

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Committee Room 5, Tŷ Hywel	P Gareth Williams
Meeting date: 9 December 2024	Committee Clerk
Meeting time: 13.00	0300 200 6565
	SeneddLJC@senedd.wales

Hybrid

Public meeting

(13.00 – 15.45)

1 Introduction, apologies, substitutions and declarations of interest
(13.00)

**2 Scrutiny session with the Deputy First Minister and Cabinet
Secretary for Climate Change and Rural Affairs, and the Counsel
General and Minister for Delivery**

(13.00 – 14.30) (Pages 1 – 21)

Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs

Julie James MS, Counsel General and Minister for Delivery

Charlie Thomas, Deputy Director, Legislation Division, Welsh Government

James Gerard, Deputy Director, Justice Policy, Welsh Government

Sophie Brighthouse, Deputy Director, Constitution and Welsh Tribunals, Welsh
Government

Attached Documents:

LJC(6)-36-24 – Paper 1 – Briefing

LJC(6)-36-24 – Paper 2 – Briefing on Senedd legislative processes



LJC(6)-36-24 – Paper 3 – Letter from the Counsel General and Minister for Delivery, 4 December 2024

Break

(14.30 – 14.40)

3 Legislation (Procedure, Publication and Repeals) (Wales) Bill: Evidence session with the Bar Council's Law Reform Committee

(14.40 – 15.25)

(To Follow)

[Legislation \(Procedure, Publication and Repeals\) \(Wales\) Bill, as introduced Explanatory Memorandum](#)

Rhodri Williams KC, member of the Bar Council's Law Reform Committee

Attached Documents:

LJC(6)-36-24 – Paper 4 – Briefing

Break

(15.25 – 15.30)

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

(15.30 – 15.35)

4.1 SL(6)550 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

(Pages 22 – 34)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-36-24 – Paper 5 – Draft report

LJC(6)-36-24 – Paper 6 – Letter from the Minister for Culture, Skills and

Social Partnership, 20 November 2024

LJC(6)–36–24 – Paper 7 – Written Statement by the Minister for Culture, Skills and Social Partnership, 20 November 2024

4.2 SL(6)551 – The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024

(To Follow)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–24 – Paper 8 – Draft report

4.3 SL(6)552 – The Official Controls (Import of High–Risk Food and Feed of Non–Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (No. 2) (Wales) Regulations 2024

(Pages 35 – 36)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–24 – Paper 9 – Draft report

5 Inter–Institutional Relations Agreement

(15.35 – 15.40)

5.1 Correspondence from the Welsh Government: Inter–Ministerial Group meetings

(Pages 37 – 43)

Attached Documents:

LJC(6)–36–24 – Paper 10 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Inter–Ministerial Group for Environment, Food and Rural Affairs, 2 December 2024

LJC(6)–36–24 – Paper 11 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Inter–Ministerial

Group for Environment, Food and Rural Affairs, 2 December 2024

LJC(6)-36-24 – Paper 12 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Inter-Ministerial Standing Committee, 2 December 2024

LJC(6)-36-24 – Paper 13 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Interministerial Group on Net Zero, Energy and Climate Change, 4 December 2024

LJC(6)-36-24 – Paper 14 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Interministerial Group on Net Zero, Energy and Climate Change, 4 December 2024

6 Papers to note

(15.40 – 15.45)

6.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: UK Emissions Trading Scheme

(Pages 44 – 45)

Attached Documents:

LJC(6)-36-24 – Paper 15 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 29 November 2024

6.2 Written Statement by the Cabinet Secretary for Housing and Local Government: The Leasehold and Freehold Reform Act 2024

(Page 46)

Attached Documents:

LJC(6)-36-24 – Paper 16 – Written Statement by the Cabinet Secretary for Housing and Local Government, 2 December 2024

6.3 Correspondence with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Sea Fisheries (Amendment) (No. 2) Regulations 2024

(Pages 47 – 48)

Attached Documents:

LJC(6)-36-24 – Paper 17 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 5 December 2024

LJC(6)-36-24 – Paper 18 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 13 November 2024

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

(15.45)

Private meeting

(15.45 – 16.45)

8 Scrutiny session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery: Consideration of evidence

(15.45 – 16.05)

9 Legislation (Procedure, Publication and Repeals) (Wales) Bill: Consideration of evidence

(16.05 – 16.15)

10 Supplementary Legislative Consent Memoranda on the Water (Special Measures) Bill

(16.15 – 16.30)

(Pages 49 – 65)

Attached Documents:

LJC(6)-36-24 – Paper 19 – Legal Advice Note

LJC(6)-36-24 – Paper 20 – Supplementary Legal Advice Note

11 Update on HM Prison Parc

(16.30 – 16.35)

(Page 66)

Attached Documents:

LJC(6)-36-24 – Paper 21 – Draft letter

12 Forward Work Programme

(16.35 – 16.45)

(Pages 67 – 71)

Attached Documents:

LJC(6)-36-24 – Paper 22 – Forward Work Programme

Document is Restricted

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

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

4th December 2024

Dear Mike,

The Welsh Government's Principles on UK Legislation in devolved areas

I am writing to provide you with a refreshed version of the Welsh Government's Principles on UK Legislation in devolved areas, the previous version of which was published in 2021.

Our starting principle remains that primary legislation in devolved areas should be enacted by the Senedd. This refreshed version of the principles goes further, however, and expressly reflects the same position for UK secondary legislation for the first time: legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence.

I believe that articulating a single, streamlined approach to all UK legislation – primary and secondary – will support consistency and transparency.

The principles continue to recognise that there are circumstances where UK legislation might appropriately include provision for Wales in devolved areas with the consent of the Senedd, or with the consent of the Welsh Ministers in the case of subordinate legislation. This principle has been amended to add clarity to when the Welsh Government would potentially support UK legislation in devolved areas, with other amendments including:

- Clarifying our position on the time frame considerations which may be relevant;
- Strengthening our position that UK legislation should not introduce new reservations or *constraints* on the devolution settlement;
- Reflecting that the governance of cross-border bodies should provide a meaningful role for the Welsh Government which safeguards devolution and democratic accountability.

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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.

We intend to publish these refreshed principles under a Written Statement, but I wanted to take the opportunity to share these with you directly given your Committee's specific interest in this area, and in advance of our rescheduled general scrutiny session on 9 December.

I am copying this letter to the Llywydd and the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip.

Yours sincerely,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

The Welsh Government's Principles on UK Legislation in devolved areas

1. We follow the principle that **primary legislation** in devolved areas should be enacted by the Senedd; and that **subordinate legislation** in devolved areas should be enacted by the Welsh Ministers where there is executive competence.
2. However, there may be situations in which it is in the best interests of Wales for provisions which would be within the Senedd's legislative competence to be included in UK Parliament Bills, with the consent of the Senedd. There may also be situations in which it is in the best interests of Wales for UK Government Ministers to make secondary legislative provision which would be within Welsh Ministers' executive competence, with the consent of the Welsh Ministers.
3. Examples of relevant situations might include:
 - when the UK Government's legislative proposal would also be appropriate for Welsh circumstances but where Welsh-made provision could not otherwise be delivered within a suitable time frame;
 - where the interconnected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for provision for both to be taken forward at the same time in the same legislative instrument;
 - where the devolved provisions in question are minor or technical and non-contentious;
 - where the UK legislation covers both devolved and reserved matters and UK legislation enables policy objectives to be most effectively achieved.
4. The following will form part of the Welsh Government's consideration on whether to recommend consent to UK Bills:
 - Delegated powers, including Henry VIII powers, in UK Bills in devolved areas should be conferred on the Welsh Ministers alone.
 - UK Bills should not create concurrent powers.
 - If, in exceptional cases, Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms and associated 'carve outs' from the Government of Wales Act 2006, such that no consent is required for the Senedd to remove the powers in future.
 - UK Parliament Bills should either protect or enhance the existing devolution settlement, rather than introducing new constraints or reservations.
 - UK Government Ministers must confirm in writing how they will meet new costs falling to the Welsh Government or devolved Welsh authorities.
 - Any new cross-border body with functions which relate to devolved matters should have governance arrangements (underpinned appropriately in legislation) that provide the Welsh Government with a meaningful role and safeguards which reflect the devolved policy context and democratic accountability.
 - Non-legislative intergovernmental agreements, such as Memorandums of Understanding and despatch commitments, accompanying Bills should be

avoided as they only bind the current UK Government to an extent, and they do not bind future UK Governments.

Agenda Item 4.1

SL(6)550 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

Background and Purpose

These Regulations implement, in relation to Wales, provisions relating to the mutual recognition of professional qualifications contained in an agreement with Switzerland signed by the UK Government in June 2023 (“the **Swiss Agreement**”).

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 (“the **2023 Regulations**”) implemented, in relation to Wales, provisions relating to the mutual recognition of professional qualifications contained in a free trade agreement with Iceland, Liechtenstein and Norway signed by the UK Government in July 2021.

These Regulations amend the 2023 Regulations to extend their application to Switzerland, amend other legislation for the purpose of implementing the Swiss Agreement and correct minor errors in the 2023 Regulations.

Procedure

Negative.

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

Technical Scrutiny

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.

These Regulations amend Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and the Ozone-Depleting Substances Regulations 2015, both of which extend and apply beyond England and Wales to Great Britain and Northern Ireland.



The Welsh Government is therefore asked to explain why these Regulations do not contain provision confirming the territorial application of those amendments, given that the amendments made by these Regulations may only extend to England and Wales (and apply in relation to Wales).

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 Explanatory Memorandum to these Regulations notes that:

“Under the terms of the Swiss Agreement, each party must have measures in place to ensure compliance with its terms by 1 January 2025. [These]...Regulations will therefore come into force on 1 January 2025 to ensure the Welsh regulators have a clear statutory duty to comply with the requirements of the Swiss Agreement from that date.”

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

3 December 2024



Jack Sargeant AS/MS
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol
Minister for Culture, Skills and Social Partnership



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS
Chair of Legislation, Justice and
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Paul Davies MS
Chair of Economy, Trade and Rural Affairs
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20 November 2024

Dear Mike, Paul

I am writing to bring to the Committee's attention the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024 ("the Wales 2024 Regulations") which have today been laid before the Senedd.

The Wales 2024 Regulations are being made using the powers in the Professional Qualifications Act 2022.

In June 2023, the UK and Switzerland signed the UK-Switzerland Agreement on Recognition of Professional Qualifications ("the Swiss Agreement") regarding the arrangements for recognition of professional qualifications between both countries. The Swiss Agreement must be implemented by both parties by 1 January 2025.

The Wales 2024 Regulations amend the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 (S.I. 2023/1294 (W. 230)) ("the Wales 2023 Regulations") to extend the application of the Wales 2023 Regulations to the Swiss Confederation and amend the Wales 2023 Regulations for the purpose of, and in connection with, implementing the Swiss Agreement in relation to the Welsh regulators.

The Wales 2024 Regulations also contain provisions to correct minor errors in the Wales 2023 Regulations

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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.

I attach a copy of the Explanatory Memorandum which gives more detail about the Wales 2024 Regulations.

Yours sincerely

A handwritten signature in black ink that reads "JACK SARGEANT". The signature is written in a cursive style with a large, sweeping initial 'J'. A horizontal line is drawn underneath the signature, extending from the start of the 'J' to the end of the name.

Jack Sargeant AS/MS

Minister for Culture, Skills and Social Partnership

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

Explanatory Memorandum to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

This Explanatory Memorandum has been prepared by officials in Social Partnership, Employability and Fair Work and is laid before Senedd Cymru in conjunction with the above subordinate legislation in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024. I am satisfied that the benefits justify the likely costs.

Jack Sargeant MS
Minister for Culture, Skills and Social Partnership

20 November 2024

PART 1

1. Description

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024 (“the Wales 2024 Regulations”) implement provisions relating to the recognition of professional qualifications contained in the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications (“the Swiss Agreement”) in relation to matters devolved to Wales.

The Wales 2024 Regulations amend the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 (S.I. 2023/1294 (W. 230)) (“the Wales 2023 Regulations”) to extend the application of the 2023 Wales Regulations to the Swiss Confederation and amend the 2023 Wales Regulations for the purpose of, and in connection with, implementing the Swiss Agreement in relation to the Welsh regulators. The Wales 2024 Regulations also contain provisions to correct minor errors in the Wales 2023 Regulations

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

Under the terms of the Swiss Agreement, each party must have measures in place to ensure compliance with its terms by 1 January 2025. The Wales 2024 Regulations will therefore come into force on 1 January 2025 to ensure the Welsh regulators have a clear statutory duty to comply with the requirements of the Swiss Agreement from that date.

The Wales 2024 Regulations also provide legal clarity to the Welsh regulators and associated professionals by ensuring Welsh sectoral legislation reflects the new arrangements for the recognition of Swiss qualifications in a timely manner.

3. Legislative background

Paragraph 10 (foreign affairs etc.) of Schedule 7A (reserved matters) to the Government of Wales Act 2006 provides that whilst international relations and the regulation of international trade is reserved, observing and implementing international obligations is not. The Welsh Ministers therefore have the legislative competence to implement international obligations in matters which are devolved.

The Professional Qualifications Act 2022 ended the interim system for recognition of professional qualifications that derived from the UK’s membership

of the EU and created a new framework for the recognition of overseas professional qualifications and experience in the UK, or a part of the UK.

Section 3(1) of the Professional Qualifications Act 2022 includes concurrent powers under which the appropriate national authority may by regulations make such provision as they consider appropriate for the purpose of, or in connection with, implementing any international recognition agreement to which the United Kingdom is a party. "Appropriate national authority" is defined as either the Secretary of State or the Lord Chancellor, or the Welsh Ministers in relation to regulations under the Act which contain only provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd. The Welsh Ministers opposed the inclusion of the concurrent powers in the Professional Qualifications Act 2022 as these enable the UK Government to legislate in subject areas devolved to Wales without having to secure the consent of the Senedd to do so.

In November 2023 the UK Government used their powers under the Professional Qualifications Act 2022 to lay the draft Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 ("UKG 2023 Regulations"). The UKG 2023 Regulations made provision to implement Chapter 12 of the European Economic Area European Free Trade Associate Free Trade Agreement (EEA EFTA FTA) which established a framework for recognition of professional qualifications gained in Norway, Iceland and Liechtenstein.

The draft UKG 2023 Regulations extended to England and Wales (as well as Scotland and Northern Ireland), not only for professions where regulation is reserved for the UK Government, but also for professions where regulation is devolved to the Welsh Ministers. The Welsh Ministers opposed this approach and therefore exercised their powers under the Professional Qualifications Act 2022 to legislate in relation to professions whose regulation is devolved and make the Wales 2023 Regulations.

The Wales 2023 Regulations disapplied the UKG 2023 Regulations so far as they applied to Welsh regulators (as defined in the Wales 2023 Regulations) and made separate provision to implement the EEA EFTA FTA in Wales. The Wales 2023 Regulations also made amendments to existing Welsh sectoral legislation to reflect the implementation of the EEA EFTA FTA in Wales.

It is now necessary to amend the Wales 2023 Regulations so that its provisions also apply to Switzerland, as required by the terms of the Swiss Agreement. As a result, the Wales 2023 Regulations will apply to applications from professionals with Swiss qualifications as well as to those with qualifications from Norway, Liechtenstein and Iceland.

The Wales 2024 Regulations are being made under the negative resolution procedure as provided for by section 18 of the Professional Qualifications Act 2022.

4. Purpose and intended effect of the legislation

In June 2023, the UK Government and the Swiss Confederation signed the Swiss Agreement providing for the continued recognition of professional qualifications between both countries¹.

The Wales 2024 Regulations will require Welsh regulators to operate accessible routes to recognition, as prescribed under the Swiss Agreement, for Swiss-qualified professionals to practise their profession in Wales. Similar recognition arrangements are already in place for professionals holding qualifications from Norway, Iceland and Lichtenstein, pursuant to the EEA EFTA FTA.

As with the EEA EFTA FTA, the Swiss Agreement requires the Welsh regulators to recognise the professional qualifications of applicants from Swiss Confederation where those qualifications are comparable to the qualifications required to access and pursue the same profession in Wales or any other part of the UK. The Swiss Agreement also sets out the way in which applications for recognition of qualifications must be handled and requires the Welsh regulators to offer adaptation periods and aptitude tests where necessary.

The Wales Regulations apply only to the Welsh regulators responsible for regulating in Wales the professions listed in Schedule 1 to the Wales 2023 Regulations. The regulators are the Welsh Ministers, Education Workforce Council, Social Care Wales, the Food Standards Agency and the Animal Plant and Health Agency.

5. Consultation

Section 15 of the Professional Qualifications Act 2022 requires the appropriate national authority, when making regulations under section 3 of the Act, to consult regulators likely to be affected by the regulations, or where it is otherwise appropriate to consult them. The Welsh Government held a targeted consultation on the draft Wales 2024 Regulations with each of the Welsh regulators in September 2024.

Following consideration of the consultation responses, no amendments were considered necessary to be made to the draft Wales 2024 Regulations.

As the consultation was targeted to the specific group of Welsh regulators, the consultation documents were not published, but a copy of the consultation and summary of the responses are available on request, by emailing EmployabilityAndSkillsPolicy@gov.wales

¹ On 25 February 2019, the Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Citizens' Rights was agreed ("the CRA"). The CRA contains provisions on the mutual recognition of professional qualifications which apply to UK and Swiss nationals. However, these arrangements expire on 31 December 2024.

6. Regulatory Impact Assessment (RIA)

Two options have been considered in this assessment:

Option 1. Do nothing

The Swiss Agreement requires regulators in Wales and the rest of the UK to have processes in place UK by 1 January 2025 to recognise Swiss qualifications or experience should a professional apply to practice a profession regulated by law in the. The Swiss Agreement does not specify that those processes must be implemented by way of legislation.

Under this option, no legislation would be made to place the Welsh regulators under a clear statutory duty to recognise professional qualifications as required under the Swiss Agreement. Instead, each Welsh regulator would have individual responsibility for ensuring they have appropriate measures in place to meet the requirements of the Swiss Agreement.

This would risk an inconsistency of approach amongst the Welsh regulators. There could also be confusion amongst professional applicants and regulators, particularly those who operate in both England and Wales, if there was a statutory approach taken in England and a non-statutory approach in Wales. A failure to provide a clear statutory duty for Welsh regulators to follow in relation to the recognition of professional qualifications may also increase the risk of a Welsh regulator inadvertently acting in breach of the terms of the Swiss Agreement. Also, if the Welsh Ministers decided not to legislate in relation to Wales, the UK Government may decide to use the concurrent powers in the Professional Qualifications Act 2022 to implement the Swiss Agreement in areas which are devolved.

Option 2. Lay Welsh legislation to ensure clear and consistent compliance with the terms of the Swiss Agreement in devolved areas. This is the preferred option.

The Wales 2024 Regulations ensure that the Welsh regulators understand that they have a statutory duty to meet their obligations under the Swiss Agreement. The Wales 2024 Regulations provide consistency and clarity for both regulators who operate in England as well as Wales, and for professionals holding Swiss qualifications or experience when applying to practice regulated professions in different parts of the UK.

Costs and benefits

The Welsh regulators will be under a duty to comply with the terms of the Swiss Agreement from 1 January 2025, even if no legislation is made to expressly implement these requirements into domestic law.

There are no direct costs to businesses, charities or voluntary bodies as a result of these measures under either option 1 or option 2. The costs incurred

under either option would be administrative costs which fall on the Welsh regulators, who may need to adjust their current recognition processes to meet the requirements of the Swiss Agreement. However, as the Welsh regulators are already required to have routes in place to recognise professional qualifications awarded in Norway, Iceland and Lichtenstein, extending those processes for holders of Swiss qualifications is anticipated to incur limited additional costs.

There is potentially a limited administrative cost to Welsh regulators associated with complying with the requirements in the Swiss Agreement to offer compensatory measures to an applicant with professional qualifications obtained in Switzerland where there is a substantial difference between the applicant's professional qualifications and the essential knowledge or skills required to practise the Welsh regulated profession, or the Welsh regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications. The regulator may offer an aptitude test or require the professional to complete an adaption period.

The best estimate of this potential cost is around £500 per applicant. However, between 2015 and 2024 the Welsh regulators did not receive any applications for the recognition of professional qualifications obtained in Switzerland and they do not expect there to be an increase in the number of applicants seeking to join the professions they are responsible for regulating as a result of the Wales 2024 Regulations. Therefore, the Welsh regulators may never ultimately incur the administrative costs associated with the requirement to offer compensatory measures where necessary.

There is an indirect risk of costs being incurred by the public sector under option 1 if any Welsh regulator failed to meet their duties under the Swiss Agreement and infraction proceedings were brought against the UK. It is considered that the risk of such proceedings is reduced if the Welsh regulators have clear statutory provisions to follow, as is the case with option 2.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024
DATE	20 November 2024
BY	Jack Sargeant MS, Minister for Culture, Skills and Social Partnership

Members of the Senedd will wish to be aware of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024 (“the Wales 2024 Regulations”) I am laying before the Senedd.

In June 2023, the UK and Switzerland signed an [Agreement](#) regarding the recognition of professional qualifications between both countries. The Agreement must be implemented by 1 January 2025.

The Wales 2024 Regulations amend the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 (S.I. 2023/1294 (W. 230)) (“the Wales 2023 Regulations”) to extend the application of the Wales 2023 Regulations to the Swiss Confederation and amend the 2023 Wales Regulations for the purpose of, and in connection with, implementing the Swiss Agreement in relation to the Welsh regulators.

All professions regulated by law in Wales or any other part of the UK are in scope of the Agreement, and their regulators will be required to operate the system for recognition of professional qualifications as set out in the Agreement. This includes professions which are regulated at a devolved level, for example education and social care.

The Wales 2024 Regulations also contain provisions to correct minor errors in the Wales 2023 Regulations.

SL(6)552 – The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (No. 2) (Wales) Regulations 2024

Background and Purpose

These Regulations amend, in relation to Wales, Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries (EUR 2019/1793).

Regulation 2 makes provision to update the lists of high-risk food and feed of non-animal origin in Annexes 1 and 2 to EUR 2019/1793. Regulation 2(5) and (6), and Schedules 1 and 2, substitute those Annexes. The substitution of Annex 1 is made using powers in Articles 47(2)(b) and 54(4)(a) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (EUR 2017/625). The substitution of Annex 2 is made using powers in Article 53 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (EUR 2002/178) and Article 54(4)(b) of EUR 2017/625.

Regulation 2(3) amends EUR 2019/1793 (using powers in Article 34(6) of EUR 2017/625) to make provision in relation to sampling and analysis for the hazard pentachlorophenol and dioxins in guar gum listed in Annex 1 (as substituted by these Regulations). Regulation 2(2) and (4) makes consequential amendments to EUR 2019/1793 following the removal of the entry in Annex 2 for guar gum (by these Regulations).

Regulation 3 makes consequential amendments to the Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2024, to remove earlier amendments to EUR 2019/1793 that are superseded by the amendments made by these Regulations.

Procedure

Negative

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



Technical Scrutiny

The following point is 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 2(3), there is a difference between the English and Welsh text. In the English text, the location of the text for amendment is identified as "In Article 3(d)...". But in the Welsh text, it states that the text is "In Article 3(b)..." ("*Yn Erthygl 3(b)...*").

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.

Legal Advisers

Legislation, Justice and Constitution Committee

4 December 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

Ein cyf/Our ref: HIDCC/PO/0362/24

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

2 December 2024

Dear Mike,

In accordance with the inter-institutional relations agreement, I wanted to report on the latest meeting of the Inter-Ministerial Group for Environment, Food and Rural Affairs on 18 November 2024 which I attended.

The meeting was chaired by Jim Fairlie MSP, Minister for Agriculture and Connectivity.

The meeting was also attended by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands, Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs, and Daniel Zeichner MP, Minister for Food Security and Rural Affairs. I have issued a Written Ministerial Statement summarising the discussions.

The next meeting will take place on 27 January 2025.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs committee.

Yours sincerely,



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

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **18 November 2024 Inter-Ministerial Group for Environment, Food and Rural Affairs**

DATE **02 December 2024**

BY **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

In accordance with the inter-institutional relations agreement, I can report to Members I attended the latest meeting of the Inter-Ministerial Group for Environment, Food and Rural Affairs on 16 September 2024.

The meeting was chaired by Jim Fairlie MSP, Minister for Agriculture and Connectivity. The meeting was also attended by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands, Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs, and Daniel Zeichner MP, Minister for Food Security and Rural Affairs.

The Group discussed the UK Budget and funding allocations. I reiterated the importance of supporting our agriculture sector to deliver sustainable food production as well as our climate and nature ambitions. In relation to the changes made to Inheritance Tax and Agricultural Property Relief, I urged UK Government to directly engage with Welsh farming unions and take into consideration their data and concerns.

With the addition of an item on TB, we agreed the joint work programme for enhanced collaboration for the upcoming year. This programme had been developed jointly by the four nations.

The Group discussed the importance of collaboration and the sharing of information on any UK discussions with the EU regarding a possible Sanitary/Phytosanitary (SPS) agreement. I made the point that we need clarity on the implementation of the Border Target Operating Model (BTOM) and Windsor Framework in light of the proposed SPS agreement. I also welcomed the forthcoming meeting with Baroness Hayman to discuss a number of outstanding issues on border controls.

We then discussed labour shortages in the environment, food, and rural affairs sectors, the Groceries Code Adjudicator, neonicotinoid pesticides, sale of horticultural peat and progress on applications for UK geographical indications.

A communique regarding this meeting will be published on the UK Government website at <https://www.gov.uk/government/publications/communique-from-the-inter-ministerial-group-for-environment-food-and-rural-affairs>.

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

Our ref - DC/HIDCC/10589/24

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

2 December 2024

I am writing in accordance with the inter-institutional relations agreement to notify you of the sixth meeting of the Inter-Ministerial Standing Committee (IMSC), which will take place on 3 December 2024.

The Standing Committee will be chaired by UK Government's Chancellor of the Duchy of Lancaster, the Rt Hon Pat McFadden MP. I will represent the Welsh Government at the meeting. This will be the first meeting of the IMSC since the general election held in July and will be held virtually. I anticipate the discussion will focus on the Covid-19 Inquiry Module 1 report, Common Frameworks, the UK Internal Market Act and the Sewel Convention.

I have copied this letter to the First Minister, the Rt Hon Eluned Morgan MS, Cabinet Secretary for Finance and Welsh Language, the Rt Hon Mark Drakeford MS, Cabinet Secretary for Economy, Energy and Planning, Rebecca Evans MS, and to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Health and Social Care Committee.

I will provide an update after the meeting.

Yours sincerely,

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

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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: HIDCC/PO/0363/24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee

4 December 2024

Dear Mike, Llŷr,

I am writing further to my letter of 11 October 2024, and in accordance with the inter-institutional relations agreement, to report on the meeting of the Interministerial Group on Net Zero, Energy and Climate Change.

The meeting was chaired by the Rt. Hon. Ed Miliband MP, Secretary of State for Energy Security and Net Zero. The meeting was also attended by Michael Shanks MP, Minister for Energy, Department for Energy Security and Net Zero; Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy; Dr Alasdair Allan MSP, Acting Minister for Climate Action; Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs; and Conor Murphy MLA, Minister for the Economy.

I have issued a Written Statement summarising the discussions. It has been agreed that Northern Ireland will chair the next meeting in Belfast. We are aiming to meet in December, but I will share the exact date of that and subsequent meetings with you as soon as they are confirmed.

Yours sincerely,

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

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Interministerial Group on Net Zero, Energy and Climate Change,
17 October 2024

DATE 04 December 2024

BY Huw Irranca-Davies MS, Deputy First Minister and Cabinet
Secretary for Climate Change & Rural Affairs

In accordance with the inter-institutional relations agreement, I can report to Members that I attended the Interministerial Group on Net Zero, Energy and Climate Change, on 17 October 2024 in hybrid format. The meeting was chaired by the Rt Hon Ed Miliband MP, Secretary of State for Energy Security and Net Zero.

The meeting also was attended by Michael Shanks MP, Minister for Energy, Department for Energy Security and Net Zero; Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy; Dr Alasdair Allan MSP, Acting Minister for Climate Action; Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs; and Conor Murphy MLA, Minister for the Economy.

The meeting addressed three main topics: meeting our Net Zero ambitions; decarbonising the power sector – opportunities and challenges; and future collaboration and engagement. The meeting signalled a reset in relations between the UK and Devolved Governments, which was warmly welcomed. We all expressed our strong desire for collaboration across the UK on this important agenda, and for the opportunity to show leadership internationally.

In the discussion that followed, I emphasised the role of the UK Government in helping Wales meet our statutory climate targets, noting that 60% of Wales's emissions come from sectors for which policies are reserved to the UK Government. I stressed the need for a CCUS shipping model and a Barnett consequential for rail funding. There was also a discussion around grid capacity, and I emphasised our appetite to make the most of the synergies between Trydan Gwyrdd Cymru and Great British Energy. I raised the importance of our local area energy planning and how communities that host new infrastructure can benefit.

Northern Ireland will chair the next meeting in Belfast.

The communiqué from the meeting has been published on GOV.UK:
<https://www.gov.uk/government/publications/interministerial-group-for-net-zero-energy-and-climate-change-communique-17-october-2024>.

Agenda Item 6.1

Huw Irranca-Davies MS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros New
Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HIDCC/PO/0354/24

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

29 November 2024

Dear Mike,

I am writing to inform you the UK Emission Trading Scheme (ETS) Authority (comprising of the Welsh Government, the UK Government, the Scottish Government, and the Northern Ireland Executive), has published two consultations on the expansion of the UK ETS. The first concerns the expansion of the scheme to include the domestic maritime sector, and the second provides further detail on proposals to recognise non-pipeline transport (NPT) methods, i.e. shipping, road or rail for moving captured carbon into geological storage. Additionally, an initial Authority Response is being published regarding the free allocation treatment and definition of permanent cessations of activity in the scheme.

In July 2023 the Authority confirmed its intention to bring domestic maritime into the scheme from 2026. This will begin with a ship threshold of 5000GT, although there is a commitment to reassess this threshold by 2026. The consultation provides further details on how this expansion will be implemented, giving clarity to drive investment in decarbonisation.

The consultation on NPT follows the Authority's announcement, also last July, that it intends to recognise NPT methods of CO₂ transport. Recognising this within the UK ETS will ensure that operators transporting CO₂ for storage can deduct the amount they send to storage from their reportable emissions, providing economic support for industrial sites without access to pipelines. This is particularly crucial for industry in Wales without suitable storage options such as the South Wales Industrial Cluster. This consultation aims to provide more detail and consult on the regulatory framework required to recognise and implement NPT in the ETS.

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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 Greenhouse Gas Emissions Trading Scheme Order 2020, so the Senedd along with other UK Parliaments will have the opportunity to scrutinise plans once they are finalised.

The initial Authority Response follows proposals to make two technical changes to free allocation rules within the Free Allocation Review consultation released in December 2023. One is to the treatment of permanent cessations and the other is to clarify the definition of a permanent cessation. Free allocations are allowances provided for free to industries with global competitors from countries with less ambitious climate policies. Free allocations are currently the primary policy lever in mitigating carbon leakage.

Under current rules, when permanent cessation of an activity occurs, operators keep free allocations they were entitled to during the final year in which they operated. However, free allocation levels are calculated based on average activity levels within the 5 years prior. These rules can therefore lead to some operators receiving more allowances in their final year than required to mitigate carbon leakage, and in some cases in excess of their reported emissions. The new rules will alter this so that the level of allowances given in the final year of operation would be based on actual activity levels for that final year. An exception to the new rule will be in place for when cessation of an activity occurs for the purposes of decarbonisation e.g., installation of new technology. Participants closing for decarbonisation will therefore be able to retain the full entitlement of free allocation, subject to sufficient evidence being provided. This is in line with maintaining the scheme's incentive to decarbonise. These rule changes will require changes to the legislation, which will be taken in the Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2025. This is currently aimed to be laid in the Senedd in December 2024, with the in-force date in February 2025.

The UK ETS continues to be a highly important policy lever in Wales, providing a vital investment signal in the decarbonisation required to meet our Net Zero goals. The information collected in these consultations will play a crucial role in shaping the expansion of the scheme, ultimately increasing the greenhouse gas emissions included under its emissions cap. Making the changes to free allocation rules will also improve equity and targeting of free allocation in the scheme, ensuring it can be used for participants who need it most. I expect to write again regarding the outcome of the consultations and further policy proposals in the coming months. I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



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 & Rural Affairs



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Implementation of Leasehold and Freehold Reform Act 2024: Consultation on permitted insurance fees for landlords, freeholders and property managing agents
DATE	02 December 2024
BY	Jayne Bryant MS, Cabinet Secretary for Housing and Local Government

We have today launched a joint consultation with UK Government on how powers should be exercised to address the use of commissions in the arrangement of buildings insurance for multi occupied buildings, paid for by leaseholders. This consultation forms part of the implementation of the Leasehold and Freehold Reform Act 2024, and it can be accessed [here](#).

The Leasehold and Freehold Reform Act 2024 includes powers to address concerns that some leaseholders are being charged costs for the arranging of insurance by their landlords, freeholders or property managing agents that are opaque and not justified. This consultation puts forward proposals to address this issue to ensure that any such costs are fair and transparent. This joint approach is in line with the approach taken in developing the Act itself.

The consultation is open for a 12-week period and will run until 24 February 2025. I would like to encourage interested leaseholders and other stakeholders to take the time to engage with these important proposals.

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

Ein cyf/Our ref: HIDCC/PO/0356/24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

5 December 2024

Dear Mike,

Thank you for your letter of 13 November regarding the above Regulations and for sharing the Committee's views following its meeting on 4 November 2024.

I note your request for additional information to be provided to the Senedd, specifically in instances where the Welsh Government grants consent for the UK Government to exercise delegated legislative powers in a devolved area that require changes to assimilated law. I appreciate the importance of transparency in these matters, as reflected in the Inter-Institutional Relations Agreement (IIRA), and value the Committee's feedback.

Going forward, I can confirm that Written Statements published under the IIRA, when a UK Statutory Instrument is laid before the UK Parliament, will indicate the assimilated law we are aware will be amended. This will be presented as a concise sentence in the Written Statement.

Yours sincerely,



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

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Huw Irranca-Davies MS

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

13 November 2024

Dear Huw,

The Sea Fisheries (Amendment) (No. 2) Regulations 2024

At our meeting on 4 November 2024 we considered your written statement, dated 22 October 2024, which outlines your decision to give consent to the UK Government to make The Sea Fisheries (Amendment) (No. 2) Regulations 2024 which includes provision on matters devolved to Wales.

We noted that the Explanatory Memorandum to the Regulations acknowledges that the measures being introduced by the Regulations require amendments to assimilated law. This is not clear from the written statement.

We would be grateful if such relevant information and clarity could be included in any information, statement or otherwise, provided to the Senedd when the Welsh Ministers are giving consent to UK Ministers to act in devolved areas.

I am copying this letter to Eluned Morgan MS, First Minister of Wales, and Julie James MS, Counsel General and Minister for Delivery.

Yours sincerely,



Mike Hedges

Chair

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Agenda Item 11

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

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