

# 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: 7 October 2024	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

## Remote

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### Public meeting

(13.30 – 13.50)

**1 Introduction, 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)528 – The Special Procedures Licensing Committees (Wales) Regulations  
2024**

(Pages 1 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–28–24 – Paper 1 – Draft report

**2.2 SL(6)529 – The Charges for Residues Surveillance (Amendment) (Wales)  
Regulations 2024**

(Pages 4 – 7)



[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-28-24 – Paper 2 – Draft report

LJC(6)-28-24 – Paper 3 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd, 20 September 2024

**2.3 SL(6)530 – The Firefighters’ Pension Schemes (Miscellaneous Amendments) (Wales) Regulations 2024**

(Pages 8 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-28-24 – Paper 4 – Draft report

LJC(6)-28-24 – Paper 5 – Letter from the Cabinet Secretary for Housing and Local Government, 23 September 2024

**2.4 SL(6)532 – The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024**

(Pages 12 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-28-24 – Paper 6 – Draft report

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

(13.35 – 13.40)

**3.1 SL(6)516 – The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024**

(Pages 14 – 17)

Attached Documents:

LJC(6)-28-24 – Paper 7 – Report

LJC(6)-28-24 – Paper 8 – Welsh Government response

#### **4 Inter-Institutional Relations Agreement**

(13.40 – 13.45)

#### **5 Papers to note**

(13.45 – 13.50)

##### **5.1 General correspondence to note**

(Pages 18 – 21)

Attached Documents:

LJC(6)-28-24 – Paper 9 – Letter to the Secretary of State for Wales, 24 September 2024

LJC(6)-28-24 – Paper 10 – Letter to the First Minister, 3 October 2024

LJC(6)-28-24 – Paper 11 – Letter to the Chancellor of the Duchy of Lancaster and Minister for Intergovernmental Relations, 3 October 2024

##### **Private meeting**

(13.50 – 14.00)

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

(13.50)

#### **7 Legislative Consent Memorandum on the Great British Energy Bill**

(13.50 – 14.00)

(Pages 22 – 28)

Attached Documents:

LJC(6)-28-24 – Paper 12 – Legal Advice Note

## **SL(6)528 – The Special Procedures Licensing Committees (Wales) Regulations 2024**

### **Background and Purpose**

The Special Procedures Licensing Committees (Wales) Regulations 2024 (“the Regulations”) make provision about the procedures applicable to local authority licensing committees (or their sub-committees) for the purpose of the exercise of certain functions relating to special procedure<sup>1</sup> licences under Part 4 of the Public Health (Wales) Act 2017 (“the 2017 Act”).

A local authority has various functions under Part 4 of the 2017 Act relating to the granting, varying, renewing or revoking of special procedure licences. This includes a duty to issue a warning notice where the local authority intends to take certain steps, for example refusing an application for a special procedure licence. A local authority is required to consider representations made after it has issued such a warning notice.

Paragraph 21(1) of Schedule 3 to the 2017 Act delegates specified functions of a local authority, including the consideration of such representations, to the licensing committee of the authority established under section 6 of the Licensing Act 2003. Subject to the Regulations, the relevant committees may regulate their own procedure.

### **Procedure**

Negative

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

### **Technical Scrutiny**

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

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

Regulation 8 gives a relevant committee the power to postpone or adjourn a hearing. Paragraph (1) provides that a committee “may at any time” postpone or adjourn a hearing. Paragraph (2) provides that the committee may take the actions specified in paragraph (1) if it considers it necessary for the reasons set out in sub-paragraphs (a) and (b).

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<sup>1</sup> The special procedures listed in section 57 of the 2017 Act are acupuncture, body piercing, electrolysis and tattooing.



The Welsh Government is asked to clarify whether a committee may only exercise the power in paragraph (1) where paragraph (2) applies, or whether the power to postpone or adjourn may also be exercised for other purposes.

## Merits Scrutiny

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

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

The 2017 Act received Royal Assent on 3 July 2017. These Regulations are due to come into force on 29 November 2024. This means it will have taken over 7 years for the new rules on special procedures to be implemented.

In 2017, the Explanatory Memorandum that accompanied the Public Health (Wales) Bill specified the “known and well reported health risks connected to” special procedures and the “complications that can arise” with special procedures.<sup>2</sup>

The Explanatory Memorandum to the Bill also referred to the current legislation being “inadequate to sufficiently protect the public”.<sup>3</sup> The Explanatory Memorandum also noted the costs to the NHS under the current regime: “The main benefit of the licensing system is savings to the NHS, in terms of treatment costs, and to individuals’ health”.<sup>4</sup>

Further, the Explanatory Memorandum to these Regulations says that enforcement of the current rules has been inconsistent. It adds that Welsh Government model byelaws intended to address historic inconsistencies in this area have not been adopted by a number of local authorities in Wales, and that local authorities are unlikely to do so because “since the Act was passed in 2017, they have been waiting for the creation of the mandatory licensing scheme for special procedures”.<sup>5</sup>

Given all of the above, it is unclear why it has taken over 7 years to implement the new rules on special procedures set out in the 2017 Act.

## Welsh Government response

A Welsh Government response is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**2 October 2024**

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<sup>2</sup> See paragraphs 116 and 117 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#)

<sup>3</sup> See paragraph 616 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#).

<sup>4</sup> See paragraph 614 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#)

<sup>5</sup> See paragraph 4.7 of the [Explanatory Memorandum to these Regulations](#)



# Agenda Item 2.2

## **SL(6)529 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations amend the Charges for Residues Surveillance Regulations 2006 (the 2006 Regulations) to update the charges payable to the Veterinary Medicines Directorate in relation to the surveillance for residues of veterinary medicines and certain other substances in food animals and animal products as part of the National Residues Control Programme.

These Regulations also amend the 2006 Regulations by substituting the Secretary of State with competent authorities in Wales. These amendments will enable the competent authorities performing official controls to recover the charge incurred in carrying out the inspections and controls in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

### **Procedure**

Negative.

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

### **Technical Scrutiny**

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

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

In regulation 2(5), there appears to be an error in column 2 of the Table to be inserted as Schedule 1. The charge from 1 October 2024 to 31 March 2025 for “Soliped” is £0.04287 per carcase, rising to £0.4660 per carcase from 1 April 2025. The current charge as set out in Schedule 1 of the existing regulations is £0.3536. The Welsh Government are asked to clarify whether the “0” included after the decimal point is an error, as this figure is significantly lower than the figure for the same period found in equivalent regulations for England and Scotland, which is £0.4287 per carcase. Given that the purpose of these Regulations is to have an uniform approach across the UK, the Welsh Government are asked to clarify whether this is an error or whether it is intended for charges relating to “Soliped” in Wales to diverge from charges listed in the equivalent Scottish and English legislation. Please refer to regulation 2 of the Charges for Residues Surveillance



(Amendment) (England) Regulations 2024/892 and the Charges for Residues Surveillance Amendment (Scotland) Regulations 2024/218.

## Merits Scrutiny

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

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

These negative resolution regulations were laid at the Senedd on 20 September 2024 but they have come into force on 1 October 2024. Section 11A(4) of the Statutory Instruments Act 1946 sets out the “21 day rule”. This means that if a negative resolution SI is not laid at least **21 calendar days** (including weekends, bank holidays, recess) before the SI comes into force, the Welsh Government must notify the Llywydd and explain why there is a breach of the 21 day rule. The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS wrote to the Llywydd on 20 September 2024 and stated the following:

*“The change in charges for residues surveillance are proposed to be introduced across GB. In settling the policy and content of the proposed Regulations to be made in relation to Wales, Welsh Government officials undertook further engagement with some stakeholders over the destination of relevant functions. As a result of this engagement, further amendments were made to the draft Regulations so that enforcement functions in relation to the provision of information were conferred on the Welsh Ministers. In addition to this engagement, Welsh Government officials also engaged with the Food Standards Agency to seek (and received) confirmation from the FSA that there were no direct food safety aspects which required FSA advice. This further engagement meant that the draft Regulations could not be settled, made and laid 21 days before they are required to come into effect.*

*The coming into force date of 1 October has been agreed with UK Government and Scottish Ministers. Divergence would result in different rates being charged in Wales to the rest of GB and a failure to align with a GB wide approach agreed at the Animal and Disease Policy Group. This would lead to considerable disruption to industry. For the reasons outlined, the 21-day convention should not be adhered to.”*

## Welsh Government response

A Welsh Government response is required to the technical reporting point raised above.

### Legal Advisers

#### Legislation, Justice and Constitution Committee

2 October 2024



Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-HIDCC-5526-24

The Rt. Hon. Elin Jones MS  
Llywydd  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

20 September 2024

Dear Elin,

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 1 October 2024, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 ('the 2024 Regulations') is a Welsh Statutory Instrument (SI) that amends the Charges for Residues Surveillance Regulations 2006. It is being made using powers conferred by the Food Safety Act 1990. The primary purpose of the legislation is to ensure that the appropriate costs of undertaking the surveillance for residues of veterinary medicines and certain other substances in food animals and animal products as part of the National Residues Control Programme (NRCP) can be recovered. England and Scotland are implementing equivalent legislation to ensure a consistent approach across GB.

The 2024 Regulations enables for the NCRP to operate on a full cost recovery basis, so food business operators in each of the livestock sectors that take part are invoiced each year. The programme currently costs approximately £5 million per annum to deliver on a GB wide basis, and this is forecast to reach approximately £8 million per annum by 2028. This is due to a rise in the costs of procured services which are necessary to deliver the programme such as sampling, testing, and consumables. Without the proposed revisions to the current charges that NRCP participants pay, it is forecast that there will be an under recovery of the costs of the programme by £1.2 million the current financial year, and the deficit is expected to rise to £3 million per annum by 2029.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Correspondence.Huw.Irranca-Davies@gov.wales](mailto: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.

The change in charges for residues surveillance are proposed to be introduced across GB. In settling the policy and content of the proposed Regulations to be made in relation to Wales, Welsh Government officials undertook further engagement with some stakeholders over the destination of relevant functions. As a result of this engagement, further amendments were made to the draft Regulations so that enforcement functions in relation to the provision of information were conferred on the Welsh Ministers. In addition to this engagement, Welsh Government officials also engaged with the Food Standards Agency to seek (and received) confirmation from the FSA that there were no direct food safety aspects which required FSA advice. This further engagement meant that the draft Regulations could not be settled, made and laid 21 days before they are required to come into effect.

The coming into force date of 1 October has been agreed with UK Government and Scottish Ministers. Divergence would result in different rates being charged in Wales to the rest of GB and a failure to align with a GB wide approach agreed at the Animal and Disease Policy Group. This would lead to considerable disruption to industry. For the reasons outlined, the 21-day convention should not be adhered to.

I am copying this letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip Jane Hutt MS, Chair of the Legislation, Justice and Constitution Committee, Mike Hedges MS, Siwan Davies, Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

**Huw Irranca-Davies AS/MS**

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd  
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

# Agenda Item 2.3

## **SL(6)530 – The Firefighters’ Pension Schemes (Miscellaneous Amendments) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations ensure that firefighters’ pensions are revalued by the correct rate in respect of 2021 and 2022, by remedying issues arising as a consequence of HM Treasury’s Public Service Pensions Revaluation Order for those two years. The Regulations also make correcting amendments to the Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023 (“the 2023 Regulations”) and the Firefighters’ Pension Scheme (Wales) Order 2007.

### **Procedure**

Negative.

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

### **Technical Scrutiny**

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

### **Merits Scrutiny**

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

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

The Explanatory Memorandum notes that regulation 3, which amends the Firefighters’ Pension Scheme (Wales) Regulations 2015 to correct an issue with the valuation of accrued pension rights for 2021 and 2022, has retrospective effect and that:

*This is unavoidable: it corrects an error made by HM Treasury which affected the calculation of accrued pension for the years 2021 and 2022. That error only came to light after the relevant calculations had been made and can only be corrected retrospectively.*

However, the Explanatory Note to the Regulations states that regulation 4 also has retrospective effect and this is not explained in the Explanatory Memorandum. It would be



useful to understand why the Explanatory Memorandum does not address the retrospective effect of regulation 4.

The retrospective effect of these provisions is permitted by section 3(3)(b) of the Public Service Pensions Act 2013.

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

The Committee has previously reported on the 2023 Regulations and the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024 ("the 2024 Order"). Several points were noted in these reports. The Explanatory Memorandum to these Regulations states that regulations 4 and 5 address a number of those points. However, the Cabinet Secretary for Housing and Local Government has written to the Chair of the Committee in relation to one of the reporting points previously raised. Her letter states:

*I have also given further consideration to Technical Scrutiny point 6 of your Committee's report on the 2024 Order. In our response to that point, we noted the difference between the Welsh language and English language texts in the heading for paragraph 1 of Schedule 2 to the Order, and confirmed that the Welsh language text should have been drafted to reflect the English language text. We originally proposed to amend the Welsh language text accordingly at the next available opportunity.*

*On reflection I think it is more appropriate to allow that heading in the Welsh language text to remain. The amendment required to address Technical Scrutiny point 3 is best dealt with by amending the Firefighters' Pension Scheme (Wales) Order 2007. So, to address Technical Scrutiny point 6, we would additionally have to amend the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024. Given that the heading in issue is inoperative, and it is not carried through to the amended instrument (the Firefighters' Compensation Scheme (Wales) Order 2007), any benefit to be gained in making such an amendment would be negligible and I do not consider it would be proportionate.*

## Welsh Government response

A Welsh Government response is required for the first reporting point only.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**30 September 2024**





Mike Hedges MS  
Chair, Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

23 September 2024

Dear Mike

I am writing to you to follow up on the then Deputy Minister for Social Partnership's correspondence dated 22 February 2024 about the **Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024** ("the 2024 Order").

Today I have laid the Firefighters' Pension Schemes (Miscellaneous Amendments) (Wales) Regulations 2024. Regulation 5 corrects the Welsh language text of new rule 5C(7) (inserted by paragraph 6(3) of Schedule 1 to the 2024 Order), so that it is consistent with the English language text of the provision.

We have also taken the opportunity to amend the Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 in light of some of the points that were raised by your Committee in its report which was issued following consideration of that instrument at the 25 September 2023 meeting.<sup>1</sup>

Finally, I have also given further consideration to Technical Scrutiny point 6 of your Committee's report on the 2024 Order. In our response to that point, we noted the difference between the Welsh language and English language texts in the heading for paragraph 1 of Schedule 2 to the Order, and confirmed that the Welsh language text should have been drafted to reflect the English language text. We originally proposed to amend the Welsh language text accordingly at the next available opportunity.

On reflection I think it is more appropriate to allow that heading in the Welsh language text to remain. The amendment required to address Technical Scrutiny point 3 is best dealt with by amending the Firefighters' Pension Scheme (Wales) Order 2007. So, to address Technical Scrutiny point 6, we would additionally have to amend the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024. Given that the heading in issue is inoperative, and it is not carried through to the amended instrument (the

<sup>1</sup> <https://senedd.wales/media/23nl34lv/cr-ld16050-e.pdf>

Firefighters' Compensation Scheme (Wales) Order 2007), any benefit to be gained in making such an amendment would be negligible and I do not consider it would be proportionate.

Yours sincerely

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive style with a large, stylized initial 'J'.

**Jayne Bryant AS/MS**

Ysgrifennydd y Cabinet dros Lywodraeth Leol aTai  
Cabinet Secretary for Housing and Local Government

# Agenda Item 2.4

## **SL(6)532 – The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024**

### **Background and Purpose**

These Regulations make provision about the Welsh Ministers' power to designate a provider of tertiary education as an institution under section 83(4) of the Tertiary Education and Research (Wales) Act 2022. They set out the procedure to be followed by a provider when applying for designation as an institution, along with the decision-making process and the procedure for withdrawing a designation.

### **Procedure**

Draft Affirmative.

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

### **Technical Scrutiny**

The following 2 point are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In regulation 2, the Tertiary Education and Research (Wales) Act 2022 has been defined as "the 2022 Act". However, in the definitions of "registered provider" and "tertiary education" in regulation 2, the full title of the Act has been included in the references to "section 144(1) of the Tertiary Education and Research (Wales) Act 2022". In these references, "the 2022 Act" should have been used, rather than repeating the full title of the Act.

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

Regulation 2 defines "the Commission" as meaning "the Commission for Tertiary Education and Research". However, the Commission is not referred to anywhere else in the Regulations. Therefore, it is not clear why the inclusion of this definition in regulation 2 has been considered necessary.

### **Merits Scrutiny**

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



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

Regulation 2 defines “the Credit and Qualifications Framework for Wales” as meaning “the document with that title published by the Welsh Ministers, as updated from time to time, and which includes descriptions of levels of qualifications”.

To aid accessibility, it may have been helpful for the Regulations to have included a hyperlink or description as to the location of this document, as published from time to time, such as by way of a footnote.

**Welsh Government response**

A Welsh Government response is required.

**Legal Advisers**

**Legislation, Justice and Constitution Committee**

**2 October 2024**



# Agenda Item 3.1

## **SL(6)516 – The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024**

### **Background and Purpose**

These Regulations form part of the implementation of the Historic Environment (Wales) Act 2023 (“the 2023 Act”).

These regulations set out the procedural requirements for listed building consent applications, including appeals to those applications, special cases, provisions in relation to conservation areas with listed buildings and other miscellaneous matters including prescribed interest rates for the cost of urgent works.

### **Procedure**

Negative

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

### **Technical Scrutiny**

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

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

In regulation 6(4), there is a difference between the English text and the Welsh text. In the English text, it refers to paragraph “(2)(c) or (d)” but in the Welsh text it refers to paragraph “(2)(2)(c) or (d)”.

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

In regulation 19(4)(d), the location of the text for amendment in regulation 9 is incorrectly identified as “in paragraph 9(1)” but it should state “in paragraph (1)”.

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

In regulation 22(9), in the opening words before sub-paragraphs (a) and (b), the modification states that “Regulation 15(1)...applies as if”. However, in sub-paragraph (b) it



states that “paragraph (3) was omitted” which is not found in paragraph (1) of regulation 15. Therefore, the modification does not succeed as currently drafted. It should only refer to regulation 15 in the opening words, and the words “in paragraph (1)” should be included at the beginning of sub-paragraph (a).

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

In Schedule 2, in paragraph 6, in the English text, the structure and drafting of the provision does not succeed because sub-paragraphs (c) and (d) do not complete the sense of the opening words before sub-paragraph (a). In the Welsh text, the words that correspond to “the building and the associated land” at the end of those opening words have instead been included at the beginning of both sub-paragraphs (a) and (b). As a result, the drafting of the provision succeeds in the Welsh text but not in the English text.

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

In Schedule 4, in paragraph 6, a new Schedule 1A is inserted in the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992. In the new Schedule 1A, in paragraph 1(c) and (d), the modifications introduces a new sub-paragraph (aa) in the Welsh and English text of regulation 6(2) of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024. However, the term “concurrent application” (“cais cydredol”) is used in sub-paragraph (aa)(i) but it has not been defined for the purposes of regulation 6 of the 2024 Regulations. There is a definition of that term in the new Schedule 1A, in the modifications made by paragraph 1(i)(iii) and (j)(iii) but it has only been defined for regulation 8 of the 2024 Regulations.

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

In Schedule 4, in paragraph 6, a new Schedule 1A is inserted in the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992. However, paragraph 1(e) and (f) of the new Schedule 1A fail to identify the regulation where the new paragraph (4) should be inserted when modifying the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024. In addition, there is also uncertainty as to whether the new paragraph (4) for insertion is correctly numbered or not.

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

In Schedule 4, in paragraph 12(a), a new paragraph 2 is substituted in Part 2 of Schedule 4 to the Developments of National Significance (Wales) Regulations 2016. In the new paragraph 2, there is a difference in the drafting of the modifications found in the second



column for "Regulation 12" and "Regulation 13". In the second column of the entry for "Regulation 12" the modified text of that regulation states "the determination period referred to in section 62L of the Town and Country Planning Act 1990". But in the second column of the entry for "Regulation 13", in paragraph (b), the modified text of that regulation states "the determination period within the meaning of section 62L of the Town and Country Planning Act 1990". The same issue also occurs in Schedule 4, in paragraph 13(a) which has a corresponding provision for Part 2 of Schedule 5 to the Developments of National Significance (Wales) Regulations 2016. It is unclear whether these differences are intentional and have been done for any particular reason.

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

In Schedule 4, in paragraph 15(c), in the description of the location of the amendment, it should note "paragraph (a)(ii)" rather than "sub-paragraph (a)(ii)". In addition, the sub-paragraph number (ii) should be included within the quotation marks before the new text that replaces the existing text.

### Merits Scrutiny

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

### Welsh Government response

A Welsh Government response is required.

### Committee Consideration

The Committee considered the instrument at its meeting on 30 September 2024 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024**

**Technical Scrutiny points 1 and 2:** The Welsh Government accepts the points raised but does not think that the typographical errors give rise to doubt as to the meaning of the law. We will however seek to make the changes by correction slip.

**Technical Scrutiny point 3:** The Welsh Government accepts the point raised but considers the effect to be sufficiently clear in context.

**Technical Scrutiny point 4:** The Welsh Government accepts the point raised. As regulation 13(3)(b) enables the notice in Schedule 2 paragraph 6 to be issued in substantially the same terms, any confusion on the point can be addressed in practice.

**Technical Scrutiny point 5:** The Welsh Government accepts the point raised but considers the effect to be sufficiently clear in context.

**Technical Scrutiny point 6:** The Welsh Government accepts the point raised. Sub-paragraphs (e) and (f) follow paragraph (d), which amends regulation 6(2). Sub-paragraphs (e) and (f) themselves refer to 'after paragraph (3)'. Sub-paragraph (g) follows immediately and inserts a new regulation 'after regulation 6'. We therefore consider it sufficiently clear that the non-textual modification is to regulation 6 and that its effect is also sufficiently clear.

**Technical Scrutiny point 7:** The Welsh Government notes the point raised, however there is no difference in the effect intended.

**Technical Scrutiny point 8:** The Welsh Government accepts the point raised but considers the effect sufficiently clear in context. We will however seek to make the changes by correction slip.

# Agenda Item 5.1

**Y Cynullin Gyhoeddus, Senedd Cymru  
Cyfiawnder a'r Cyfansoddiad**

**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN  
SeneddDCC@senedd.cymru  
senedd.cymru/SeneddDCC  
0300 200 6565

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## **Legislation, Justice and Constitution Committee**

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN  
SeneddLJC@senedd.wales  
senedd.wales/SeneddLJC  
0300 200 6565

Rt Hon Jo Stevens MP  
Secretary of State for Wales

24 September 2024

Dear Jo,

Thank you for your letter of 31 July 2024.

We note your comments regarding the UK Government's intention to work closely with the devolved governments to deliver legislation in service of people across the UK, as well as its commitment to a reset in intergovernmental relations, and to strengthening the Sewel Convention. We also note your assurances that the UK Government will always make the UK Parliament aware of the devolution implications of its bills, and will ensure that the structures and institutions of intergovernmental working improve relationships and collaboration on policy.

As noted in our previous correspondence, we would welcome an opportunity to discuss these matters, and the concerns raised in our correspondence, with you further. We would therefore like to invite you to appear before the Committee to enable us to consider these matters with you in detail. The Committee Clerk can liaise with your officials to identify a suitable date and time.

We look forward to hearing from you.

I am copying this letter to the Rt Hon Pat McFadden MP, Chancellor of the Duchy of Lancaster and Minister for Intergovernmental Relations.

Yours sincerely,



Mike Hedges  
Chair

Eluned Morgan MS  
First Minister of Wales

3 October 2024

Dear Eluned,

### Invitation to give evidence

As you are aware, our Committee's scrutiny remit extends extensively into your responsibilities as First Minister, including inter-governmental relations, Wales and Europe, and the Legislative Programme. We would therefore like to invite you to attend a Committee meeting to consider these issues with you in detail.

We understand that you are invited to give evidence each term to the Committee for Scrutiny of the First Minister and you may also give evidence to the Culture, Communications, Welsh Language, Sport, and International Relations Committee. However, as you have specific and strategic responsibility for the areas outlined above, we would find it extremely valuable if you could appear before us to provide evidence in relation to these matters.

We would be grateful if you could confirm, at your earliest convenience, whether you will be available to attend. The Committee Clerk can liaise with your officials to discuss suitable dates and timings.

We look forward to hearing from you.

Yours sincerely,



Mike Hedges  
Chair

The Rt Hon Pat McFadden MP  
Chancellor of the Duchy of Lancaster  
Minister for Intergovernmental Relations

3 October 2024

Dear Pat,

**Invitation to give evidence – intergovernmental relations**

By way of introduction, I am the Chair of the Senedd's Legislation, Justice and Constitution Committee. In our broad remit, we consider matters relating to devolution, external affairs and intergovernmental relations.

In your capacity as Minister for Intergovernmental Relations in the UK Government, we would like to invite you to give evidence to the Committee to inform our scrutiny of how governments within the UK work together. It is our intention to also invite the Secretary of State for Wales to attend the session.

We are proposing that the evidence session takes place during the afternoon of **11 November 2024**. Although our preference is that we meet in person, hybrid arrangements can be put in place should this better facilitate your attendance.

If you would like to take up this invitation, I would ask that your officials contact the Clerk of the Committee via [seneddljc@senedd.wales](mailto:seneddljc@senedd.wales).

I look forward to hearing from you in due course.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair

# Agenda Item 7

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

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