assessments will be administered in comparison to the way the national tests have been administered. Those changes have been made to reflect the current practice and ease the burden on schools in administering the assessments. As such it was considered that a consultation was not necessary and would add unnecessarily to the burden of schools in considering the response.

These Regulations ensure the requirements for administering the assessments align with current practice in schools. It will not require head teachers or other school staff to do anything additional to current practice, and for some aspects, which are no longer relevant to online delivery of the assessments, requirements are being removed."

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

The Explanatory Memorandum to these Regulations explains that the [Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments](#) ("the RIA Code of Practice") was considered and that a Regulatory Impact Assessment ("RIA") has not been conducted for the reasons set out in section 6 (Regulatory Impact Assessment (RIA)) of the Explanatory Memorandum.

The RIA Code of Practice explains that the Welsh Ministers will always carry out an RIA for relevant Welsh subordinate legislation, subject to exceptions set out in paragraph 3.2 of the



RIA Code of Practice. This includes *“where factual amendments are being made to update subordinate legislation and which do not alter the policy (or its impact) in any significant way or how it is applied in a given situation”, or “where technical amendments are required to change the wording of the law rather than its purpose or effect.”*

It is noted that these Regulations do not amend existing subordinate legislation. They are standalone Regulations that are designed to essentially replace the 2013 Order (which are being revoked from 1 September 2024 by the 2022 Regulations), and give legal effect to the new assessment arrangements for reading and numeracy.

Whilst the national personalised assessments will assess the same skills as the national tests, they will be sat online and are subject to certain administrative changes, as explained in the Explanatory Memorandum to these Regulations, in order to *“reduce the burden on schools and reflect the current practice”*. For example, these Regulations do not require local authorities that maintain schools to monitor the administration of the national personalised assessments, in order to *“reduce the burden on local authorities and schools in their area”*. Currently under article 7 of the 2013 Order, which is to be revoked from 1 September 2024, there is an obligation on monitoring authorities to visit, in any school year, 10% of all *“relevant schools”* during one of the listed periods close to, or during, the administration of the national tests to pupils. As a result of this change, the Welsh Ministers will no longer be required to investigate any matter that may have been referred to them as a result of monitoring assessments or to correct any results as appropriate.

Some of these administrative changes and the giving of legal effect to the arrangements for the administration of the new national personalised assessments would appear to move beyond *“factual”* or *“technical”* amendments, and also affect how the policy *“is applied in a given situation”*. Whilst the Explanatory Memorandum states that *“the policy given legal effect in these Regulations remains the same”*, it then goes on to explain changes between the way the national personalised assessments will be administered in comparison to the way the national tests have been administered. Whilst the Explanatory Memorandum states that this reflects *“the current practice”*, that practice is to be given legal effect through these Regulations and the revocation of the 2013 Order by the 2022 Regulations.

It is suggested that an assessment of the costs and benefits through an RIA would have aided understanding and the scrutiny of these changes, and the reasons why they are considered beneficial.

Welsh Government response

Merit Scrutiny point 1: The Welsh Government notes the merits point. The Welsh Government is liaising with the National Archives to establish whether a correction slip can be published to include the relevant hyperlink for these Regulations. Inclusion of appropriate hyperlinks will be considered in any future revisions to the Regulations.



Merit Scrutiny point 4: The Committee's comments are noted. The Welsh Government will ensure that an RIA is completed in accordance with the Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments in respect of future substantive revisions of the Regulations.

Legal Advisers

Legislation, Justice and Constitution Committee

17 May 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 5

Agenda Item 3.1

Lesley Griffiths AS/MS
Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder
Cymdeithasol
Cabinet Secretary for Culture and Social Justice



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: Safety, Security and Migration IMG

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

Cc: Jenny Rathbone, MS
Chair of the Equality and Social Justice Committee

16 May 2024

Dear Sarah

Inter-Institutional Relations Agreement: Safety, Security and Migration Interministerial Group

Further to my letter of 30 April informing you a meeting of the Interministerial Group for Safety, Security and Migration was scheduled for 7th May, unfortunately on Tuesday 7th May, we were notified by the UK Government the meeting had to be postponed due to the unavailability of Scottish Ministers.

Welsh Government officials have requested the meeting be re-scheduled as soon as possible and that official level conversations continue in the interim.

Unfortunately, no future dates have been proposed as yet, however, I will update the Committee in due course once a rescheduled date has been agreed.

I am copying this letter to Jenny Rathbone MS, Chair of the Equality and Social Justice Committee.

Yours sincerely

Lesley Griffiths AS/MS
Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder Cymdeithasol
Cabinet Secretary for Culture and Social Justice

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

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

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

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol
Counsel General



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CG/PO/151/2024
Ein cyf/Our ref DC/CG/05015/24

Mike Hedges, MS,
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

22 May 2024

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that I will be representing the Welsh Government at the Inter-Ministerial Group for Elections and Registration on 23 May 2024. I will give an update on our work on reforming elections, as will the Scottish and UK Governments, including reflections on the May PCC and local elections.

The meeting will be held virtually and on this occasion the meeting will be chaired by Simon Hoare MP, Parliamentary Under Secretary of State (Local Government). Other attendees will be Steve Baker MP, Minister of State, Northern Ireland Office, and Jamie Hepburn MSP, Minister for Parliamentary Business, Scottish Government.

I will write again following the meeting.

Yours sincerely,

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol
Counsel General

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Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
Correspondence.Counsel.General@gov.wales

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

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



Llywodraeth Cymru
Welsh Government

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

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

10 May 2024

Dear Sarah,

Further to my letter to you of 24 April. I wish to inform the Committee I have given my consent to the Minister of State to lay the Phytosanitary Conditions (Amendment) Regulations 2024 in relation to Wales. I have laid a Written Statement which can be found [here](#).

The Regulations intersect with devolved policy and will apply to Wales. The Regulations extend to England, Scotland and Wales. The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 9 May 2023 with a commencement date of 31 May 2024 for urgent measures and 9 November 2024 for non-urgent measures.

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 was 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.

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Correspondence.Huw.Irranca-Davies@gov.wales

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

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

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

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca Davies'.

Huw Irranca Davies AS/MS

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/5128/24

Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

21 May 2024

Dear Chair,

The Animal Welfare (Livestock Exports) Enforcement Regulations 2024

I am writing to inform you of my intention to consent to the UK Government making The Animal Welfare (Livestock Exports) Enforcement Regulations 2024 (“the Regulations”).

The Regulations will be made under Clause 2(1) and Clause 3(3) of the Animal Welfare (Livestock Exports) Act (“the Act”), which received Royal Assent on 20 May.

The Act makes provisions to prohibit the export of cattle and other bovine animals, sheep, goats, pigs or wild boar, and horses or other equine animals (“relevant livestock”) for slaughter, including fattening for subsequent slaughter. Where exporting is sending or attempted sending from Great Britain to anywhere outside the British Islands or the transportation or attempted transportation, or the organising or attempting to organise the transport of relevant livestock from or through Great Britain to anywhere outside the British Islands.

The Act engages the Legislative Consent process outlined in Standing Order 29. A Legislative Consent Memorandum (LCM), for the provisions which fall within the legislative competence of the Senedd, was laid by Lesley Griffiths MS, former Minister for Rural Affairs and North Wales, and Trefnydd, on 19 December. The LCM recommended that the Senedd consent to the Animal Welfare (Livestock Exports) Bill (“the Bill”). The Minister for Rural Affairs laid a Legislative Consent Motion to propose that the Senedd agrees that provisions in the Bill, in so far as they fall within the legislative competence of the Senedd, should be considered by the UK Parliament. There was a plenary debate on the Legislative Consent Motion on 12 March. The motion was agreed.

The Regulations establish enforcement powers, offences, and penalties relating to the prohibition on the export of relevant livestock for slaughter.

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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.

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 to working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I am giving my consent to the UK Government to make the Regulations. This approach will ensure the Regulations are introduced simultaneously across England, Wales and Scotland, and for coherent, centrally coordinated communications with stakeholders. Livestock transport journeys can start and travel through the different countries of Great Britain to reach destination. Separate regulations, or any divergence in the coming into force of regulations, across Great Britain could lead to complexity, inconsistencies and administrative burden for industry and enforcement agencies.

Welsh Government officials have a good working relationship with their Defra counterparts and will continue to work with them and the Scottish Government to strengthen the protection of animal welfare during transport, maintaining positive and constructive intergovernmental relations.

The anticipated laying date of the Regulations before the UK Parliament, using the draft affirmative procedure, is 5 June.

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

Yours,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

Huw Irranca-Davies AS/MS

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



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|--|
| TITLE | Ivory Act (Meaning of "Ivory" and Miscellaneous Amendments) Regulations 2024 |
| DATE | 22 May 2024 |
| BY | Huw Irranca-Davies MS, Cabinet Secretary for Climate Change & Rural Affairs |

Members of the Senedd will wish to be aware that I have given consent to the Secretary of State for Environment, Food and Rural Affairs to exercise a subordinate legislation-making power in a devolved area in relation to Wales.

The above titled UK Statutory Instrument (UKSI) was laid before the UK Parliament by the Secretary of State on 21 May 2024 in exercise of powers conferred by the Ivory Act 2018 ("the Act").

The UKSI amends the Act by extending the prohibition in elephant ivory to also include ivory from the following species:

- common hippopotamus (*hippopotamus amphibius*);
- killer whale (*orcinus orca*);
- narwhal (*monodon monoceros*); and
- sperm whale (*physeter macrocephalus*).

It includes a 28-day grace period for buyers, sellers and hirers who have entered into a contract that has yet to complete at the time the regulations come into force.

The UKSI also amends Schedule 1 (Prescribed Institutions) to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 to correct the names of some of the institutions prescribed under the Act. Prescribed Institutions provide the Secretary of State with advice on applications for exemption certificates.

The UKSI also amends the Ivory Prohibition (Civil Sanctions) Regulations 2022 to specify that the method and date of service for notices relating to enforcement undertakings shall be by post in the ordinary course of delivery or electronically on the day on which the electronic communication is sent.

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

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

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so.

The UK has had a uniform approach to this policy for many years and continued alignment to ensure consistency is crucial. This reflects the approach taken to align across GB on border and trade issues and provides consistency for traders and enforcement officials by avoiding any inadvertent divergence in application.

Welsh Ministers continue to be the 'appropriate national authority' for regulations which apply only to Wales.

The Regulations were laid before the UK Parliament on 21 May and come into force on 1 September.



Ein cyf/Our ref: MA/HIDCC/5236/24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

22 May 2024

Dear Mike,

I wish to inform the Committee that I have given my consent to the Secretary of State for Environment, Food and Rural Affairs to make the Ivory Act (Meaning of “Ivory” and Miscellaneous Amendments) Regulations 2024.

The former First Minister Mark Drakeford MS made the commitment that the Welsh Government would write to the relevant committees to inform them of an intention to consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Where possible, this should be done prior to consent being given to allow time for the Senedd to express a view. On this occasion, due to an administrative error, it hasn't been possible to provide the pre-consent letter and allow the Senedd that time.

The Regulations are made in exercise of the powers conferred by sections 2(5), 13, 37(2) and 39(1) of, and paragraph 14(1) of Schedule 1 to, the Ivory Act 2018 (“the Act”).

The purpose of the Regulations is to amend the Act, to extend the prohibition against dealing in elephant ivory to additionally include ivory from the following species:

- common hippopotamus (*hippopotamus amphibius*);
- killer whale (*orcinus orca*);
- narwhal (*monodon monoceros*); and
- sperm whale (*physeter macrocephalus*).

It includes a 28-day grace period for buyers, sellers and hirers who have entered into a contract that has yet to complete at the time the regulations come into force.

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Correspondence.Huw.Irranca-Davies@gov.wales

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

Back Page 14
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Regulations also amend Schedule 1 (Prescribed Institutions) to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 to correct the names of some of the institutions prescribed under the Act. Prescribed Institutions provide the Secretary of State with advice on applications for exemption certificates.

It also amends the Ivory Prohibition (Civil Sanctions) Regulations 2022 to specify that the method and date of service for notices relating to enforcement undertakings shall be by post in the ordinary course of delivery or electronically on the day on which the electronic communication is sent.

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. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. The UK has had a uniform approach to this policy for many years and continued alignment to ensure a consistent approach to defining 'ivory', and managing enforcement proceedings where ivory is imported, is crucial. This reflects the approach taken to align across GB on border and trade issues and provides consistency for traders and enforcement officials by avoiding any inadvertent divergence in application.

The Regulations send a clear message that we do not consider commercial activities involving ivory that could fuel poaching to be acceptable; in order for the prohibition to be introduced across the UK simultaneously, it is sensible for Wales to be included in this UK Statutory Instrument.

The Regulations were laid before the UK Parliament yesterday, 21 May 2024, using the affirmative procedure. They are expected to come into force on 1 September 2024. I have laid a Written Statement to update the Senedd which can be accessed [here](#).

I have also written to the Chair of the Economy, Trade, and Rural Affairs Committee.



Huw Irranca-Davies AS/MS

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



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|---|
| TITLE | The Procurement Act 2023 Commencement No. 3, Transitional and Saving Provisions Regulations 2024 |
| DATE | 30 May 2024 |
| BY | Rebecca Evans MS, Cabinet Secretary for Finance, Constitution & Cabinet Office |

The Law which is being commenced:

Procurement Act 2023 Commencement No. 3 - Transitional and Saving Provisions Regulations 2024

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

These Regulations contain provisions that commence the practical and operational legislative requirements of the Procurement Act 2023. Only a Minister of the Crown has commencement powers within the Act, however UK Government are obliged to seek Welsh Ministers consent before commencing the provisions within the Procurement Act for Devolved Welsh Authorities

The purpose of the Regulations

This statutory instrument will specify 28 October 2024 as the date in which the substantive

provisions of the Act will come into force, giving the new regime legal effect. It will also bring into force the revocation of the current regulation. The instrument will contain transitional and savings provisions specifying how the existing regulations will be phased out and how ongoing procurements and existing contracts will be treated during the transitional period.

A Minister of the Crown, in accordance with section 127(3) of the Procurement Act 2023, may not make specified regulations under subsection 127(2) without the consent of the Welsh Ministers.

The Regulations are available here: [The Procurement Act 2023 \(Commencement No. 3 and Transitional and Saving Provisions\) Regulations 2024 \(legislation.gov.uk\)](#)

There will be additional Commencement Regulations required to commence further provisions in the Procurement Act 2023, and these will also require the consent of the Welsh Ministers.

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

None identified.

Why consent was given

The consent of the Welsh Ministers is required for the Minister of the Crown to make these Commencement Regulations to specify the coming into force date, commencement orders and transitional arrangements.

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



Llywodraeth Cymru
Welsh Government

Ein cyf: MA-RE-5315-24

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

30 May 2024

Dear Mike,

Procurement Act (Commencement No.3, Transitional and Saving Provisions) Regulations 2024

I am writing to inform the Committee I have now given my consent to the Parliamentary Secretary to the Cabinet Office to make the Procurement Act (Commencement No.3, Transitional and Saving Provisions) Regulations 2024.

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

[WS-LD16511 - Written Statement: The Procurement Act 2023 Commencement No.3, Transitional and Saving Provisions Regulations 2024](#)

In order to implement the new procurement regime under the Procurement Act 2023 (the Act), Commencement Regulations need to be laid under section 127 of the Act to give the date the new regime will have legal effect. UK Government will make these Commencement Regulations in accordance with section 127(3) of the Act and therefore require the consent of the Welsh Ministers. These regulations will also bring into force the revocation of the current regulations and contain transitional provisions specifying how the existing regulations will be phased out and how ongoing procurements and existing contracts will be treated during the transitional period.

The Welsh Ministers have consented to these Commencement Regulations.

Yours sincerely,

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Chair, Children, Young People, and Education Committee

Chair, Climate Change, Environment, and Infrastructure Committee

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

Chair, Economy, Trade, and Rural Affairs Committee

Chair, Equality and Social Justice Committee

Chair, Health and Social Care Committee

Chair, Legislation, Justice and Constitution Committee

Chair, Local Government and Housing Committee

8 May 2024

Dear Committee Chairs,

Welsh Government Draft Budget 2025-26: Engagement

At our meeting on 24 April 2024, the Finance Committee (the Committee) considered its programme of engagement for the forthcoming Welsh Government's Draft Budget 2025-26, ahead of the Committee's annual Plenary debate on spending priorities, provisionally scheduled for 17 July. I am writing to Chairs of subject committees to share our thinking. The Committee has agreed to undertake a number of engagement activities prior to the publication of the Draft Budget later this year. These include, a stakeholder event, focus groups held with the general public, and various other approaches to gather the views of young people.

Stakeholder Event: Carmarthen

This year's stakeholder event will take place at Canolfan S4C Yr Egin on Thursday 13 June. This will be an opportunity for the Committee to hear directly from interested organisations/individuals on the expected Draft Budget proposals, as well as their views on the Welsh Government's approach to setting the budget and prioritising resources. As cross-Committee engagement with stakeholders on the budget is crucial to effective scrutiny, I would like to invite Committee Chairs or a Member of your Committee to join the event. If Chairs or Members are interested in attending, please contact the clerking team seneddfinance@senedd.wales by 20 May.

Citizen engagement focus groups with the Welsh public

On behalf of the Committee, the Senedd's Citizens Engagement Team will be holding a series of focus groups on the Draft Budget with the Welsh public. The team has undertaken similar exercises over the past few years and the aim of this work is to form a cross-sectional study to allow the Committee to monitor perspectives and attitudes over time. Participants will be sourced through similar partner organisations to cover the same demographics as last year, and groups will be organised to focus on particular policy areas. The Citizens Engagement Team will circulate the dates of sessions to all Committees, should any Members wish to participate. This will allow an opportunity for Members to hear first-hand from the citizens of Wales where spending should be prioritised.

Youth Engagement

In previous years, to further complement our engagement work, the Committee has held a workshop with Members of the Youth Parliament (WYP). As the WYP is currently not in session, the Committee will be engaging with young people by different means. There will be an opportunity for young people to provide their views at the Urdd National Eisteddfod, the National Eisteddfod and at the Royal Welsh Show. The Citizen Engagement Team is also organising a dedicated workshop for young people and will be inviting participants from Coleg y Cymoedd, the National Youth Advocacy Service and 'Voices' from Care Cymru. The Digital Communications Team will also be using interactive social media tools to encourage engagement, and we would appreciate if other Committees would use their own social media presence to promote this work.

Finance Committee Plenary Debate on the Welsh Government spending priorities

As mentioned above, the Committee intends to hold a Plenary debate on Wednesday 17 July on the Welsh Government's spending priorities for 2025-26. The outcomes of our engagement work will inform and feed into this debate, which will provide the best opportunity to influence the Welsh Government spending priorities before the Draft Budget is published later in the year. As ever, we would very much welcome the participation of Committee Chairs, as well as other Members, as part of this debate, to ensure that the Welsh Government's spending plans are informed by the views and priorities of Senedd Committees.

Approach to budget scrutiny

I will shortly be writing to Chairs, with regard to the Committee's approach to budget scrutiny, including information on the consultation and timetable once the Trefnydd has notified the Business Committee of the Draft Budget publication dates before the summer recess.

If you have any questions about any aspect of the Draft Budget process, please feel free to contact me or the Clerk to the Finance Committee, Owain Roberts, 0300 200 6388, seneddfinance@senedd.wales.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peredur Owen Griffiths', written in a cursive style.

Peredur Owen Griffiths
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 4.2

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



Ein cyf/Our ref MA/FM/0609/24

Llywodraeth Cymru
Welsh Government

Chair of the Legislation, Justice and Constitution Committee

13 May 2024

Dear Chair,

The Committee's report on the Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Data Protection and Digital Information Bill requested copies of three pieces of correspondence between the former First Minister and Julia Lopez, Minister of State for Data and Digital Infrastructure to inform your consideration of the legislative consent memoranda laid on the Bill.

The UK Government are content for the correspondence to be shared with the Senedd Committees. The correspondence is annexed to this letter.

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

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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Department for
Science, Innovation
& Technology

Julia Lopez MP
Minister of State for Data and Digital Infrastructure
Department for Science, Innovation & Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS
Prif Weinidog Cymru/First Minister of Wales
Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

1st March 2024

Dear Mark,

Thank you for your letter of 14 November 2023, to the Secretary of State for Science, Innovation and Technology, regarding the Data Protection and Digital Information (DPDI) Bill. I am responding as Minister of State to the Department with regards to the Data Protection and Digital Information (DPDI) Bill.

I would like to start by thanking both the First Minister and Welsh Government officials for their diligent work in engaging with the UK Government on these provisions already.

I am glad you agree that the DPDI Bill is an essential piece of legislation. It will make the UK's data laws among the most effective in the world, by maintaining high data protection standards while making common sense changes to put in place a pro-growth, innovation friendly data protection framework that will ensure that our regulation reflects the way real people live their lives and run their businesses. It will also enable the better use of data in health and adult social care, law enforcement and security across the UK, which will help all of those who use data to make our citizens' lives healthier, safer, and more prosperous.

My officials are currently engaging with their Welsh Government Official counterparts about a package of targeted changes to the DPDI Bill, which we would consider making, if you deemed them sufficient for the Welsh Government to be able to recommend consent to the bill in the Senedd. I look forward to your reply on this matter. I understand that your officials are advising you separately on this package.

In addition to this ongoing engagement, I would like to respond to the following specific issues set out in your letter:

Legislative consent and powers for Welsh Ministers (DVS)

You specifically referenced Part 2 of the DPDI Bill which the UK Government maintains is reserved under the Internet Services reservation. I am aware that the Welsh Government contests UK Government analysis with regard to certain measures in Part 2. I have written to you separately on this matter, on 6th February 2024, and I hope we may reach an agreed position. Alongside this, our officials remain in close on-going discussions to resolve these outstanding matters on the provisions in Part 2.

Proposed order making power and the exclusion of devolved authorities

Regarding the issue of reducing the burden on police to redact case files when sending them to CPS as part of the charging decision process and any possible order making power to this effect, the UK Government is still considering its approach. My officials continue to engage with

the Home Office to work through this matter, and will ensure that Welsh officials are informed of any further developments in this space.

Retention of EU data adequacy

I completely understand the strength of your concerns about ensuring our EU adequacy decisions are maintained. This is also a priority for the UK Government, as I and my fellow ministers have repeatedly made clear in public and on the floor of the House.

The UK Government's assessment of the reforms in the DPDI Bill is that they are compatible with maintaining adequacy. We maintain an ongoing dialogue with the EU and have a positive, constructive relationship. We have been proactively engaging with the European Commission since the start of the Bill's consultation process to ensure that they understand our reforms.

The European Commission itself recognises that countries can have independent data protection regimes and still succeed in maintaining high data protection standards. In January the EU published its review of 11 adequacy decisions (including those for New Zealand and Canada), which confirms that countries with independent approaches to data protection remain adequate. Even after our reform, the UK will continue to have one of the closest data protection regimes to the EU in the world. I would draw your attention to the similar [statements](#) made by the independent Information Commissioner, in his response to the DPDI Bill.

With regards to your request for us to share the details of our risk assessment with you, I must unfortunately decline. You will appreciate, it is important that officials have the ability to conduct candid discussions during the policy making process.

However, I would like to reassure you once again that the UK Government takes the matter of retaining our adequacy decisions incredibly seriously, as I know the Welsh Government does. To help provide as much information as possible on our approach, I have instructed my officials to host regular verbal briefings on this matter with Welsh Government counterparts. I understand the first of these has already taken place and I welcome and encourage their continuation.

Our officials have continued to engage regularly and are working closely to reach agreement on these provisions. With the outlined points above and our on-going discussions, I am confident that our governments can work collaboratively on this vital legislation, and hope that we can reach an agreed position on the Bill.



Julia Lopez MP
Minister for Data and Digital Infrastructure



Department for
Science, Innovation
& Technology

Julia Lopez MP
Minister of State for Data and Digital Infrastructure
Department for Science, Innovation & Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

Rt Hon Mark Drakeford MS
PS.FirstMinister@gov.wales

6 February 2024

Dear Mark,

I am writing to you about an update in devolution analysis on provisions in Part 2 of the Data Protection and Digital Information (DPDI) Bill.

Part 2 of the DPDI Bill regulates the provision of Digital Verification Services (DVS), which the UK Government maintains is reserved under the Internet Services reservation. As a result of updated devolution analysis I am seeking further agreement for two measures within Part 2.

The DVS provisions in this Bill aim to increase trust in and acceptance of digital identities across the UK to help make identity proofing easier, cheaper and more secure and to enable a trusted digital identity market to develop in the UK for those that choose to use it to prove things about themselves. To do this, the measures establish a framework of standards and governance for the provision of digital verification services in the UK.

Clause 74 of the Bill creates a permissive power for public authorities to share information with registered digital verification providers for the purpose of providing digital verification services. Clause 78(3) requires public authorities who decide to share information in reliance on the power in Clause 74 to have due regard to a Code of Practice.

The UK Government maintains that these functions are reserved, but in further consideration of the Welsh Devolution Guidance Note, which sets out that consent should also be sought when conferring or imposing reserved functions on a devolved Welsh authority, we have come to the view that it is appropriate to seek agreement to Clause 74 and Clause 78(3) - either through a Legislative Consent Motion or a statement made by the Welsh Ministers - noting that there is no procedure in the Senedd Standing Orders covering situations where a UK Parliament bill imposes reserved functions on devolved Welsh authorities. I hope you will be content to support this.

I would like to acknowledge and thank Welsh Government officials for their diligent work in engaging with those in DSIT on this matter already, and that officials are still in discussion on outstanding matters to resolve between our Departments on the DPDI Bill, including provisions in Part 2. I look forward to this collaboration continuing during the DPDI Bill's remaining stages and post Royal Assent during its implementation.

I look forward to continuing our work together on this vital legislation.

Julia Lopez MP
Minister for Data and Digital Infrastructure



Ein cyf/Our ref: IM/FM -/00016/24

Julia Lopez MP
Minister for Data and Digital Infrastructure
Department for Science, Innovation and Technology
enquiries@dcms.gov.uk

23 January 2024

Dear Julia Lopez,

I am writing in response to your letter dated 9 January, regarding the Data Protection and Digital Information (DPDI) Bill and the inclusion of a provision for the National Underground Asset Register.

I note that your devolution analysis indicated that legislative consent is required for the NUAR provisions and can confirm these were included in the Supplementary Legislative Consent Memorandum laid in the Senedd on 13 December.

Welsh Government officials have been actively engaged in the development of the new NUAR digital service. However, while we are supportive of the overall policy intent of the NUAR, we have significant concerns about the UK Government's proposed legislative approach to operationalise the service.

Under clause 141, Transfer of certain functions to Secretary of State, it is proposed that certain powers to make regulations under section 79 of the New Roads and Street Works Act (NRSWA) 1991 be transferred from the Welsh Ministers to the Secretary of State. These powers relate to information to be recorded about apparatus in streets.

In your letter you state the UK Government has proposed the transfer of powers to enable the Secretary of State to make the regulations that will set out the detail around how the NUAR will operate in practice. You believe this is needed to enable a consistent legislative framework across England and Wales to underpin the operation of the NUAR, ensuring the information entered into and shared through the NUAR will be "consistent in content and format in respect of all apparatus, irrespective of the country it is located within".

It is incredibly disappointing that, despite being involved in the development of the new NUAR digital service, we were not made aware of the proposed changes to Welsh Ministers' powers until the day before the amendments were tabled in Parliament. Exchanging views on provisions which engage the legislative consent process as early as possible, with the view to resolving consent issues before introduction, is one of the key principles of engagement as agreed by the Inter-ministerial Standing Committee.

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

The regulation powers under the NRSWA 1991 sit with Welsh Ministers as part of devolution, with the powers originally transferred to the then National Assembly for Wales in 1999. The proposed removal of a devolved executive function from the Welsh Ministers represents a completely inappropriate reversal of devolution. Not only has this transfer been proposed without prior consultation with Welsh Ministers, it also shows little regard for the devolved competences of the Welsh Government and our legislature, going against the jointly agreed principles, as outlined within the [Review of Intergovernmental Relations](#), of mutual respect and trust.

While your letter states that consistency is crucial to ensure the NUAR operates effectively, I do not consider this to be a valid reason for the transfer of powers from Welsh Ministers. Welsh Ministers have exercised their powers under section 79 of the NRSWA 1991 and the form of records prescribed, and the exceptions prescribed for the recording of location, are consistent with those set out in the regulations applicable to England. There is no valid reason why this approach would differ in the future.

As such, I would argue that the removal of Welsh Ministers' powers would be a disproportionate approach to ensuring information consistency. There are other more pragmatic, proven means of inter-governmental working in place that allow us to discharge our functions in a coherent manner, whilst achieving shared policy objectives.

A 'consult' mechanism has been included within the NUAR provisions, which would require the Secretary of State to consult Welsh Ministers prior to exercising these powers in future. However, a consultation requirement places no binding commitment on the current or any future UK Government to take our views into account following consultation and does not suitably reflect devolution. Therefore, this is not constitutionally acceptable and cannot compensate for the removal of powers which Welsh Ministers already hold.

Furthermore, the amendments to section 79 of the NRSWA 1991 within the DPDI Bill do not set out that the "record of information" is to be used or recorded solely for the purposes of the NUAR. Nor is there anything to indicate that these records cannot be used for other purposes beyond the remit of the NUAR. This means that whilst the record of information is crucial for the NUAR, any regulations made by Welsh Ministers under their existing powers could have a purpose beyond that of the NUAR. This, again, suggests that the removal of Welsh Ministers' powers would be a disproportionate approach.

Finally, I am concerned our ability to control our own data in Wales will be negatively impacted by these provisions, where they provide for the Secretary of State to hold the data contained within the register of information. Bodies in Wales currently have access to such data and it is important the right to access the data and make changes to it, as and when required, is retained. The provisions, as drafted, could result in Welsh Government and Welsh public bodies being unable to freely access and use data generated in Wales.

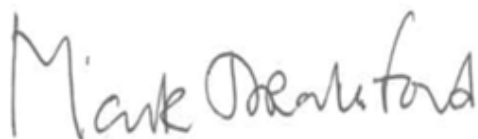
The Welsh Government is supportive of NUAR from a policy perspective as it supports our Strategic Infrastructure Steering group (SIS) project in Wales, which improves efficiency in planned works between utility companies and local authorities, as well as improved planning for utility companies on future housing and industrial developments. We must be able to determine and collect the data that is required for our own priorities, which may mean that we require additional information to be recorded, compared to what is required in England for NUAR.

On a more positive note, I understand that our respective officials met on 11 January to discuss the concerns raised in this letter with the view to seeking a mutually agreeable way

forward on NUAR. I hope these discussions will achieve a positive outcome for Wales and I look forward to receiving further communication from you about this matter.

On a wider DPDI Bill perspective, Wales has other outstanding concerns and I wrote to the Secretary of State for Science, Innovation and Technology on these matters on 14 November. I still await a reply.

I am copying this to SoS Michael Gove, given his responsibilities for the Union.

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

MARK DRAKEFORD

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



Ein cyf/Our ref MA/FM/0609/24

Llywodraeth Cymru
Welsh Government

Chair of the Culture, Communications, Welsh Language, Sport, and International Relations
Committee

13 May 2024

Dear Chair

Further to the Committee's report on the Data Protection and Digital Information Bill Supplementary Legislative Consent Memoranda (LCM) No.3 (Conclusion 6), and the laying of Supplementary LCM No.4 on 25 April, attached is a copy of our updated assessment in relation to the Trade and Co-operation Agreement and UK Government Data Protection and Digital Information Bill.

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

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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Annex 1 - Trade and Co-Operation Agreement and the Data Protection and Digital Information Bill – Analysis

Will the Bill impact the UK's compliance with data protection provisions in the TCA?

1. Our view is that the UK Data Protection and Digital Information Bill ('the Bill'), including the amendments detailed in [Supplementary Legislative Consent Memorandum](#) No.4 laid 25 April, will not have a direct or immediate impact on the UK's compliance with the Trade and Co-Operation Agreement (TCA), which is a Free Trade Agreement (FTA) between the UK and EU.
2. Our view is that the changes to the UK data protection framework proposed by the Bill as drafted are unlikely to impact on the UK's compliance with TCA, as its data protection provisions are generally broad and high level, except rules on data transfer relating to law and enforcement matters, which are more specific.
3. However, we are concerned that that the Bill signals the beginning of the UK's divergence from the data protection regime currently in place across the EU and the UK (the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA)). Regulatory divergence over the medium-to-long-term has the potential to undermine the data protection provisions in the TCA across a broad range of policy areas, including digital trade which is essential for public services and private businesses, and law and enforcement.

Why could the UK's divergence from the EU's data protection regime undermine the TCA?

4. Data adequacy decisions¹ made by the EU about the UK confirm that the UK is recognised as having an equivalent level of protection for personal data as the EU, enabling personal data to flow freely between the EU and the UK, supporting public services and private businesses. The UK adequacy decisions also help to facilitate implementation of the TCA which includes a commitment by the EU and UK to uphold high levels of data protection standards.
5. Our view is that there are a number of provisions within the Bill as drafted that potentially undermine the current data protection framework, and therefore may threaten relevant adequacy decisions. These concerns include provisions relating to the independence of the Information Commissioner, onwards transfer of data, the rights of individuals, risk mitigation, additional grounds for data processing and high-risk data processing.
6. The potential loss of EU data adequacy is a key concern from a trade perspective. This would be a major threat for Welsh exporting businesses whose main overseas market continues to be the EU. From a broader perspective, the loss of data adequacy would also impact the delivery of those public services which rely on the flow of personal data between UK and the EU.

¹ [Adequacy | ICO](#) – UK Information Commissioner's Office Website

7. UK Government have provided assurances that they see no threat to the adequacy agreement by the Bill. However, we have no evidence to prove or disprove this. We have requested that UK Government share a copy of its risk assessment on the matter on several occasions, but we are yet to receive it.
8. An assessment of the likely impact of the Bill on data adequacy decisions has been undertaken by Welsh Government which supports concerns raised by others, including the [Northern Ireland Executive](#). We continue to seek assurances from UKG on the matter.

Agenda Item 4.3

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



Llywodraeth Cymru
Welsh Government

Our ref: MA/JJ/0894/24

Sarah Murphy MS and Llyr Gruffydd MS
Chairs
Legislation, Justice and Constitution Committee / Climate
Change, Environment, and Infrastructure Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

14 May 2024

Dear Sarah and Llyr,

As Chairs of the Legislation, Justice and Constitution Committee and the Climate Change, Environment and Infrastructure Committee, I would like to draw your attention to a written statement I have recently published in relation to the Infrastructure (Wales) Bill.

The statement sets out details regarding two consultation papers which have recently been issued relating to pre-application consultation requirements and the charging of fees.

A link to the written statement can be found here: [Written Statement: Infrastructure \(Wales\) Bill – Publication of consultation documents \(14 May 2024\) | GOV.WALES](#)

Yours sincerely

Julie James AS/MS

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

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

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

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

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

14 May 2024

Dear Sarah

Thank you for your letter of 30 April 2024 about the Legislative Consent Memorandum for the UK Tobacco and Vapes Bill, which is currently progressing through the UK Parliament. The Legislative Consent Memorandum on this Bill was laid on 9 May.

As you highlight, the intention to legislate in this area was announced by the Prime Minister at the Conservative Party Conference on 4 October. At that time, there had been no discussions with the Welsh Government about the proposed legislation.

The then Deputy Minister for Mental Health and Wellbeing met the Parliamentary Under Secretary of State for Primary Care and Public Health on 6 October for an initial discussion about the proposals. During that meeting, the Deputy Minister confirmed her agreement in principle to undertaking a joint, UK-wide consultation about measures to create a smokefree generation and to tackle youth vaping, subject to officials' review of the consultation paper. As the consultation was launched on 12 October, my officials worked swiftly to ensure the Welsh position was accurately reflected in the consultation documents and to support the provision of the consultation document in Welsh.

On 7 November, in the King's Speech, the UK Government announced its intention to introduce the Tobacco and Vapes Bill in the fourth session of Parliament. The Parliamentary Under Secretary of State for Primary Care and Public Health wrote to me on 22 November requesting my view on the proposed Bill applying to Wales. The Deputy Minister for Mental Health and Wellbeing responded on 24 November that she was willing to indicate in principle that the Tobacco and Vaping Bill should apply to Wales and confirmed that Welsh Government officials would continue to work closely with officials in the Department of Health and Social Care on the detail of the provisions and their application to Wales. Following the consultation, my officials supported the process of analysing the responses and we have worked with the other UK nations to develop the policy and legislative proposals, including the development of the consultation response document. On 12

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

January 2024, the Deputy Minister for Mental Health and Wellbeing wrote to the Parliamentary Under Secretary of State for Primary Care and Public Health to confirm her agreement for the consultation outcome document to set out the policy direction in relation to Wales. This [document](#) was published on 29 January by the UK Government and the Deputy Minister for Mental Health and Wellbeing issued a [Written Statement](#) to update Members.

A meeting attended by Ministers and representatives of the four nations was held on 17 January to discuss the development of the Bill. UK Government officials shared drafts of their policy documents and draft Bill clauses as they were being developed for my officials to provide their views during the development of the provisions. My officials also attended regular weekly meeting with officials from the other UK nations to discuss policy issues and the Bill's development.

The Deputy Minister for Mental Health and Wellbeing reviewed and noted a draft version of the Bill on 12 February. On 18 March, the Parliamentary Under Secretary of State for Primary Care and Public Health wrote to the Deputy Minister for Mental Health and Wellbeing to inform her the Bill would be introduced on 20 March, enclosing a further draft version of the Bill. The Deputy Minister for Mental Health and Wellbeing responded on 19 March.

The United Kingdom Internal Market Act 2020 was one of the considerations why it would be appropriate to adopt a four-nations approach to the UK Tobacco and Vapes Bill, however the overriding consideration was public health benefit. Our decision to engage in this Bill is because, if passed, it represents one of the most significant public health interventions in a generation. This is a view shared by many stakeholders during the Bill's recent Committee evidence sessions.

The decision to work jointly was taken early on during the process because all governments could see clear benefits to public health from a united approach. Given that the Bill was planned for the fourth Parliamentary session, the Bill also provided an opportunity to respond swiftly to pressing public health issues and protect children and young people from nicotine addiction.

You also asked what discussions we had with the UK Government about the level of detail on the face of the Bill, and the scope and procedure for the delegated powers. In conjunction with our colleagues across the UK, we have been engaged with the UK Government on these issues and consider that the right balance has been struck on this occasion between the need to give due and proper scrutiny to the provisions on the face of the Bill and the need to retain flexibility, in particular, to respond to the rapidly evolving vaping industry. The approach in relation to the delegated powers provided for in the Bill was discussed during the meeting on 17 January.

The Deputy Minister for Mental Health and Wellbeing made clear her position that for the most part, any powers in the Bill that are to lie with the Secretary of State, that are within Welsh devolved competence (for example those in Part 4 of the Bill, regulating the product requirements of tobacco and vaping products) should only be made with the consent of the Welsh Ministers (see Clause 67(a)). Whilst we recognise the need for some regulations to be made on a UK-wide basis for reasons of coherence and consistency, it was considered essential that Welsh Government officials are involved in the development of the regulations to ensure they take account of the Welsh policy position and perspective. I am pleased to see this approach has been adopted in the Bill.

I welcome the provisions in the Bill that give the Welsh Ministers the power to make regulations to deal with specific Welsh circumstances, as the need arises (for example to regulate retail displays for vapes and other nicotine products in Wales). I am also content the procedure attached to each of the delegated powers in the Bill is appropriate and ensures the provisions are sufficiently scrutinised.

All powers delegated to the Welsh Ministers in the Bill will be subject to Senedd scrutiny in line with our procedures.

Yours sincerely,

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

Eluned Morgan AS/MS

Cabinet Secretary for Health and Social Care

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol

Eluned Morgan MS

Cabinet Secretary for Health and Social Care

30 April 2024

Dear Eluned

Legislative Consent Memorandum on the Tobacco and Vapes Bill

I refer to your letter of 16 April 2024 to the Llywydd regarding the above legislative consent memorandum.

In your letter, you state that the Bill is jointly supported by the four governments of the UK and is largely within the Senedd's competence, adding that:

"The rapid development of the Bill, and the complexity and breadth of the provisions has meant that it has not been possible for my officials to complete the detailed analysis required within the normal two week deadline set out in Standing Orders."

Given that the intention to legislate was announced on 4 October 2023 and that the Bill is supported by the four governments of the UK, we are unclear why the Welsh Government has not been able to comply with the Senedd's Standing Orders following the Bill's introduction on 20 March 2024.

We would therefore be grateful if you could write to us with a commentary of the inter-governmental discussions that have taken place on the Bill and to provide a timeline of those discussions, referencing any contacts between officials and between Ministers.

It would also be helpful to understand if the *United Kingdom Internal Market Act 2020* was an influencing factor in the decision to adopt a four government approach to the legislation. We would be grateful if your commentary of inter-governmental discussions could cover any consideration of the impact of the 2020 Act, were the governments to legislate separately.

We recognise that Standing Order 29.3 requires certain information to be provided in the memorandum about the delegated powers to be provided by the Bill to the Welsh Ministers. Given that concerns have been raised about the nature of these powers, we would be grateful if you could let us know:

- what discussions you held with the UK Government about the level of detail to be placed on the face of the Bill;
- if you asked for any powers to be delegated to the Welsh Ministers and if so, whether you were able to influence the scope of those powers;
- whether you were able to influence the relevant procedure for each delegated power.

We would be grateful to receive a response by 16 May 2024.

I am copying this letter to the Llywydd and Russell George MS, the Chair of the Health and Social Care Committee.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter 'y'.

Sarah Murphy
Chair

Agenda Item 4.5

Y Llywyddor Busnes

Business Committee

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Sarah Murphy MS

Chair of the Legislation, Justice and Constitution Committee

15 May 2024

Review of Standing Order 29

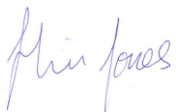
Dear Sarah,

Thank you for your letter of 10 May which provided further reflections from the Legislation, Justice and Constitution Committee on Standing Order 29 – Consent in relation to UK Parliament bills.

The Business Committee considered your letter at our meeting on 14 May and noted the further issues you state have arisen in respect of Standing Order 29.1, in particular, during consideration of the legislative consent memoranda on the Criminal Justice Bill.

I am writing to confirm that the Business Committee is expecting to further consider its work on the legislative consent process, including the matters you raised, ahead of the summer recess. We will keep the Legislation, Justice and Constitution Committee informed of progress on this matter.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

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



Rt Hon Elin Jones MS

Y Llywydd and Chair of the Business Committee

10 May 2024

Dear Llywydd

Review of Standing Order 29

I write further to your letter of 20 March 2024 to my predecessor, in which you confirmed that Standing Order 29.1 will be considered as part of the Business Committee's planned work in relation to the legislative consent process.

At its meeting on Tuesday 7 May 2024, my Committee considered the Welsh Government's supplementary legislative consent memorandum (Memorandum No. 2) on the Criminal Justice Bill. As part of that consideration, we again noted – with some concern – that in determining whether a Bill's provisions require the Senedd's consent, different tests are currently being applied within the Senedd, the Welsh Government and the UK Government respectively.

In the initial legislative consent memorandum that was laid on 29 January 2024, it was stated that *"these provisions fall outside of the legislative competence of the Senedd and an LCM does not need to be laid in relation to them"*. In both the legislative consent memorandum and subsequent supplementary memorandum, the Welsh Government's position was that consent was required because the provisions were conferring reserved functions on devolved Welsh authorities. However, this is not what is required by the 'purpose test' set out in Standing Order 29.1, which provides that a legislative consent memorandum must be laid where a UK Bill makes provision in relation to Wales:

- (i) for any purpose within the legislative competence of the Senedd (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Senedd); or
- (ii) which modifies the legislative competence of the Senedd.

We are concerned that the approach being taken by the Welsh Government is leading to confusion as to the basis on which the consent of the Senedd is actually being sought. Where it is apparent that the 'purpose test' in Standing Order 29.1 has not been met, it is unclear why the legislative consent process is being engaged.

We acknowledge that work has begun on reviewing the Standing Order, but wish to reinforce the need for the Business Committee to review and, if necessary, reform Standing Order 29.1 to ensure it is fit for purpose.

To enable my Committee to meet the reporting deadline set by the Business Committee, I would be grateful if you could respond with your view on the matters we raise by 17 May 2024.

You will also wish to be aware that we are likely to write again about Standing Order 29 following the publication of our report on the Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Sarah Murphy
Chair

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

| | |
|--------------|---|
| TITLE | Publication of the UK wide Policy Framework for Radioactive Substances and Decommissioning |
| DATE | 16 May 2024 |
| BY | Huw Irranca-Davies, Cabinet Secretary for Climate Change and Rural Affairs |

The Welsh Government alongside the UK Government and the devolved Governments of Scotland and Northern Ireland are today publishing a new and updated Policy Framework for Radioactive Substances and Decommissioning following a public consultation exercise undertaken during spring 2023.

The UK Government is responsible for developing policy regarding nuclear energy and nuclear installations across the UK. However, environmental protection, including disposal of radioactive waste, is a devolved matter for Welsh Ministers.

Nuclear power, which uses radioactive nuclear fuel, continues to provide electricity to UK homes and businesses. The UK also uses radioactive substances in many different products and processes for example to treat and diagnose serious illnesses, to deliver research and development, also in industrial processes. Most uses of radioactive material create radioactive waste which needs to be managed and the facilities that use this type of material, including nuclear power stations, will eventually need to be deconstructed safely and efficiently after they stop operating.

The four UK Governments agree it is vital we have a Policy Framework for managing radioactive substances and decommissioning which is fit to deal with our legacy waste and fit for the future. The Policy Framework makes it clear that high standards of safety and environmental protection must be maintained when managing and disposing of radioactive substances.

The Policy Framework published today replaces the 1995 publication *Command Paper 2919, Review of Radioactive Waste Management Policy: Final Conclusions*. It updates, clarifies and consolidates several policies into a UK wide Policy Framework which will be pursued jointly by the UK Government and devolved governments. There is also a joint summary of the responses to the consultation being published.

Further to the consultation key updates include enabling additional disposal capability for less hazardous waste in England and Wales so enabling faster, more cost effective and proportionate decommissioning, also placing greater emphasis on including decommissioning by design into the development of nuclear projects. The updated Policy Framework provides sufficient flexibility to ensure the Nuclear Decommissioning Authority (NDA) can develop near surface disposal facilities if and when required.

Overall, the revised Policy Framework creates clearer and more consistent policy objectives. This will help enable innovative and sustainable ways of working and maintain high standards of safety, security and environmental protection.

Links

Consultation Website:

[Managing radioactive substances and nuclear decommissioning - GOV.UK](https://www.gov.uk/government/consultations/managing-radioactive-substances-and-nuclear-decommissioning)
(www.gov.uk)

Welsh Government Consultation website:

[Managing radioactive substances and nuclear decommissioning | GOV.WALES](https://www.gov.wales/government/consultations/managing-radioactive-substances-and-nuclear-decommissioning)

Welsh Government website for the Policy Framework:

<https://www.gov.wales/managing-radioactive-substances-and-decommissioning-policy-framework>

Lesley Griffiths AS/MS
Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder
Cymdeithasol
Cabinet Secretary for Culture and Social Justice

Agenda Item 4.7

Llywodraeth Cymru
Welsh Government

Chair of the Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

17 May 2024

Dear Chair of the Legislation, Justice and Constitution Committee

The Welsh Government is preparing to lay regulations to add an additional eight public bodies to section 6(1) of the Well-being of Future Generations (Wales) Act 2015 ('the WFG Act'). These public bodies are Qualifications Wales, Social Care Wales, Health Education and Improvement Wales, the Welsh Revenue Authority, Transport for Wales, Centre for Digital Public Services Ltd, Digital Health and Care Wales, and the Welsh Ambulance Services University NHS Trust.

Subject to the regulations being passed by the Senedd, the eight public bodies will be subject to the WFG Act's sustainable development and well-being duty from 30 June 2024.

In advance of laying the regulations, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, I am providing an update on the estimated costs to the Future Generations Commissioner for Wales given previous interest by your Committees.

The Commissioner has provided an updated analysis of the estimated costs associated with discharging the Commissioner's general duty and statutory functions in respect of the additional eight public bodies. They have estimated that the total annual cost from 2024-25 onwards is £120,000 (£15,000 per additional public body). Following discussions as part of the challenging 2024-25 draft budget setting process, I am grateful the Commissioner has agreed this estimated cost and the associated opportunity costs will be met from the Commissioner's existing budget. Further detail will be provided in the Explanatory Memorandum and Regulatory Impact Assessment accompanying the regulations.

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Correspondence.Lesley.Griffiths@gov.wales

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

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

Since 2022 when we consulted on these changes, we have continued to work with the additional bodies and from October 2022 my officials have delivered peer-to-peer knowledge and learning exchanges to directly support the eight public bodies as they prepare to be subject to the duty. We continue to work with the eight additional public bodies as well as the Commissioner and the Auditor General for Wales on how best we can collectively support these public bodies realise the benefits of the well-being duty.

Yours sincerely

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

Lesley Griffiths AS/MS
Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder Cymdeithasol
Cabinet Secretary for Culture and Social Justice

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

| | |
|--------------|---|
| TITLE | Amendments to UK Government legislation to support the establishment of the Commission for Tertiary Education and Research |
| DATE | 22 May 2024 |
| BY | Lynne Neagle MS, Cabinet Secretary for Education |

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

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

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

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

The Secretary State for Wales has made and laid the [Tertiary Education and Research \(Wales\) Act 2022 \(Consequential Amendments\) \(No. 2\) Order 2024](#) before the UK Parliament. This Order provides for consequential amendments to the following legislation:

- The Charities (Accounts and Reports) Regulations 2008 – substituting references to HEFCW with references to the Commission, so that charities who receive financial support from funds administered by the Commission fall within the definition of “special case charity” for the purposes of these Regulations.

- The Charities (Exception from Registration) Regulations 2010 - substituting references to HEFCW with references to the Commission, for the purposes of ensuring that institutions that previously fell within a category listed in regulation 3 will continue to be exempt from the duty to register with the Charity Commission.

Ein cyf/Our ref: CG/PO/153/2024

Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

22 May 2024

Dear Mike,

Thank you for your Committee's letter of 24 April 2024 providing details of the Committee's correspondence with UK Parliament on the approach to handling bilingual legislation.

I am very pleased to note the relevant UK Parliamentary Committees have confirmed that there are no procedural barriers to bilingual instruments being laid before them.

We are committed to improving the accessibility of the law and as part of our vision for promoting and facilitating Welsh as a language of the law, we wish to see all statutory instruments, including joint and composite instruments, being made bilingually. Joint and composite instruments have their place and in the case of joint instruments, the enabling power requires an instrument to be made in this manner. There are also benefits of consistency in approach and timing where there are significant cross-border operational overlaps.

However, unless and until the UK Government changes its "well-established position" that joint instruments should be made in English only we are impeded by a significant barrier to making joint instruments bilingually. Regrettably there are limited solutions available to us to change this. A copy of the UK Government's most recent letter on this was shared with the Committee in March 2021 and I include a copy for ease of reference.

I am grateful to the Committee for their continued interest in this point and the engagement with the UK Parliament has been most helpful.

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

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

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniwi". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniwi AS/MS
Y Cwnsler Cyffredinol
Counsel General

Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

Cardiff Bay

Cardiff

CF99 1NA

Email: Correspondence.Lesley.Griffiths@gov.wales

24 March 2021

Dear Lesley,

I have seen your letter of 11 March to the Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs regarding bilingual joint statutory instruments.

I welcome the constructive work that has taken place between your officials and those in DEFRA to prepare the joint Reservoirs Act (Panels of Chief Engineers) (Applications and Fees) Regulations 2021. Whilst DEFRA officials agreed to explore making this SI bilingually, this was always subject to discussions with my Department on the wider context.

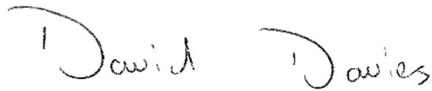
The Government's well-established position is that joint statutory instruments should be made in English only. This is based on the important principle that legislators should be able to read and understand the full extent of the legislation that they are bringing into force. This principle applies equally to Ministers of the Crown and the UK Parliament and is irrespective of any assurances that the Welsh Government may be able to provide on the equivalence of the translation.

The Government remains firmly committed to supporting the Welsh language and DEFRA would be happy to ensure that stakeholders are aware of any separate Welsh translation that is made available by the Welsh Government. If your officials can provide a link to this, they will include it in any communications on this matter.

I am copying this letter to the Secretary of State for Environment, Food and Rural Affairs, the Parliamentary Under Secretary of State, the First Minister, the Counsel

General and the Minister for Mental Health, Wellbeing and Welsh Language. I am also providing a copy to the Senedd's Legislation, Justice and Constitution Committee in line with your original letter.

Yours sincerely,



David TC Davies MP
UK Government Minister for Wales
Gweinidog Llywodraeth y DU dros Gymru

Mick Antoniw MS
Counsel General

24 April 2024

Dear Mick

Subordinate legislation laid in English only in the Senedd

As a Committee, we have recently sought information to better understand any barriers which prevent some subordinate legislation being laid in the Senedd in both Welsh and English. In addition to the Committee being required to report on such occurrences in line with Standing 21.2(ix), we believe it to be an important matter of principle that both languages are treated equally in the Senedd.

You will be aware that the Welsh Government's response to reporting points under Standing Order 21.2(ix) is that, because the relevant types of subordinate legislation – what are considered as joint statutory instruments, composite statutory instruments, and Orders in Council – are subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for them to be made or laid in both Welsh and English. The Welsh Government has also stated that no routine parliamentary processes exist by which to lay regulations in both Welsh and English before the UK Parliament.

You will also likely be aware that predecessor committees to my Committee have written to the Welsh Government on this matter. For example, in November 2018, the fourth Assembly Constitutional and Legislative Affairs Committee received a response from the then First Minister, Carwyn Jones AM, which confirmed the Welsh Government's position as indicated above.

The Committee therefore decided to write to relevant committees in the UK Parliament to seek their views on the Welsh Government's position. Responses were received to that correspondence in January 2024. The responses are included in full within the papers for our meeting on 19 February 2024; however, I would like to draw your attention to some of the views expressed by these committees in the UK Parliament.

The Chair of the House of Commons Procedure Committee told the Committee:

There is no procedural or other bar to a statutory instrument that contains text in Welsh, including bilingual instruments, being laid before the House of Commons if the relevant Act requires it to be. As you know, this already regularly happens.

Similarly, the Chair of the House of Lords Procedures and Privileges Committee told the Committee:

I can confirm that no procedural barriers exist in the House of Lords that would prevent the laying of a statutory instrument before the House in the form of two distinct texts in English and Welsh, where both texts have equal status in law.

It appears to us from these responses that there would be no procedural barrier in the UK Parliament which would prevent the laying of a fully bilingual statutory instrument.

In light of the information we have received, I would be grateful if you could indicate whether you agree with our view, and if not, explain to us why that is the case. I would also be grateful if you could explain whether you consider any other barriers exist to the laying of a fully bilingual statutory instrument in the UK Parliament.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Sarah Murphy
Chair



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: HID-PO-0146-24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

23 May 2024

Dear Mike,

I am writing to inform you that the Welsh Government, with our UK ETS Authority partners in the UK Government, the Scottish Government, and the Northern Ireland Executive, has today published two consultations on the expansion of the UK Emissions Trading Scheme. The first concerns the expansion of the scheme to the energy from waste and waste incineration sector, and the second on how engineered greenhouse gas removals could be integrated, and whether high-quality nature-based removals could also be suitable for the scheme.

In July 2023 the Authority confirmed its intention to bring energy from waste and waste incineration into the scheme from 2028. This includes a two-year phasing-in period for the sector from 2026-2028 during which, emissions will be monitored, reported, and verified, with no obligation to purchase or surrender UK ETS allowances until 2028. Today's consultation provides further details on how this expansion will be implemented, giving clarity to drive investment in decarbonisation.

The consultation on greenhouse gas removals follows the Authority's announcement, also last July, that the scheme is a suitable long-term market for removals. Today's publication explores how UK-based engineered greenhouse gas removal technologies such as Direct Air Carbon Capture, where carbon dioxide is removed from the air and permanently stored, could be integrated into the UK ETS. In doing so it aims to stimulate investment in these technologies. It also further considers the permanence of storage, costs, and potential wider land management impacts if high-quality GGRs from new UK woodland were to be included in the scheme.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

The waste consultation will be open for 8 weeks, until 18 July 2024. This shorter consultation period is intended to allow time for further preparatory work to be completed and enable implementation of the proposals by 2026, as previously committed to. Any risk arising from this approach will be mitigated by extensive engagement activity to ensure full stakeholder involvement. The greenhouse gas removals consultation will be open for 12 weeks until 15 August 2024.

The Authority, along with officials across the Welsh Government, will engage extensively with affected stakeholders to gather views to support final decisions on how the UK ETS will be expanded. These reforms to the UK ETS will require amendments to the UK Greenhouse Gas Emissions Trading Order, so the Senedd along with other UK Parliaments will have the opportunity to scrutinise plans once they are finalised.

Collectively, the information gathered will be invaluable in informing expansion of the scheme, which will in turn, increase the greenhouse gas emissions covered under the scheme emissions limit. I expect to write again on further expansion proposals in the coming months. This work will incentivise innovation, drive emission reductions, and help secure a resilient, sustainable future for Wales.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Huw Irranca-Davies', with a stylized, flowing script.

Huw Irranca-Davies AS/MS

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

Ein cyf/Our ref: HID/PO/0143/24

Llyr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
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24 May 2024

Dear Llyr,

Thank you for your letter regarding retained EU law (REUL). Please see below responses to your questions:

Your assessment of the Retained EU Law (Revocation and Reform) Act 2023 on environmental law in Wales.

We share the Committee's concerns about the potential negative impact of the REUL Act on environmental law in Wales. Overall, we maintain the view the REUL Act is an unnecessary, imprecise and politically motivated initiative. It is not a sensible basis for a reasonable reform of retained EU law, which could have been undertaken in a more considered fashion gradually over a period of years.

As it stands, we are confident that revocation of the legislation listed in Schedule 1 to the Act does not have any immediate and substantial impact for environmental law in Wales. However, we have particular concerns about the powers the Act provides to UK Ministers to reform existing pieces of retained EU law (now known as "assimilated law") by statutory instrument. We do not currently have information on exactly if, how, when and in what areas these powers could be used to reform environmental law, and we are seeking further clarity from Defra. Although any such reform in areas of devolved competence would not normally be extended into Wales by decisions of UK Ministers and the UK Parliament, the cross-border implications of any such changes could have negative impacts in Wales. My officials continue to work with Defra to understand their intentions in this area and will keep the Committee informed of developments.

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Your view on the implications for environmental governance in Wales.

Whilst aspects of EU environmental law have been kept through the REUL Act, one of its effects is to abolish the remaining effects of retained general principles of EU law in the UK so that they no longer apply nor influence the interpretation of EU law that has otherwise been retained on the UK statute book. This includes the environmental principles set out within Article 191(2) of the Treaty of the Functioning of the EU.

In light of this, the Welsh Government intends to bring forward primary legislation to incorporate the EU environmental principles into Welsh law. Subject to the outcome of the White paper consultation, the Environmental Governance, Principles and Biodiversity Targets Bill will make provision to set out environmental principles that reflect those of the EU. Through this bill, we will exceed the previous arrangements by placing a duty on Welsh Ministers to apply the environmental principles when making policy decisions. This approach will ensure the principles are part of the decision-making process on a statutory basis once the Bill comes into force.

This approach will be further supported through the establishment of an environmental governance body, which will oversee compliance with environmental law by Welsh Ministers and Welsh public bodies – including the environmental principles – as well as monitoring the effectiveness of environmental law in Wales.

You will be aware of our previous exchanges with the former Minister for Climate Change, who told us that the Welsh Government wished to retain elements of the National Emission Ceilings Regulations which the UK Government had included on Schedule 1 for automatic revocation on 31 December 2023;

i. Could you provide an update on the intergovernmental discussions regarding these regulations?

The National Emission Ceilings Regulations 2018 (NECR) set UK emission reduction targets for five pollutants to be achieved by 2030. The National Air Pollution Control Programme (NAPCP) provisions in the National Emissions Ceiling Regulations were subject to revocation by the REUL Act. The Secretary of State was under a duty to review, revise and publish an NAPCP within 18 months if emissions projections showed that the targets would be missed. The measures included in an NAPCP illustrate how the UK would meet its targets. The Secretary of State was also under a duty to consult the public before preparing or significantly revising the NAPCP.

The decision by UK Government to remove the NAPCP provisions from the National Emission Ceilings Regulations in the context of Schedule 1 of the REUL Act was made without consideration through the Air Quality Common Framework. Although there were recognised weaknesses with the process, I want to avoid environmental protections being weakened.

My officials are currently working with Defra and the other Devolved Governments via the Air Quality Common Frameworks to inform Defra's proposed alternative arrangements to the NAPCP. They have emphasised to Defra that transparency and public scrutiny are important aspects of the Environment (Air Quality and Soundscapes) (Wales) Act, and I am keen to see them applied here.

ii. Will the Welsh Government use the powers available to Welsh Ministers under the Act, or other powers available to Welsh Ministers, to reinstate the NEC Regulations, in whole or in part?

The UK emission reduction targets and reporting provisions set out in the regulations remain in place. My officials continue to engage with Defra and the other Devolved Governments to seek an open and collaborative pan-UK approach to the development of processes to achieve the UK's targets. The Welsh Government therefore has no plans to use its powers in this context.

iii. Whether the revocation of the NEC Regulations had any practical impact or effect?

Noting the emission reduction targets and reporting provisions remain in place, any practical wider effects of the revocation of the NAPCP provisions will depend on the alternative arrangements adopted.

Your view on the expiration of general principles of EU law at the end of 2023 and the implications for environmental law in Wales.

As I have already outlined, since the REUL Act abolishes the remaining effects of retained general principles of EU law in the UK, the Welsh Government intends to bring forward primary legislation to incorporate the EU environmental principles into Welsh law.

Your view on the plans set out by the UK Government in its first REUL report to the UK Parliament as they relate to areas of this Committee's remit, particularly its timetable, the capacity of the Welsh Government to respond and implications for environmental law in Wales;

i. Could you confirm what role, if any, the Welsh Government had in the preparation of this report.

The UK Government did not seek any input from the devolved governments on the preparation of its first REUL report to the UK Parliament. As our [Written Statement](#), published in response to the report, stated; "it is for the devolved legislatures to decide whether, how and to what extent, domestic law and policy should diverge from that of the EU. This principle is equally applicable to the whole range of changes which REUL Act powers can be used to achieve.

Whether the Welsh Government is aware of additional upcoming changes under the Act to environmental assimilated law?

The Welsh Government is not aware of any additional upcoming changes under the Act to environmental assimilated law. If we become aware of any proposed changes, we will notify you through the usual methods.

Whether WG themselves has any current plans to use powers in the REUL Act in relation to the environment?

The Welsh Government has no plans to use its powers under the Act to revoke any further pieces of assimilated law, or to introduce new legislation to replace legislation contained in Schedule 1 of the Act

Thank you for raising these detailed matters with me and I hope this response assists the Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

Huw Irranca-Davies AS/MS

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

Huw Irranca-Davies MS

Cabinet Secretary for Climate Change and Rural Affairs

2 May 2024

Dear Huw,

At our meeting on 24 April 2024, we considered the correspondence informing the Committee that the previous Minister for Rural Affairs and North Wales, and Trefnydd had given her consent to the Minister for Biosecurity, Animal Health and Welfare to lay the Environment and Rural Affairs (Revocation and Consequential Provision) Regulations 2024.

You will be aware that the Committee has followed developments relating to retained EU law (REUL), now assimilated law, since the Retained EU Law (Revocation and Reform) Bill was introduced in the UK Parliament in September 2022.

The Committee agreed to seek your views on the following matters:

- Your assessment of the Retained EU Law (Revocation and Reform) Act 2023 on environmental law in Wales.
- Your view on the implications for environmental governance in Wales.
- You will be aware of our previous exchanges with the former Minister for Climate Change, who told us that the Welsh Government wished to retain elements of the National Emission Ceilings Regulations which the UK Government had included on Schedule 1 for automatic revocation on 31 December 2023.
 - i. Could you provide an update on the intergovernmental discussions regarding these regulations?
 - ii. Will the Welsh Government use the powers available to Welsh Ministers under the Act, or other powers available to Welsh Ministers, to reinstate the NEC Regulations, in whole or in part?
 - iii. Whether the revocation of the NEC Regulations had any practical impact or effect?

- Your view on the expiration of general principles of EU law at the end of 2023 and the implications for environmental law in Wales.
- Your view on the plans set out by the UK Government in its first REUL report to the UK Parliament as they relate to areas of this Committee's remit, particularly its timetable, the capacity of the Welsh Government to respond and implications for environmental law in Wales.
 - i. Could you confirm what role, if any, the Welsh Government had in the preparation of this report.
- Whether the Welsh Government is aware of additional upcoming changes under the Act to environmental assimilated law?
- Whether WG themselves has any current plans to use powers in the REUL Act in relation to the environment?
- Any further views or information you consider it would be important to share with the Committee.

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

I should be grateful for a response as soon as possible, and by 30 May at the latest

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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



Llywodraeth Cymru
Welsh Government

Chair, Legislation, Justice and
Constitution Committee

Llyr Gruffydd MS, Chair, Climate Change, Environment and
Infrastructure Committee

Senedd Cymru
Cardiff Bay
CF99 1SN

21 May 2024

Dear Chairs,

This letter is to inform you that, in accordance with Standing Order 30A, I have laid a Statutory Instrument Consent Memorandum in the Senedd in respect of the following UK Statutory Instrument:

Energy Act 2023 (Consequential Amendments) Regulations 2024

The link to the Statutory Instrument Consent Memorandum can be found [here](#):

I consider the Regulations to be a relevant statutory instrument because they make provision in relation to Wales amending primary legislation, namely the Environment (Wales) Act 2016, within the legislative competence of the Senedd and which is not an incidental, consequential, transitional, transitory, supplementary or savings provision relating to matters that are not within the legislative competence of the Senedd.

These regulations are made under section 330 of the Energy Act 2023. You will be aware that these are powers the Senedd did not consent to. Notwithstanding that, now that these provisions are on the statute book we are committed to ensuring they are exercised responsibly.

I have released a written statement, which you can access [here](#).

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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Agenda Item 11

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

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Chairs of Senedd committees

22 May 2024

Committee remits

Dear Chair,

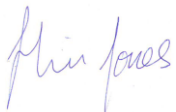
During the Business Committee's meeting on 14 May, we considered a letter from the Chair of the Climate Change, Environment, and Infrastructure Committee regarding challenges in relation to that Committee's remit which have arisen from recent changes to ministerial portfolios.

The Business Committee agreed to write to other Senedd committees to invite you to provide any views that you have on current committee remits, in order that we can consider any issues that have arisen in a coordinated manner.

I intend for the Business Committee to return to consider these matters further ahead of the summer recess and would therefore be grateful to receive any views or reflections that your Committee has by Friday 21 June 2024. Please let me know if you anticipate having any difficulty responding in this timeframe.

I enclose a copy of the correspondence sent from the Chair of the Climate Change, Environment, and Infrastructure Committee concerning their remit for context.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

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

Elin Jones MS

Llywydd

Chair of the Business Committee

10 May 2024

Dear Llywydd,

Committee Remits following the recent reconfiguration of the Welsh Government Cabinet

I am writing to request that the Business Committee consider the remits of policy committees following the appointment of the First Minister and subsequent reconfiguration of cabinet portfolios.

You will be aware that the recent changes to ministerial roles resulted in a significant redistribution of responsibilities, particularly those of the former Minister for Climate Change. The Climate Change, Environment and Infrastructure Committee's remit now covers the portfolios of four cabinet secretaries, encompassing diverse and substantial policy areas, as follows:

Cabinet Secretary for Economy, Energy & Welsh Language

- Energy policy, including renewable energy
- Circular economy
- Ports policy, including freeports
- Oversight of Cardiff Airport
- Digital connectivity infrastructure

Cabinet Secretary for Climate Change & Rural Affairs

- All matters relating to climate change and the environment.

Cabinet Secretary for North Wales and Transport

- Rail services through the Wales and Borders franchise
- Bus services
- Active travel
- Roads policies

- Transport for Wales

Cabinet Secretary for Housing, Local Government & Planning

- Planning, including Future Wales: The National Plan 2040
- National Infrastructure Commission
- Coal tip safety
- National Parks

I do not believe it is realistic to expect the CCEI Committee to scrutinise such a wide range of portfolios effectively. I am concerned that certain significant areas of Welsh Government policy will likely go without scrutiny because of the challenges presented by the changes to cabinet portfolios. Scrutiny of the Welsh Government's draft budget, in particular, is likely to prove difficult, especially considering the time constraints under which committees already operate.

I would be grateful, therefore, if the Business Committee would consider a reconfiguration of committee remits to streamline the number of Cabinet Secretaries the CCEI Committee is required to scrutinise. This could include the transfer of planning and related matters, as set out above, to the Local Government and Housing (LGH) Committee. This could also include transferring the matters that fall within the portfolio of the Cabinet Secretary for Economy, Energy & Welsh Language to the Economy, Trade and Rural Affairs (ETRA) Committee.

These changes would decrease the number of Cabinet Secretaries requiring scrutiny by the CCEI Committee from four to two. However, they would not affect the number of Cabinet Secretaries requiring scrutiny by the ETRA or LGH committees.

Of course, given the overlapping nature of Senedd policy committee remits, I recognise that changes to the CCEI Committee's remit would not prevent the Committee from looking at a matter through the lens of the environment or climate change. However, these changes would mean that the CCEI Committee would not be the Committee with primary responsibility for scrutiny in that policy area.

I recognise the Business Committee will wish to consult other committees as part of this process and would be happy to discuss any issues with the Committee.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

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

Agenda Item 14

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

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