

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee Room 2, Senedd and Video Conference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 6 January 2025	0300 200 6565
Meeting time: 13.30	SeneddLJC@senedd.wales

Hybrid

Public meeting

(13.30 – 15.00)

1 Introduction, apologies, substitutions and declarations of interest
(13.30)

2 Legislation (Procedure, Publication and Repeals) (Wales) Bill:
Evidence session on procedural arrangements for subordinate
legislation
(13.30 – 14.30) (Pages 1 – 8)
[Legislation \(Procedure, Publication and Repeals\) \(Wales\) Bill](#), as introduced
[Explanatory Memorandum](#)

Dr Ruth Fox, Hansard Society

Dr Adam Tucker, University of Liverpool

Attached Documents:

LJC(6)-01-25 – Paper 1 – Research Brief

Break

(14.30 – 14.35)



3 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

(14.35 – 14.40)

(Pages 9 – 16)

Attached Documents:

LJC(6)–01–25 – Paper 2 – Draft report

LJC(6)–01–25 – Paper 3 – Letter from the Cabinet Secretary for Housing and Local Government, 3 December 2024

Affirmative Resolution Instruments

3.1 SL(6)558 – The Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025

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

(14.40 – 14.45)

Made Negative Resolution Instruments

4.1 SL(6)554 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024

(Pages 17 – 20)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–01–25 – Paper 4 – Draft report

4.2 SL(6)555 – The Historic Environment (Miscellaneous Amendments) (Wales) Regulations 2024

(Pages 21 – 22)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 5 – Draft report

4.3 SL(6)556 – The Developments of National Significance (Wales) (Amendment) Regulations 2024

(Pages 23 – 24)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 6 – Draft report

4.4 SL(6)557 – The Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024

(Pages 25 – 27)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 7 – Draft report

4.5 SL(6)564 – The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024

(Pages 28 – 29)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 8 – Draft report

4.6 SL(6)565 – The Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024

(Pages 30 – 31)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 9 – Draft report

Affirmative Resolution Instruments

4.7 SL(6)559 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2025

(Pages 32 – 34)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 10 – Draft report

4.8 SL(6)562 – The Land Transaction Tax (Modification of Special Tax Sites Relief) (Wales) Regulations 2025

(Pages 35 – 41)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 11 – Draft report

LJC(6)-01-25 – Paper 12 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 10 December 2024

Made Affirmative Resolution Instruments

4.9 SL(6)563 – The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) (Amendment) Regulations 2024

(Pages 42 – 45)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-01-25 – Paper 13 – Draft report

LJC(6)-01-25 – Paper 14 – Letter from Welsh Government to the Llywydd, 10 December 2024

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

(14.45 – 14.50)

5.1 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 46 – 48)

Attached Documents:

LJC(6)–01–25 – Paper 15 – Report

LJC(6)–01–25 – Paper 16 – Welsh Government response

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

(Pages 49 – 55)

Attached Documents:

LJC(6)–01–25 – Paper 17 – Report

LJC(6)–01–25 – Paper 18 – Welsh Government response

6 Inter–Institutional Relations Agreement

(14.50 – 14.55)

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

(Pages 56 – 57)

Attached Documents:

LJC(6)–01–25 – Paper 19 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter–Ministerial Group on UK–EU relations, 17 December 2024

LJC(6)–01–25 – Paper 20 – Written Statement by the Cabinet Secretary for Economy, Energy and Planning: Inter–Ministerial Group on UK–EU Relations, 20 December 2024

**6.2 Correspondence from the Cabinet Secretary for Finance and Welsh Language:
The Public Procurement (Revocation) Regulations 2025**

(Page 58)

Attached Documents:

LJC(6)-01-25 – Paper 21 – Letter from the Cabinet Secretary for Finance and Welsh Language, 6 December 2024

**6.3 Correspondence from the Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs: The Official Controls (Plant Health) and
Phytosanitary Conditions (Amendment) Regulations 2025**

(Pages 59 – 61)

Attached Documents:

LJC(6)-01-25 – Paper 22 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 23 December 2024

7 Papers to note

(14.55 – 15.00)

**7.1 Correspondence from the Cabinet Secretary for Transport and North Wales:
The Passenger Railway Services (Public Ownership) Bill**

(Pages 62 – 65)

Attached Documents:

LJC(6)-01-25 – Paper 23 – Letter from the Cabinet Secretary for Transport and North Wales, 9 December 2024

LJC(6)-01-25 – Paper 24 – Letter to the Cabinet Secretary for Transport and North Wales, 13 November 2024

7.2 Correspondence to HM Prison Parc

(Page 66)

Attached Documents:

LJC(6)-01-25 – Paper 25 – Letter to HM Prison Parc, 11 December 2024

7.3 Written Statement by the Counsel General and Minister for Delivery: The Welsh Government's Principles on UK Legislation in devolved areas

(Pages 67 – 72)

Attached Documents:

LJC(6)-01-25 – Paper 26 – Written Statement by the Counsel General and Minister for Delivery, 13 December 2024

LJC(6)-01-25 – Paper 27 – Letter to the Counsel General and Minister for Delivery, 17 December 2024

7.4 Correspondence from the Cabinet Secretary for Housing and Local Government: The Welsh Government's Legislative Consent Memorandum on the Renters' Rights Bill

(Pages 73 – 81)

Attached Documents:

LJC(6)-01-25 – Paper 28 – Letter from the Cabinet Secretary for Housing and Local Government, 16 December 2024

LJC(6)-01-25 – Paper 29 – Letter to the Cabinet Secretary for Housing and Local Government, 27 November 2024

7.5 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: UK Emissions Trading Scheme (ETS) Authority consultation

(Pages 82 – 83)

Attached Documents:

LJC(6)-01-25 – Paper 30 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 16 December 2024

7.6 Correspondence from the Minister for Children and Social Care to the Health and Social Care Committee: Health and Social Care (Wales) Bill

(Pages 84 – 88)

Attached Documents:

LJC(6)-01-25 – Paper 31 – Letter from the Minister for Children and Social Care to the Health and Social Care Committee, 17 December 2024

**7.7 Written Statement by the Minister for Further and Higher Education:
Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment)
Order 2024**

(Page 89)

Attached Documents:

LJC(6)-01-25 – Paper 32 – Written Statement by the Minister for Further and Higher Education, 20 December 2024

**7.8 Correspondence from the Equality and Social Justice Committee to the
Ministry of Justice and the Welsh Government: Invitation for joint-ministerial
general scrutiny session on criminal justice**

(Pages 90 – 91)

Attached Documents:

LJC(6)-01-25 – Paper 33 – Letter from the Equality and Social Justice Committee to the Ministry of Justice and the Welsh Government, 23 December 2024

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

(15.00)

Private meeting

(15.00 – 16.05)

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

(15.00 – 15.15)

**10 Legislative Consent Memorandum on the Renters' Rights Bill:
Consideration of draft report**

(15.15 – 15.45)

(Pages 92 – 135)

Attached Documents:

LJC(6)-01-25 – Paper 34 – Draft report

11 International Agreements

(15.45 – 16.00)

(Pages 136 – 145)

Attached Documents:

LJC(6)-01-25 – Paper 35 – Briefing

12 Written Statement by the UK Government: The Review of the United Kingdom Internal Market Act 2020

(16.00 – 16.05)

(Pages 146 – 147)

Attached Documents:

LJC(6)-01-25 – Paper 36 – Written Statement by the UK Government, 12 December 2024

Document is Restricted

Statutory Instruments with Clear Reports 06 January 2025

SL(6)558 – The Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025

Procedure: Affirmative

These Regulations allow three local authorities in Wales (Newport, Powys and Gwynedd) to undertake piloting activity around electoral registration without application.

Under the pilot scheme introduced by these Regulations, electors will be provided with a notice of registration that will inform them they have 60 days in which to notify their local authority:

- (a) if they do not wish to be automatically registered;
- (b) if they believe they are eligible to anonymously registered; or
- (c) if they believe they are not entitled to register.

This piloting activity must take place between the date on which these Regulations come into force and 30 September 2025.

Parent Act: Elections and Elected Bodies (Wales) Act 2024

Date Made:

Date Laid:

Coming into force date: 17 January 2025



Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru
Welsh Government

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

3 December 2024

Dear Mike,

I am writing to inform you that the Welsh Government has today laid the draft Representation of the People (Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025. These draft Regulations will allow piloting activity to take place around the registration of electors without application in four local authorities across Wales during 2025.

In addition to the draft Regulations and accompanying Explanatory Memorandum we are also sharing with you the guidance that has been prepared for the participating authorities. We believe that this guidance read in conjunction with the Explanatory Memorandum provides the most robust explanation of how the draft Regulations will work in practice and how the registration without application system will sit alongside the existing Individual Electoral Registration system.

Yours sincerely

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

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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.

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

Registration without Application – Pilots Scheme Regulations – Guidance

Summary

1. This note provides a summary guide to understanding the operation of the ‘electoral registration without applications’ pilot scheme as implemented by the *‘Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025’* (“the pilot regulations”).
2. The pilot regulations are made pursuant to sections 5(1), (4), (6), (6)(1) and 21 of the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”).
3. Section 5(4) of the 2024 Act allows provision to be made for the purposes of testing, in specified areas and for a specified period, how the changes brought in by Chapter 2 of Part 1 of the 2024 Act (Electoral Registration without Applications) and the subordinate legislation making powers exercisable under those provisions, will work in practice.
4. The pilot regulations operate by applying temporary modifications to the Representation of the People Act 1983 (“the 1983 Act”), which will have effect as if, during the specified pilot period, section 3 and subsections (1) to (6) and (8) of section 4 of the 2024 Act were in force.
5. Modifications are also applied to the Representation of the People (England and Wales) Regulations 2001 (“the 2001 Regulations”) to prescribe additional steps which electoral registration officers will be required to undertake in connection with the new registration duty.
6. Regulation 2 of the pilot regulations sets out the local authorities to which the pilot regulations apply, these are Gwynedd County Council, Newport City Council and Powys County Council.
7. References in this guidance to provisions in the 1983 Act and the 2001 regulations are references to provisions as modified by the 2024 Act and applied by the pilot regulations.

Pilot Objective

8. Regulation 5 specifies the objective of these pilot Regulations as required by section 6(1) of the 2024 Act. This is to test how the changes to the legislation work in practice with a view to identifying—

- necessary or desirable changes to the effect of the legislative provisions governing the pilot, and
- any recommendations for the administration of the legislation.

Duty to Register

9. Registration officers to whom the pilot regulations apply will be under a new duty in section 9ZA of the 1983 Act (as introduced by section 3(2) of the 2024 Act) to register eligible local government electors in Wales without the need for an application for registration being received. This will sit alongside and form part of the existing duty to maintain the register of electors under section 9 of the 1983 Act (as modified by section 4(2) of the 2024 Act).

10. Under section 9ZA(2) of the 1983 Act this duty will apply if:

- a registration officer is aware of a person's name and address,
- the person is not registered in the register of local government electors maintained by the officer, and
- the officer is satisfied that the person is entitled to be registered in that register.

11. However, under section 9ZA(5) of the 1983 Act, a registration officer will not be required to register such a person if:

- they have been informed in writing by the person that they do not wish to be registered in accordance with this duty,
- they have been notified by the person that the person wishes to make (or has made) an application for anonymous registration, or
- the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise).

12. If any of these circumstances arise then the current duties with respect to invitations to register and applications for anonymous registration will continue to apply as normal.

13. It is not necessary for a person to have actually made an application for anonymous registration for the duty to be paused, it is sufficient that a person has expressed that this is something that they would wish to do. Should a person subsequently communicate to the registration officer that they have changed

their mind on the matter and will not pursue an application then the duty would be re-activated.

14. Additionally, if a registration officer is unable to be satisfied of a person's entitlement to be registered having completed the specified steps with respect to identification and verification (outlined below) then the option of invitation to register will also continue to apply.

Identification of unregistered electors

15. In connection with the new duty to register persons without applications, registration officers will be required to undertake the steps the officer considers necessary to identify unregistered persons who may be entitled to be registered.

16. However, for the purpose of identifying unregistered persons, the officer must, a minimum of four times in a calendar year, inspect any records held by any person which the registration officer is permitted to inspect for the purposes of maintaining the register.

17. It is understood that this data search will generally consist of a search and comparison of the data currently available to the registration officer through their electoral management system ("EMS").

18. Registration officers may also undertake various other steps to identify unregistered electors including:

- Sending paper communications to the address of an unregistered person,
- visiting the address of an unregistered person,
- where the registration officer holds a telephone number for a person aged 18 or over, whom the registration officer believes are unregistered but entitled to be registered, the making of a telephone call to that person,
- Sending electronic communications to an unregistered person.

19. For the purposes of this duty the registration officer may rely on as many sources of data as they consider sufficient for the purposes of identifying an unregistered elector, though in most cases will be required to match identifying data from at least two. Common examples of such sources may include, **but are not limited to:**

- Council Tax records,
- Housing benefit records,

- Local authority education data,
- Council Housing data.

20. Where a registration officer may be aware of an unregistered person but cannot satisfy themselves as to the person's identity for the purposes of the electoral register through these steps and searches. Then they will not be able to complete any of the additional steps in connection with the new duty under 9ZA and may proceed instead down the Invitation to Register route as appropriate.

21. Before giving notice under section 9ZA(3), a registration officer must in most cases be able to locate 'matching data' from at least two sources.

22. For the purposes of these regulations, examples of relevant 'matching data' include:

- A person's full name;
- Where held by the registration officer a person's date of birth,
- The address, including postcode of the property at which a person is registered,
- Where held by the registration officer, the unique property reference number of the property at which a person is registered,
- any other information held by the registration officer which relates to a person's entry on the register.

23. The pilot regulations allow an exception to the need to find matching data from at least 2 sources and therefore to potentially be satisfied of a person's entitlement to be registered from a single data source in the event that the data source:

- Comes from any educational source relating to the person to be registered, and
- that information is sufficient to satisfy the registration officer as to the person's identity and entitlement to be registered.

24. The registration officer would have discretion with respect to any education data as to whether a data match with another source was still required.

25. Once a registration officer is satisfied following the identification and data comparison process, that a person they have identified is entitled to be registered in the register of local government electors then they must progress with the notice of registration in accordance with section 9ZA(3) of the 1983 Act.

Regulation 37B Processing of information provided or accessed in connection with registration under section 9ZA

26. This is a technical regulation with respect to the processing of data from original documents, which may or may not be required of a given person to be registered. This describes what actions should be taken should registration officers require any original documentation with respect to registration and restrictions on the use of that data.

Notice of Registration

27. Registration officers will be required to send a notice of registration to those whom they intend to register.

28. Once this notice is given the 'notice period' begins. This is a period of 60 days which must pass prior to the person being added to the register.

29. Various specifications as to what should be contained in the notice are provided for in section 9ZA(3) 1983 Act and regulation 37C of the 2001 regulations and these include:

- Informing the person of the registration officers duty to register the person at the end of the notice period,
- The exceptions to that duty, including a person's right to opt-out of registration without application or to apply for anonymous registration,
- The type of elections in which the person will be entitled to vote following registration under this section, and those they will not be entitled to vote in,
- A statement that any information collected or provided in accordance with the duty under section 9ZA has been processed in accordance with the data protection legislation,
- where the person is under the age of 16 an explanation of how the person's information will be held and used,
- a statement that, if the person to whom the notice is addressed is not entitled to be registered, they must, before the end of the notice period inform the registration officer of that fact,
- a request that any other person who receives the notice who is resident at the address to which the notice is addressed inform the registration officer if the addressee is not resident at that address,
- the date of the last day of the notice period, and

- the registration officers contact details.
30. The registration officer may add additional information if they choose to and have discretion as to the form of the notice. Though Welsh Ministers may in the future by regulations make further provisions to this effect.
31. Registration officers may during the notice period send reminders to the person to whom the notice applies.
32. A notice of registration may be sent to a person by post or by electronic means.
33. Regulation 37C(2) takes account of properties that would in the course of the annual canvass fall into route 3 and involve contact with a ‘responsible person’. The provision in this regulation allows the notice of registration to be sent to such a person, should a property of this kind be identified in the course of this duty.
34. At the end of the expiry of the 60-day notice period. If a person who received the notice has not decided to opt out or make an application to be anonymously registered and the registration officer remains satisfied that they are not on the register but entitled to be then the registration officer must add that person’s name to the local government register of electors.

Edited Register

35. For the purposes of the pilot scheme all those registered in accordance with section 9ZA of the 1983 Act will be omitted from the edited register of local government electors. Prior to the full roll out of registration without application, it is the intention as required by the 2024 Act to abolish the edited register of local government electors in Wales.

Evaluation of the Pilot Regulations

36. The Electoral Commission will conduct an evaluation of the pilot regulations in accordance with section 17(5)(a) of the 2024 Act. Regulation 6 of the pilot regulations specifies the date by which the Electoral Commission is required to give a copy of their report on the pilot scheme to the Welsh Ministers. As required by the 2024 Act, this report must be laid before the Senedd in advance of the full roll out of registration without application.

SL(6)554 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024

Background and Purpose

The purpose of the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024 (these Regulations) is to:

- Give legal effect to the Welsh Ministers' determination, in relation to Wales, of twenty-five feed additive applications in favour of authorisation and one amendment to the list of uses of feed intended for particular nutritional purposes for use in animal feed in Wales.
- Provide transitional arrangements to allow existing stocks of certain previously authorised feed additives to be depleted due to labelling changes and/or changes to conditions of authorisation as a result of provision made by these Regulations.

Corresponding legislation has been made in England and Scotland. The legislation will come into force across Great Britain on 20 December 2024.

Procedure

Negative.

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

Technical Scrutiny

The following 10 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In regulation 2(1), in the fourth line of the English text, it refers to "Regulation 767/2009", but in the corresponding place in the Welsh text it refers to "Regulation **(EC) No** 767/2009". In addition, it means that in the English text, it states at the beginning of that provision that



expressions used in "Regulation 767/2009" have the same meaning as in "Regulation (EC) No 767/2009" but the Welsh text consistently refers to the same legislation in both places.

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

In regulation 4(1) of the English text, in the title of Commission Implementing Regulation (EU) 2016/897, it states "and **amending Regulations** (EC) No 1444/2006, (EU) No 333/2010 and (EU) No 184/2011". This is because EUR 2016/897 amends the text of those other listed Regulations. Therefore, in the Welsh text, it should use a phrase such as "**ac sy'n diwygio Rheoliadau** (EC) Rhif 1444/2006, (EU) Rhif 333/2010 ac (EU) Rhif 184/2011". However, the phrase "**a Rheoliadau diwygio**" is used which incorrectly suggests to the reader that those listed Regulations are responsible for amending other legislation rather than being the subject of amendment by EUR 2016/897.

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

In regulations 13(4), 14(3) and 16(3) of the English text, it states "**immediately** before 20 December 2024", but in the Welsh text of those provisions there is no word or phrase to convey "immediately". In every other place, the phrase "yn union" is used to convey the meaning of "immediately" in the same context in the Welsh text, e.g., regulations 12(1) and (2), and 13(2), (3) and (5). Therefore, it also means that the Welsh text is inconsistent in this regard, suggesting that the meaning differs although the English text is identical on each occasion.

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

In the heading of regulation 15, should there also be a reference to the relevant identification number(s) as found in the headings of the other transitional provisions in these Regulations?

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

In Schedule 8, in the table, in the second column of the entry for "Other provisions", there is a difference between the English and Welsh text. In the English text, in point 4, in the first bullet point for the words that must be stated "In English", in the final line, it states "level of essential trace elements". But in the Welsh text, in the corresponding bullet point for the words that must be stated "In English", the word "of" is missing so that it states, "level essential trace elements". This is important as these are the prescribed form of words that must be stated on the labelling of the additive and premixture referred to.

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



In Schedule 11, in the words above the table of the English text, it states that the additive category is “technological additives”, but the meaning given by the Welsh text is “technical additives”. In addition, this also means that in the Welsh text the additive category noted above the table is different from that noted in the second column for the entry “Additive category”.

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

In Schedules 12 and 13, in the tables, in the entry for “Other provisions”, in the second column, in point 2, there is an inconsistency in the Welsh text. In the English text, it states “The additive may be used via water” but the meaning of “**may**” has been expressed differently in the Welsh text of both Schedules. In Schedule 12, the Welsh text expresses “may” as meaning “is allowed to do so/ has legal discretion to do so” (“caniateir”) but in Schedule 13 it is expressed as meaning a future possibility “is possible to do so” (“gallu”). The Welsh text should be consistent as the context is the same in both places and there does not appear to be any difference in meaning in the English text of both Schedules.

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

In Schedule 16, in the entry for “Characterisation of the active substance” in the second column of the table, the English text states “with the following components”, and in the Welsh text the word “elfennau” is used to convey the meaning of “components”. Elsewhere in the tables found in the Schedules, the word “cydrannau” has been used to express the meaning of “components”, e.g. Schedules 8, 9 and 17. Therefore, it is inconsistent with the Welsh text of the other tables in the Schedules. In addition, “elfennau” has already been used to express the meaning of “elements” in the scientific term “trace elements” in the Schedules. Therefore, the use of “elfennau” in Schedule 16 may also suggest to the reader of the Welsh text that it is referring to “elements” rather than “components”.

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

In Schedule 21 of the English text, it notes “Commission Regulation (EU) No 349/2010...” as the fourth entry for revocation, but in the Welsh text the meaning given is “Commission **Implementing** Regulation (EU) No 349/2010...”.

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

In Schedule 21 of the English text, it notes “Commission Implementing Regulation (EU) No 98/2012” as the eighth entry for revocation. In the title of the Regulation, it refers to “**weaned piglets, pigs for fattening** and sows” but the meaning given by the Welsh text is “**piglets for fattening** and sows”.



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 to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

18 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 20**

Legislation, Justice and Constitution Committee

SL(6)555 – The Historic Environment (Miscellaneous Amendments) (Wales) Regulations 2024

Background and Purpose

These Regulations make minor amendments which correct errors, or clarify provision made, in the following three instruments that implement the Historic Environment (Wales) Act 2023:

- the Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024,
- the Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024,
- the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024.

For example, these Regulations:

- provide clarity by pinpointing precisely where certain amendments should be inserted,
- ensure consistency between the meaning of English and Welsh texts,
- improve the drafting structure of certain provisions in order to provide greater clarity.

Procedure

Negative

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

Technical Scrutiny

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

Merits Scrutiny

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

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



These regulations are made in response to errors identified in, and clarifications required by, this committee's reports on:

- the Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024,
- the Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024,
- the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

12 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 22**

Legislation, Justice and Constitution Committee

SL(6)556 – The Developments of National Significance (Wales) (Amendment) Regulations 2024

Background and Purpose

Section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”) provides that applications for planning permission for a development of national significance are to be made to the Welsh Ministers instead of to the local planning authority.

Paragraph 1 of Schedule 4D to the 1990 Act provides that, unless a direction is given otherwise under paragraph 9, specified functions of the Welsh Ministers in respect of an application (or a proposed application) for planning permission for a development of national significance are to be exercised by a person appointed to do so on their behalf.

The specified functions are prescribed in the Developments of National Significance (Wales) Regulations 2016 (“the 2016 Regulations”). In particular, regulation 11A of the 2016 Regulations prescribes specified functions in respect of the determination of applications for the installation of overhead electric lines.

The Developments of National Significance (Wales) (Amendment) Regulations 2024 (“the Regulations”) amend regulation 11A of the 2016 Regulations so that the functions prescribed in that regulation are also exercised by an appointed person in relation to the determination of applications for the construction, alteration or extension of electricity generating stations, where the installed generating capacity, or the increase in installed generating capacity, is expected to be below 50 megawatts.

The Regulations also make consequential and transitional provision.

Procedure

Negative

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

Technical Scrutiny

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

Merits Scrutiny

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



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

These Regulations are linked to [the Developments of National Significance \(Fees\) \(Wales\) \(Amendment\) Regulations 2024](#) (“the 2024 Fees Regulations”), which were debated and approved by the Senedd on 10 December 2024.

The Committee’s [report](#) on the 2024 Fees Regulations noted, among other matters, that scrutiny was made more difficult because both sets of Regulations had not been laid before the Senedd at the same time. The Welsh Government had provided a composite Explanatory Memorandum for both sets of Regulations, explaining that these Regulations would only be made and laid after the Senedd had approved the 2024 Fees Regulations.

In response to the Committee’s report, the Welsh Government laid these Regulations earlier than originally intended, and in advance of the Senedd debate on the 2024 Fees Regulations.

The Welsh Government also withdrew and re-laid the composite Explanatory Memorandum, which now provides at paragraph 2.1:

In response to the Legislation, Justice and Constitution Committee's report on the Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024, the Developments of National Significance (Wales) (Amendment) Regulations 2024 have been laid earlier than originally intended. It is the intention that both sets of Regulations will be come into force on 6 January 2025.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

16 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 24**

Legislation, Justice and Constitution Committee

SL(6)557 – The Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024

Background and Purpose

These Regulations replace the Building (Approved Inspectors etc.) Regulations 2010 (“the AI Regulations”) which govern private-sector building control bodies. The purpose of this change is to bring secondary legislation in-line with changes made to the Building Act 1984 by the Building Safety Act 2022.

These Regulations:

- (i) revoke the majority of the provisions of the Building (Approved Inspectors etc.) Regulations 2010 (“2010 Regulations”);
- (ii) replace and update provisions in the 2010 Regulations to bring them up-to-date for the new building control regulation regime in Wales; and
- (iii) make consequential amendments to other regulations.

Procedure

Negative.

These 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(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In the English text of the Regulations, there is an issue with the formatting in the penultimate line on page 8 after “52(1)...” which has resulted in provisions that should follow immediately after section 52(1) not appearing in the correct place. Rather than listing the relevant subsections of section 52 sequentially after 52(1), the provisions appear in the first line on page 9 listed as subsections to section 53B (as that is the last section that appears at the end of page 8). The effect of this is that all of the references listed in the first line on page 9 are incorrect.

Additionally, the enabling powers relied on in section 52A are also omitted, which the Welsh text correctly identifies as being section 52A(1), (2) and (4).



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

In Schedule 1, Form 1(W) and Form 4(W) both contain a paragraph (2) that refers to the identification of the registered building control approver. However, in both instances the footnote to that paragraph (numbered footnote (3)) provides that the information required is the contact details of the person intending to carry out the work. As such, it appears that the footnote references are incorrect in both instances.

Similarly, in Forms 1(W) and 4(W) respectively the footnote numbered (6) (which defines “professional or financial interest”) is erroneously used where footnote (5) (which provides that the name of the registered building control approver is required) should occur.

These errors could cause confusion for the reader, potentially leading to incorrect information being entered on the relevant form.

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

The opening words of regulation 5(12) refer specifically to regulation 7A(3) of the Energy Performance of Buildings (England and Wales) Regulations 2012.

However, it appears that the opening words should instead refer to regulation 7A more generally. Regulation 5(12)(a) makes provision as to how the term “local authority” should be interpreted, but that term only appears in regulation 7A(2)(b) - it does not appear in paragraph (3).

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

In paragraph 9 of Schedule 3 to the Regulations, from the context of the provision it appears the word “*apelydd*” (i.e. appellant) in the fourth line should be “*cymeradwywr*” to correspond with the word “*approver*” in the English text.

Merits Scrutiny

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

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

The phrase ‘higher-risk building work’ (“HRBW”) is used multiple times across the suite of forms in the Schedules to the Regulations. The person completing the relevant form is asked to confirm in various places, inter alia, that none of the work to which the relevant notice pertains constitutes HRBW.



To improve the accessibility of the instrument, the Welsh Government may wish to consider whether each form containing the term HRBW should include a footnote referencing the relevant legal definition as it applies in Wales.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

17 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.5

SL(6)564 – The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024

Background and Purpose

The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 were laid in the Senedd on 22 November 2024. In its report on those Regulations, the Legislation, Justice and Constitution Committee identified several technical reporting points under Standing Order 21.2.

One of the points raised in the report related to the coming into force date of certain provisions. This instrument substitutes a new regulation 1(3) into those Regulations to address the issue so that the provisions which need to come into force on 1 January 2025 are able to do so.

In the Explanatory Memorandum to this instrument, the Welsh Government have stated that the other technical points identified in the Committee's report will be addressed separately.

Procedure

Negative.

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

Technical Scrutiny

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

Merits Scrutiny

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

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

These Regulations are made in response to errors identified in, and clarifications required by, this committee's report on the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024.



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

19 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.6

SL(6)565 – The Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024

Background and Purpose

These Regulations make amendments to the legislation concerning the membership and procedures of Local Health Boards, NHS trusts and Special Health Authorities in Wales.

The Welsh Government's Explanatory Memorandum provides that the Regulations are necessary to ensure that the boards of all NHS bodies are subject to the same eligibility criteria and appointment processes.

The Explanatory Memorandum also provides that although there is no statutory duty to consult, officials have consulted with the Chairs, Chief Executives, Directors of Governance and Board Secretaries of all NHS Bodies as well as the Trade Unions recognised by those NHS bodies on the intended amendments to the Regulations, and that the amendments are "*broadly supported*" by stakeholders.

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 (vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 4, the description of the location of the text for amendment is defective as it does not note the paragraph and Schedule numbers where "sub-paragraph (1)" is found in the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009. It is not sufficient to state "paragraph 2 of Schedule 2" in the heading of the regulation because the headings are not an operative part of the instrument. Similar amendments made



by regulations 5, 11 and 15 do correctly include all the details in the body of the regulation as well as in the heading.

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

19 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.7

SL(6)559 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2025

Background and Purpose

The UK Emissions Trading Scheme (“ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry, and aviation sectors. It was designed jointly by the four governments in the United Kingdom who jointly operate the ETS as the UK ETS Authority (“the Authority”). It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway in Wales.

In December 2023, the Authority opened a 12-week consultation entitled “UK Emissions Trading Scheme: free allocation review”, which explored options to better target those most at risk of carbon leakage and to ensure that the free allocation of allowances covering greenhouse gas emissions is fairly distributed. A small number of the technical changes proposed in the December consultation require implementation via legislation ahead of the 2025 Activity Level Report submissions.

The proposed amendments to be made by this Order are to:

- Change the treatment of free allowances in the final year of activity of an installation or sub-installation where permanent cessation has occurred, so that operators’ free allowances entitlement in the final year of operation would be based on actual activity levels. Where the permanent cessation is due to decarbonisation activity, operators can apply to continue to receive a full year of free allowances. The suggested change will therefore not apply to these operators (subject to sufficient evidence).
- Update the definition of permanent cessation to capture scenarios where temporary cessation of an activity may be deemed permanent.

Procedure

Draft Affirmative.

A draft of the Order has been laid before Senedd Cymru, the United Kingdom Parliament, the Northern Ireland Assembly and the Scottish Parliament. The draft must be approved by each of those legislatures before it can be made by His Majesty.

Technical Scrutiny

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



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

We note that the Explanatory Memorandum states:

As the Order in Council will be subject to UK, Scottish, and Northern Irish Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually.

Merits Scrutiny

One 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 preamble to the Order states that the Order is made in exercise of powers conferred by various provisions of the Climate Change Act 2008, including Schedule 2. Schedule 2 of the 2008 Act consists of 31 paragraphs. Clarification is requested as to which of these paragraphs contains the power(s) to make this Order and why Schedule 2 is referred to generally without reference to the appropriate specific paragraph(s).

Welsh Government response

A Welsh Government response is required to reporting point 2 only.

Legal Advisers

Legislation, Justice and Constitution Committee

9 December 2024

Government response: *The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2025*

Merit Scrutiny point 1: The point is gratefully noted. s.44 of the Climate Change Act 2008 contains the power to make provision by regulations for trading schemes relating to greenhouse gas emissions, such as the UK Emissions Trading Scheme. s.46(1) of the Climate Change Act 2008 explains that Schedule 2 specifies matters that may, or must, be provided for in Regulations under s.44. The approach taken in connection with each of the UK Emissions Trading Scheme Orders made under s.44, since the inception of the UK Emissions Trading Scheme, has been to cite Schedule 2 in the preamble, without specific reference to which of the 31 paragraphs contains the relevant powers. For example, the first Order establishing the scheme (The Greenhouse Gas Emissions Trading Scheme Order 2020) and the most recent Order modifying it (The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2024).

The provisions in Schedule 2 were intended to establish an overarching framework in relation to trading schemes. As they were not designed with the UK Emissions Trading Scheme in mind, they are necessarily general in nature. As a result, amendments to the operation of the



scheme have the potential to be relevant to a number of those general, framework provisions. That is the case with this Order. Citing each and every paragraph which contains a potentially relevant power has the potential to result in unwieldy and unnecessarily complex preambles, which is not an aid to the reader.

We will keep this approach under review as we continue to legislate to develop the UK Emissions Trading Scheme.



SL(6)562 – The Land Transaction Tax (Modification of Special Tax Sites Relief) (Wales) Regulations 2025

Background and Purpose

These Regulations amend Schedule 21A to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.

Schedule 21A provides for a relief from land transaction tax for qualifying transactions of land within a special tax site. Under paragraph 2 of that Schedule, the relief currently applies to designated areas comprising the Celtic Freeport¹.

These Regulations extend the relief to designated areas comprising the Ynys Môn Freeport² with effect from 23 January 2025.

Procedure

Draft affirmative.

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

Technical Scrutiny

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

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.**

Section 25 of the Tax Collection and Management (Wales) Act 2016 provides that the Welsh Revenue Authority must pay amounts collected in the exercise of its functions, which includes the collection of LTT, into the Welsh Consolidated Fund.

¹ The areas designated by the UK Government as special areas by the Designation of Special Tax Sites (Celtic Freeport) Regulations 2024/1035 made on 16 October 2024.

² The areas designated by the UK Government as special areas by the Designation of Special Tax Sites (Anglesey Freeport) Regulations 2024/1286 made on 4 December 2024.



These Regulations extend special tax site relief from LTT to an additional special tax site (the Ynys Môn Freeport) until 30 September 2029.

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 notes³ that,

“The relief is a subsidy in the form of a geographically limited relief provided to those businesses buying land and meeting the qualifying conditions within the designated special tax site for a limited period of time. The Subsidy Control Scheme for Welsh Freeports was referred to the Competition and Markets Authority...in accordance with section 31 of the Subsidy Control Act 2022, and registered upon the subsidy database in accordance with section 33 of that Act.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 December 2024

³ Page 4, paragraph 3.4.





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Draft Budget 2025-26: Welsh Taxes

DATE 10 December 2024

BY Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

Welsh taxes are a vital part of our fiscal arrangements, contributing to the funding available for our spending plans, which are set out in the Draft Budget today as well as providing an important lever for some of our policy priorities.

Taken together, Welsh Rates of Income Tax (WRIT), Landfill Disposals Tax (LDT) and Land Transaction Tax (LTT) will contribute around £4bn to the Welsh Budget in 2025-26. This statement outlines the key decisions we are proposing in relation to Welsh taxes.

Welsh Rates of Income Tax

I propose to set the Welsh rates of income tax for 2025-26 at 10p for the three income tax rates (basic, higher and additional), which will maintain parity of income tax rates for taxpayers in Wales with those in England and Northern Ireland. This means there will be no changes to WRIT in 2025-26.

Alongside this Draft Budget, I am publishing an updated [Ready Reckoner for the Welsh Rates of Income Tax](#). This provides estimates of the potential revenue impact from changes to each of the three Welsh Rates.

Land Transaction Tax

The higher residential rates of Land Transaction Tax (LTT) are increasing by one percentage point across all bands in this Draft Budget. These changes will be made by regulations today and will come into force on 11 December. Those taxpayers who have already exchanged contracts will pay the former rates so long as they comply with the relevant transitional rules.

This change will result in the higher residential rates of LTT being set at, broadly, five percentage points above the main residential rates. This increase is estimated to raise an additional £7m in 2025-26, which will increase the funding available to invest in public

services in Wales.

The changes to the rates are set out in Annex 1. The regulations are subject to the made affirmative procedure and the Senedd vote to give these rates permanent effect will be held in January.

I am not proposing changes to any of the other rates or bands of LTT.

The current starting threshold for the main residential rates of LTT remains at £225,000 still ensuring that around 60% of residential transactions are below the threshold for paying LTT.

The forecast revenues from LTT in 2025-26, as detailed in the Welsh Taxes Outlook published on 10 December, includes £2.6m of additional tax receipts because of additional resources being invested in the Welsh Revenue Authority. This will allow the Authority to expand its work to identify and rectify tax returns which seek to under report tax liability and then to recover those amounts.

In the New Year, I will lay draft regulations in the Senedd to make changes to the multiple dwellings relief (MDR) available on the purchase of two or more dwellings in Wales. These changes will ensure MDR claims will not be allowed where the Subsidiary Dwelling Exemption (SDE) is applied, so taxpayers subject to the SDE would pay the main residential rates on the total consideration, without the benefit of MDR. This is a first step to improving the regime underpinning the purchases of more than one property in a transaction. Further work will be carried out to consider MDR relief within the LTT regime over the coming year.

Draft regulations will also be laid today to extend the new LTT special tax sites relief currently afforded to the Celtic Freeport, to the relevant designated areas of the Ynys Môn Freeport. Those regulations are subject to the draft affirmative procedure and Senedd approval will be sought in January to ensure the relief is in place when the UK Government's designation regulations come into force.

Landfill Disposals Tax

This Draft Budget proposes raising the standard rate of Landfill Disposals Tax (LDT) from 1 April 2025, in line with the increase to UK Government's equivalent Landfill Tax. This will ensure public services in Wales continue to benefit from the tax revenues, while minimising the risk of the movement of waste across borders.

Following the public consultation on the lower rate of LDT, it will be increased to £6.30 per tonne. This will set the lower rate at 5% of the standard rate, just under double the existing rate.

[The summary of responses to the public consultation on the lower rate of LDT](#) is published today.

The new approach to lower rate setting, along with the substantial increase for next year, recognises the need to increase incentives to reduce waste disposed of by way of landfill in line with Welsh Government objectives, while seeking to manage the risks of waste tourism and increased waste crime.

We will monitor the impact of this change, and I am prepared to increase the rate further if evidence does not show a decrease in volumes of lower-rated waste disposed of through landfill, as needed to help meet our goal of becoming a zero-waste nation by 2050. The unauthorised rate will remain at 150% of the standard rate.

The Regulations required to put into effect these changes (set out in Annex 2) will be laid in the Senedd early in 2025.

Tax Policy Report

The fourth annual [Tax Policy Report](#) is also published today. It reports against the Welsh Government's Tax Policy Framework and Tax Work Plan 2021-26. It sets out progress on a range of activities, including taking forward our tax-related Programme for Government commitments on local government finance reform, and the visitor levy Bill.

Annex 1:

Table 1: Land Transaction Tax residential higher rates (from 11 December 2024)

Higher Residential Rates from 11 December 2024	
Band	Rate
The portion up to and including £180,000	5%
The portion over £180,000 up to and including £250,000	8.50%
The portion over £250,000 up to and including £400,000	10%
The portion over £400,000 up to and including £750,000	12.50%
The portion over £750,000 up to and including £1,500,000	15%
The portion over £1,500,000	17%

Annex 2:

Table 2: Landfill Disposals Tax rates (rate per tonne)

Rate	From 1 April 2023	From 1 April 2024	From 1 April 2025
Standard	£102.10	£103.70	£126.15
Lower	£3.25	£3.30	£6.30
Unauthorised disposals	£153.15	£155.55	£189.25

Agenda Item 4.9

SL(6)563 – the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) (Amendment) Regulations 2024

Background and Purpose

These Regulations amend the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018. They increase the percentage tax rates for higher rates residential property transactions with an effective date falling on or after 11 December 2024.

The revised tax rates are shown in the following table:

Higher rates residential property transactions			
<i>Tax band</i>	<i>Relevant consideration</i>	<i>Previous tax rate</i>	<i>New tax rate</i>
First tax band	Not more than £180,000	4%	5%
Second tax band	More than £180,000 but not more than £250,000	7.5%	8.5%
Third tax band	More than £250,000 but not more than £400,000	9%	10%
Fourth tax band	More than £400,000 but not more than £750,000	11.5%	12.5%
Fifth tax band	More than £750,000 but not more than £1,500,000	14%	15%
Sixth tax band	More than £1,500,000	16%	17%

The Regulations also include transitional provision so that where substantial performance of a contract took place prior to 11 December 2024, or where contracts were entered into before that date (subject to certain exclusions), the previous tax rates will continue to apply.

The Regulations were made and laid before the Senedd on 10 December 2024 and came into force on 11 December 2024.



Procedure

Made affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

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

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.**

Section 25 of the Tax Collection and Management (Wales) Act 2016 provides that the Welsh Revenue Authority (“WRA”) must pay amounts collected in the exercise of its functions into the Welsh Consolidated Fund.

These Regulations revise percentage tax rates for certain transactions subject to land transaction tax collected by the WRA.

- 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.**

No consultation was undertaken in respect of these Regulations. The Explanatory Memorandum, at paragraph 5.1, notes that:

“There is no statutory requirement to consult on this instrument. The changes to the percentage tax rates for higher rates residential property transactions were announced by the Cabinet Secretary for Finance and Welsh Language on 10 December 2024 in the draft Budget. The changes follow the Welsh Government’s approach to tax policy making adopting a progressive and proportionate regime, as well as increasing LTT revenues overall to provide additional revenue to finance Welsh Government policy priorities. The setting of rates and thresholds for taxes is not an area of policy where consultation is generally undertaken, as any such consultation with a ‘live’ tax is highly



likely to have a distortive effect on behaviours and, in particular in relation to transaction taxes, the timing of those transactions.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 December 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 44**

Legislation, Justice and Constitution Committee

Mark Drakeford AS/MS
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language



Llywodraeth Cymru
Welsh Government

Our ref: MA-MDMFWL-11056-24

Elin Jones MS
Llywydd
Senedd Cymru

10 December 2024

Dear Llywydd,

The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) (Amendment) Regulations 2024

I have today made the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) (Amendment) Regulations 2024 under sections 24(1)(b) and 78(1) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 ("LTTA 2017"). These Regulations will come into force on 11 December 2024. I attach a copy of the statutory instrument. Once the statutory instrument has been registered, I intend to lay this and an accompanying Explanatory Memorandum on 10 December 2024.

In accordance with the procedure set out in section 25(2) of the LTTA 2017, this instrument must be approved by the Senedd by 27 January 2025 for it to remain in effect. In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to hold the plenary debate for this item of subordinate legislation on 21 January 2025.

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

Yours sincerely,

Mark Drakeford AS/MS
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

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

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

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

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

Agenda Item 5.1

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.

Committee Consideration

The Committee considered the instrument at its meeting on 9 December 2024 and reports to the Senedd in line with the reporting points above.



Government Response: The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

Technical Scrutiny point 1: The Welsh Government does not consider that provision confirming the extent and application of the Regulations is required. The Welsh Ministers' enabling powers in the Professional Qualifications Act 2022 are restricted, by virtue of the definition of "appropriate national authority" in section 16(2), to making provision that is within the Senedd's legislative competence. In relation to these Regulations, we do not consider that a territorial extent and application provision is required. These Regulations follow the same approach in this regard to that taken in the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023.

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

Background and Purpose

These Regulations make amendments to secondary legislation relating to Pharmaceutical Services in Wales to:

- Amend the current terms of service for NHS Community Pharmacy Contractors;
- Extend the existing regulations for the dispensing, supply and provision of medicines and appliances by community pharmacists to include signed orders issued by optometrists working in the NHS in Wales as part of the Wales General Ophthalmic Services (WGOS) introduced in 2023;
- Introduce regulations to allow the implementation of original pack dispensing by NHS pharmacies and dispensing doctors in Wales.

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

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

Regulation 1(3) of these Regulations states that "*Regulation 8*" comes into force on 1 January 2025. However, these Regulations only contain 4 regulations and a Schedule. Regulation 1(3) therefore appears to be an error.

Likewise, regulation 1(4) states that "*All other regulations*" come into force at a later date, namely 1 April 2025. Because of the provision set out in regulation 1(3), this would have the consequence of provisions concerning the title and territorial application of these Regulations, and the coming into force provision in regulation 1(3), coming into force on 1 April 2025. This is unworkable as these provisions would need to be brought into force at the same time or prior to the regulation set out (albeit in error) in regulation 1(3).



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

In regulation 2(2) of these Regulations, it should be stated that definitions are to be inserted into regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 (emphasis added), rather than generically referring to “*regulation 2*”, for clarity of drafting.

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

In regulation 2(2) of these Regulations, a definition of “*Electronic Prescription Service*” is inserted into regulation 2 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020. However, the definition is not used elsewhere in either these Regulations or the existing text of the 2020 Regulations and, as such, it is not clear why the insertion of this definition has been considered necessary.

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

In regulation 2(2) of these Regulations, definitions for the terms “*ophthalmic listed medicine*” and “*ophthalmic listed appliance*” are inserted into regulation 2 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020. However, rather than these defined terms, the terms “*listed medicine*” and “*listed appliance*”, which have not been defined for the purposes of the 2020 Regulations, are used in the text to be inserted into Schedule 5 of the 2020 Regulations by regulation 3 of these Regulations.

The Welsh Government is asked to clarify the drafting intention behind the use of these different terms, as it appears that it would have been clearer to have used the defined terms in the amendments to Schedule 5 of the 2020 Regulations.

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

In regulation 2(2) of these Regulations, the definition of the “*Ophthalmic Combined List*” makes reference to “*the list required to be prepared by Local Health Boards by virtue of regulation 10 of the National Health Service (Ophthalmic Services) (Wales) Regulations 2023*” (emphasis added).

The Welsh Government is asked to clarify whether “*the list*” is a reference to “*the combined list*” provided for in regulation 10 of the 2023 Regulations, given that regulation 10 also refers to “*the ophthalmic list*” and “*the supplementary list*”, which together make up the “*combined list*”.

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

In regulation 3(3) of these Regulations, in the new paragraph 5A(3)(a) of Schedule 5 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, there is an



incorrect reference to “*paragraph (4)*”, which should instead be described as “*sub-paragraph (4)*”. The same error occurs in the new paragraph 5A(5) of Schedule 5 to the 2020 Regulations, where the reference to “*paragraph (4)*” should be described as “*sub-paragraph (4)*”.

This is potentially confusing for the reader because provisions such as sub-paragraphs (6), (7) and (8) in the new paragraph 5A of Schedule 5 to the 2020 Regulations state “*to which this paragraph applies*”, “*In this paragraph*” and “*under this paragraph*” respectively when appearing to refer to the new paragraph 5A of Schedule 5, rather than only to sub-paragraphs (6), (7) and (8).

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

In regulation 3(3) of these Regulations, in the new paragraph 5A of Schedule 5 to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, there are several references to “*drugs*” and “*appliances*”. “*Drugs*” is an existing defined term in regulation 2(1) of the 2020 Regulations, as is “*appliance*”.

However, if the undefined terms “*listed appliance*” and “*listed medicine*”, which are also used in several places in the new paragraph 5A of Schedule 5 to the 2020 Regulations, are intended to have a narrower meaning than “*appliance*” and “*drug*”, clarity is required as to whether it was intended that “*listed appliance*” and “*listed medicine*” be used consistently throughout the new paragraph 5A. Alternatively, it may have been helpful to have defined the terms “*listed appliance*” and “*listed medicine*” for the purposes of the 2020 Regulations (or part of it) to differentiate their meaning more clearly in contrast to the defined terms “*appliance*” and “*drugs*”.

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

In regulation 3(5) of these Regulations, in the new sub-paragraphs (8B) and (8C) that are inserted into paragraph 9 of Schedule 5 to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, the term “*prescription only medicine*” is used. Although it is acknowledged that the 2020 Regulations already refer to this term in several instances, it is not defined for the purposes of the 2020 Regulations and these Regulations may have been an opportune mechanism to have defined that term for clarity.

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

In regulation 3(5) of these Regulations, in the new sub-paragraph (8C)(b) that is inserted into paragraph 9 of Schedule 5 to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, it refers to “*the registered pharmacist carrying out or **directly** supervising the provision...*” (emphasis added). However, in regulation 3(4) of these Regulations, the phrase “*direct*” is omitted from the phrase “...*the **direct** supervision of a registered*”



pharmacist” (emphasis added) in a similar context in paragraph 9(2) of Schedule 5 to the 2020 Regulations.

The Welsh Government is asked to clarify whether it was intended that these provisions, which appear in a similar context, carry a different meaning through the use or otherwise of the terms “*direct*” or “*directly*”.

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

In regulation 3(14)(a) of these Regulations, in the new text that is inserted into paragraph 23(6)(a) of Schedule 5 to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, it refers to “*sub-paragraph (6)(c)*”. However, this cross-reference is incorrect because there is no sub-paragraph (6)(c) in paragraph 23 of Schedule 5 to the 2020 Regulations, nor is that provision inserted by these Regulations.

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

In regulation 3(16) of these Regulations, in the new sub-paragraph (6B) that is inserted into paragraph 23 of Schedule 5 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, the reference at the end to “*paragraph (6)*” should read “*sub-paragraph (6)*”. This is potentially confusing to the reader as the same provision makes an earlier correct reference to “*sub-paragraph (2)*”, which is at the same division level as “*paragraph (6)*”.

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

In regulation 3(18) of these Regulations, in the new paragraph 28(3)(a)(iv) of Schedule 5 to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, the word “*should*” is used when referring to a requirement.

Whilst it is acknowledged that the word “*should*” is used in several places in the existing text of the 2020 Regulations (such as in paragraph 28(3)(a)(i) and (iv) of Schedule 5, and paragraph 17(3)(a)(i) and (iv) of Schedule 6), the Welsh Government is asked to clarify whether the word “*must*” should have been used in relation to the requirement.

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

In paragraph 2 of the Schedule to these Regulations, in the new definition of “*qualifying optometrist*” to be inserted into regulation 2 of the National Health Service (Ophthalmic Services) (Wales) Regulations 2023, reference is made to a Local Health Board’s “*Ophthalmic Combined List*”. However, this term is not defined for the purposes of the 2023 Regulations.

The term “*combined list*” is defined for the purposes of the 2023 Regulations by regulation 2 of the 2023 Regulations. Therefore, it appears that the term “*combined list*” should have been



used in the new definition of “*qualifying optometrist*” in paragraph 2 of the Schedule to these Regulations.

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

In paragraph 3 of the Schedule to these Regulations, in the new regulation 4A(1) of the National Health Service (Ophthalmic Services) (Wales) Regulations 2023, it states that “A *qualifying optometrist will order...*” (emphasis added). However, the use of “*will*” is inconsistent with the following new regulation 4B of the 2023 Regulations, which is also inserted by paragraph 3 of the Schedule to these Regulations, which states that “A *qualifying optometrist must not order...*”.

Therefore, it is not clear whether the use of different terms is designed to convey a different meaning.

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

In paragraph 3 of the Schedule to these Regulations, in the new regulation 4B of the National Health Service (Ophthalmic Services) (Wales) Regulations 2023 as inserted, it states that a qualifying optometrist must not order “*drugs*” or “*appliances*”. However, unlike for the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, those terms are not defined for the purposes of the 2023 Regulations.

The new regulation 4A of the 2023 Regulations, which is also inserted by paragraph 3 of the Schedule to these Regulations, refers to a qualifying optometrist ordering “*ophthalmic listed medicines*” or “*ophthalmic listed appliances*”, which are new defined terms inserted into regulation 2 of the 2023 Regulations by paragraph 2 of the Schedule to these Regulations.

It is therefore unclear whether the new regulation 4B of the 2023 Regulations should also use the new defined terms, rather than the words “*drugs*” or “*appliances*”, which are not defined for the purposes of the 2023 Regulations.

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 9 December 2024 and reports to the Senedd in line with the reporting points above.



Government Response: The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024

Technical Scrutiny point 1: The Welsh Government notes this point. The error was previously identified within the Welsh Government and has been corrected prior to the Regulations coming into force on the 1 January 2025 by SL(6)564 The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024. These were made and laid on 10 December 2024, coming into force on 31 December 2024, and amend regulation 1(3) by inserting a new paragraph (3) ensuring that regulations 1 and 3(5) come into force on the 1 January 2025. Through this correction, regulation 1(4) also then applies correctly enabling all other regulations to come into force on 1 April 2025.

Technical Scrutiny points 2, 3, 4, 6, 7, 10, 11, 13 and 14: The Welsh Government notes these reporting points and will be making further amending Regulations in advance of the provisions' operative date of 1 April 2025 to correct these issues.

Technical Scrutiny point 5: The Welsh Government confirms that "the list" is a reference to "the combined list" and considers that would be sufficiently clear and obvious to the reader.

Technical Scrutiny point 8: The Welsh Government notes this point and will consider inserting a definition as part of any future amendment to the 2020 Regulations.

Technical Scrutiny point 9: The reference to direct supervision in the terms of service implies pharmacists must be in proximity to and able to see all these activities in a pharmacy. Once the other terms of service amendments made by these Regulations come into force on 1 April 2025 the need for inclusion of "directly" and "direct" will no longer be necessary and amending Regulations will be made in advance of 1 April 2025 to omit these references.

Technical Scrutiny point 12: The use of "should" is correct and is consistent use of terminology contained in the 2020 Regulations.

Technical Scrutiny point 15: This provision is lifted from similar provisions in the General Medical Services and General Dental Services Contract Regulations where neither term is defined. The terms "drugs" and "appliances" are self-explanatory and well understood by those who would be utilising the legislation. The terms have their general meaning and are broader than "ophthalmic listed medicines" or "ophthalmic listed appliances" which only apply in the context of signed orders (4A). Some optometrists can prescribe (as GPs and dentists do) and their prescribing of any drugs or appliances should not be excessive.

Agenda Item 0.1

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee

SeneddLJC@assembly.wales

17 December 2024

Dear Mike,

I am writing to inform you that the meeting of the Inter-Ministerial Group on UK-EU relations was held on 3 December 2024.

We discussed the work around the UK-EU relationship reset and I presented the Welsh Government priorities for the upcoming Trade and Cooperation Agreement review.

Yours sincerely,

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Interministerial Group on UK-EU Relations**

DATE **20 December 2024**

BY **Rebecca Evans, Cabinet Secretary for Economy, Energy and Planning**

In accordance with the inter-institutional relations agreement, I can report to Members that I attended the Interministerial Group on UK-EU Relations on the 3 December.

The meeting was also attended by:

- Nick Thomas–Symonds, Paymaster General and Minister for the Cabinet Office (Minister for the Constitution and European Union Relations).
- Angus Robertson, Scottish Cabinet Secretary for Constitution, External Affairs and Culture.
- Michelle O'Neill First Minister of Northern Ireland and Emma Little-Pengelly Deputy First Minister of Northern Ireland.

The Interministerial Group on UK-EU Relations provides a ministerial forum to discuss matters relating to the UK's withdrawal from the European Union and the Trade and Cooperation Agreement (TCA). At this meeting we discussed the work on the UK-EU relationship reset.

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



Llywodraeth Cymru
Welsh Government

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

6 December 2024

Dear Mike

Public Procurement (Revocation) Regulations 2025

I wish to inform the Committee of the intention to consent in principle to the UK Government making and laying the Public Procurement (Revocation) Regulations 2025 (“the Regulations”). The Regulations will be made using powers in Section 14 (1) of The Retained EU Law (REUL) (Revocation and Reform) Act 2023 (“the REUL Act”).

The Regulations will revoke legislation identified as redundant following the UK’s exit from the EU, which was not included in Schedule 1 of the REUL Act. Revocation of these instruments will have no policy effect in Wales and will reduce unnecessary complexity in the statute book.

Although the Welsh Government’s general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the UK Government to legislate on a UK-wide basis. This approach would ensure redundant legislation is revoked equally across the nations to which they applied.

The committee will wish to note that we are providing consent in principle subject to review of the finalised Regulations.

The Regulations will be laid before the UK Parliament on 21 January 2025.

Yours sincerely

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

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

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 6.3


Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/10547/24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
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23 December 2024

Dear Mike,

I wish to inform the Committee of the intention to consent to the Secretary of State making and laying the Official Controls (Plant Health) and Phytosanitary Conditions (Amendment) Regulations 2025 ('the Regulations').

I received a letter from Baroness Hayman of Ullock, Parliamentary Under Secretary of State, requesting consent to the Regulations. The Regulations apply to Wales, England and Scotland. The Regulations are to be made in exercise of powers within Regulation (EU) 2016/2031 ('the Plant Health Regulation') and Regulation (EU) 2017/625 ('the Official Controls Regulation'). In accordance with those Regulations, the Secretary of State approached the Welsh and Scottish Ministers for consent to the application of the Regulations to Wales and Scotland respectively. In accordance with the Official Controls Regulation the Secretary of State has conducted a consultation (a summary of which will appear in the Explanatory Memorandum to the Regulations).

The Regulations protect biosecurity and support trade between Great Britain and third countries by introducing or amending protective measures against pests of plants. They also amend certain official control measures to ensure the application of plant health rules and carry out technical updates to legislation.

Part 2 of the Regulations amend the Official Controls Regulation to align goods (specific fruit and vegetables) that are exempt from the requirement for pre-notification with those that are exempt from the requirements for certain official controls to be performed when those goods are imported into Great Britain from an EU Member State, Liechtenstein or Switzerland. This brings the Official Controls Regulation into line with Commission Implementing Regulation (EU) 2019/2072 ('the Phytosanitary Conditions Regulation').

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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.

Part 3 of the Regulations amends Commission Implementing Regulation (EU) 2019/1014 ('the BCP Minimum Requirements Regulation') to define large plants, plant products and other large objects and inserts new Article 6A to provide the additional requirements for unloading areas and inspection areas for those goods.

Part 4 of the Regulations contains regulations 5 to 12 and amends the Phytosanitary Conditions Regulation. Regulations 5 and 6 update the list of quarantine pests in Annex 2 and the list of provisional GB quarantine pests in Annex 2A. *Heterobasidion irregulare* is removed from the provisional list and added to the list of quarantine pests. *Diaporthe phaseolorum* var. *sojae* from the category "Bacteria" into the category "Fungi and oomycetes". Various pest names are amended to ensure those pests are identified by their most up to date name.

Regulations 7 and 8 update names of various pests in the list of regulated non-quarantine pests and their respective plants and the list of measures to prevent the presence of regulated non-quarantine pests on specific plants to ensure consistency with internationally recognised names. Regulations 9 and 10 update the names of pests in Annexes 7 and 8 to ensure consistency with internationally recognised names. Regulation 9 also adds a requirement in Annex 7 for certain imported plants for planting to have been grown in a registered place of production. It adds additional requirements to prevent the spread of *Popillia japonica* Newman and permits *Capsicum* plants where they are produced from untested seeds when intended for final users not involved in plant production. The import requirements for Tobacco streak virus black raspberry latent strain, Raspberry leaf curl virus and Cherry rasp leaf virus are clarified. Entries are added regarding products from *Abies* spp. Mill., *Calocedrus decurrens* Torrey, *Juniperus* spp. L., *Larix* spp. Mill., *Picea* spp. Mill., *Pinus* spp. L., and *Pseudotsuga menziesii* (Mirbel) Franco.

Regulation 11 updates the lists in Annex 11 in respect of phytosanitary certificate requirements to re-categorise certain fruits and vegetables arriving from the EU and Switzerland and "Pinales" is reclassified as "Pinopsida".

Regulation 12 updates the list of plants, plant products and other objects for which UK Plant passports are required to ensure consistency with the internationally recognised name for conifers.

Part 5 of the Regulations amend the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 in respect of exemptions from the requirement for plant health certification to ensure consistency with the pre-notification requirements following amendments to the Phytosanitary Conditions Regulation and the Official Controls Regulation.

The Regulations are subject to the negative procedure and are due to be laid before the UK Parliament on 8 January 2025. There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was not made bilingually.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion, it is considered appropriate for the Regulations to be made by the Secretary of State. The Regulations relate to a devolved area, however, they impact on the biosecurity of Wales, England and Scotland which has traditionally been approached as a joint concern. Plant pests and diseases have no respect for the borders between countries. Much of the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports. Introducing separate regulations in Wales, England and Scotland may cause an additional burden on the Animal and Plant Health Agency, business, traders and growers.

Regulating on a Wales, England and Scotland basis assists those stakeholders who must comply with the requirements within the legislation to maintain our biosecurity.

I would like to reassure the Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

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 7.1

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales



Llywodraeth Cymru
Welsh Government

Our Reference – KS/PO/386/2024

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

9 December 2024

Dear Mike,

Thank you for your letter dated 13 November 2024, regarding legislative consent for the Passenger Railway Services (Public Ownership) Bill, now an Act.

In your letter you note that a supplementary legislative consent memorandum was not produced for the only UK Government amendment, laid on Wednesday 30 October.

Following the UK Government amendment, a Written Statement was issued to Members of the Senedd on Friday 1 November during Senedd recess. This was provided at the earliest possible opportunity, to inform Members of this amendment prior to the legislative consent motion debate on Tuesday 5 November.

Our assessment of the amendment concluded it did not require a supplementary legislative consent memorandum, in accordance with Standing Order 29.

I appreciate the Committee's position and can confirm that Welsh Government is committed to enabling the effective operation of the legislative consent process in accordance with Standing Order 29.

I am copying this letter to the First Minister, the Counsel General and Minister for Delivery, and the Llywydd

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

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ken Skates', enclosed within a thin black rectangular border.

Ken Skates AS/MS

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

Ken Skates MS

Cabinet Secretary for Transport and North Wales

13 November 2024

Dear Ken

Legislative consent: Passenger Railway Services (Public Ownership) Bill

During the Plenary debate on a legislative consent motion on the Passenger Railway Services (Public Ownership) Bill, which took place on 5 November 2024, I drew attention to your written statement (dated 1 November) in which you confirmed that the UK Government had proposed an amendment to the Bill that would add a new clause. While acknowledging that this amendment was only tabled in the UK Parliament that same week, I stated that it was not clear why the Welsh Government had not laid a supplementary legislative consent memorandum before the Senedd. I therefore asked you to confirm why it was the Welsh Government's view that the requirements in Standing Order 29 for a supplementary legislative consent memorandum had not been engaged. In your closing remarks, you stated:

"...the UK Government, as I've mentioned, is moving at great pace, and so tabling a statement instead of a supplementary LCM has enabled us to provide as much time as possible for Members to have their say on this before it returns to the Report Stage at the House of Lords tomorrow. Arguably, a supplementary LCM was not needed either, because of the nil effect in terms of the practical effects and the legal effects, and that's the reason why I've brought forward the statement in the form of a written statement..." (Our emphasis added)

In our meeting of the Legislation, Justice and Constitution Committee this week, we considered the comments you made during the Plenary debate. In particular, we noted your statement that the relevant amendment had "nil effect in terms of the practical effects and the legal effects" and this meant a supplementary legislative consent memorandum was not needed. While we have not given full consideration to the amendment as we would normally do if it were the subject of a consent

memorandum, we have nonetheless noted that whether a provision in a UK Bill has any practical or legal effect appears to be a different assessment to what is required by Standing Order 29.1. You will know that Standing Order 29.1 states that a "relevant Bill" means a Bill under consideration in the UK Parliament which makes provision in relation to Wales that has regard to devolved matters.

As such, while we do welcome your action to draw the amendment to the attention of the Senedd in advance of the debate on the legislative consent motion, we remind you of the importance of advising Members of the Senedd how any UK Bill (or amendment) meets the specific test set out in Standing Order 29.

Furthermore, the Committee appreciates that, in some circumstances, finding the time to lay supplementary legislative consent memoranda can be challenging. Nonetheless it is a requirement of Standing Orders, and issuing a written statement should not be seen as a substitute for consent memoranda.

I am copying this letter to Eluned Morgan MS, First Minister of Wales, Julie James MS, Counsel General and Minister for Delivery, and the Rt Hon Elin Jones MS, the Llywydd.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair

Agenda Item 7.2

Y Cwmnïau a'r Cyfnewidiadau,
Cyfiawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

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Will Styles

Director, HMP Parc

11 December 2024

Dear Will,

VISIT TO HMP PARC, 2 DECEMBER 2024

Thank you for accommodating a visit by Committee Members to various units within the Prison last week.

We are grateful to you, your staff and the prisoners we spoke with for taking the time to discuss a range of important issues relevant to the operation of the prison.

At the end of our visit, you offered an opportunity to return in six months to consider the impact of an ongoing programme of improvements, which was the subject of some of our discussions. We would like to accept that offer and the Clerk will liaise with the HM Prison and Probation Service over a suitable date.

I am therefore copying this letter to Sian Hibbs, Director, Strategic Support, Administration and Assurance at the HM Prison and Probation Service in Wales.

Yours sincerely,



Mike Hedges

Chair



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Welsh Government's Principles on UK Legislation in devolved areas
DATE	13 December 2024
BY	Julie James MS, Counsel General and Minister for Delivery

This statement sets out the Welsh Government's Principles on UK Legislation in devolved areas. The previous version was published in 2021.

I have shared these principles with the Legislation, Justice and Constitution Committee and with UK Government in the past week.

These principles are intended to provide a basis both for supporting constructive discussions with the UK Government on UK legislation which has regard to devolved matters – building on the significantly more positive and welcome engagement that has developed over recent months – and for recommendations which Welsh Ministers make to the Senedd in respect of legislative consent for such legislation in line with Standing Order 29.

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 reflects the same position for UK secondary legislation explicitly: 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 - there may be situations in which this is in the best interests of Wales.

We have taken the opportunity to improve transparency further by:

- Clarifying our position on the time frame considerations which may be relevant to considerations around UK legislation;
- Strengthening our position that UK legislation should not introduce new reservations or *constraints* in relation to 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.

The full text is set out below.

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 box 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.

Julie James MS,
Counsel General and Minister for Delivery

17 December 2024

Dear Julie,

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

Thank you again for sharing with the Committee a refreshed version of the Welsh Government's Principles on UK Legislation in devolved areas.

We discussed the refreshed Principles at our meeting on 9 December, when you and the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs attended to give evidence on aspects of your portfolios which fall within our remit.

We have some further questions relating to the refreshed Principles, which are included in the Annex.

We would also be grateful if you would provide the Committee with versions of the refreshed Principles and original Principles (2021) that display clearly the changes which have been made.

We would be grateful for your response by 15 January 2025.

Yours sincerely,



Mike Hedges
Chair

ANNEX

Question 1: In its Annual Reports for 2021/22 and 2022/23 the Committee described the Welsh Government's Principles on UK Legislation in devolved areas as "flawed" because the core principle (of using Welsh Government Bills to legislate) is subject to a catch-all exemption which renders that principle of "little value". How do the refreshed Principles address this concern?

Question 2: What factors have influenced the revision of the Principles?

Question 3: The refreshed Principles say that there may be situations where it is "in the best interests of Wales" for provisions in devolved areas to be included in UK Legislation. Can you outline the criteria that will be used to make that assessment, what role you envisage the Senedd having in informing that assessment, and who will take the final decision prior to a legislative consent memorandum being laid?

Question 4: Why did you not create a separate set of principles for the making of subordinate legislation in devolved areas, given that the Senedd's consent processes between primary and subordinate legislation vary and, in some cases, consent for making subordinate legislation is between governments?

Question 5: Given that the principles are generalised but now apply to more categories of UK legislation with differing consent processes, please can you explain how you reached the view that the refreshed Principles are more transparent?

Question 6: Please can you provide an analysis of which new elements of the refreshed Principles that have been added to cover subordinate legislation will now apply to primary legislation for the first time?

Question 7: How are the refreshed Principles consistent with the Sewel Convention?

Question 8: When did the Welsh Government Cabinet agree the refreshed Principles? And from what point did the Welsh Government begin to use them when making decisions about legislation?

Question 9: During the evidence session, you spoke about talking to the UK Government about the principles being accepted by it. (i) Why did you consider this to be necessary? (ii) What are the Welsh Government's expectations for how this might impact on the UK Government's approach to legislating in devolved areas? (iii) What are the long-term implications of seeking the UK Government's agreement, and do you envisage this taking place at the start of each new Senedd and each new UK Parliament?

Question 10: What is the rationale for the change of language in the first bullet point of paragraph 3 from "there is no time available for similar provisions to be brought forward in the Senedd" in the original Principles to "where Welsh-made provision could not otherwise be delivered within a suitable time frame" in the refreshed Principles? What constitutes a "suitable timeframe"?

Question 11: Why has the reference to “must” been removed in the fourth bullet, and what criteria will be used to decide whether using UK legislation will enable policy objectives “to be most effectively achieved”?

Question 12: Why has the example situation under paragraph 3, where powers of the Welsh Ministers would be extended in a way that could not be achieved through a Senedd Act, been removed from the refreshed Principles? Has the Welsh Government’s position on this matter changed?

Question 13: Would any of the criteria set out in paragraph 4 of the refreshed Principles be considered as a ‘red line’ by the Welsh Government such that it would not be able to recommend consent under any circumstances?

Question 14: What is the rationale for including the additional criteria set out in paragraph 4 of the refreshed Principles that if Welsh Ministers do agree to the creation of concurrent powers, these should be subject to relevant consent mechanisms and associated ‘carve outs’ from the *Government of Wales Act 2006*? Would it not be clearer to maintain the position of opposing the creation of concurrent powers?

Question 15: The refreshed Principles state that new “constraints” should not be introduced to the existing devolution settlement as well as new “reservations” as set out in the original Principles. Could you outline what is intended to be captured by new “constraints” on the existing devolution settlement?

Question 16: The refreshed Principles refer to the Welsh Government having a “meaningful role” in the governance of any new cross-border body with functions which relate to devolved matters, rather than the “equal status” to the UK Government as noted in the original Principles. Could you outline why this position has changed?

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee
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16 December 2024

Dear Mike

Renters' Rights Bill – Legislative Consent Memorandum

Thank you for your letter of 27 November.

You asked some further questions following my appearance at a scrutiny session on 18 November. I have responded to the questions in the attached annex.

I hope that you find the information I've provided helpful.

Yours sincerely

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

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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.

Annex – response to questions

Question 1: Why were resources an issue for the Welsh Government in preventing you from introducing your own Bill into the Senedd to legislate, if you had Bill provisions already drafted, and bilingually?

The issue was not resource, but the potential of impacting the existing legislative priorities.

Question 2: In evidence to us on the Welsh Government’s Legislative Consent Memorandum on the Renters (Reform) Bill, the then Cabinet Secretary told us that: “According to the Welsh Government legislation handbook outline of what factors are considered for an expedited or fast-tracked Bill, we don’t think this would meet the criteria. But, I mean, I’m quite happy to explore that”. Please can you confirm if you explored introducing a Bill to the Senedd and seeking an expedited process rather than pursuing provisions in the Renters’ Rights Bill. If so, please would you provide details of the exploratory work, including any correspondence with the Business Committee and why you chose not to pursue this outcome?

There was consideration of introducing a discrete Bill for the introduction of these provisions, but it was clear that the introduction of any non-scheduled Bill would have meant making sacrifices in other areas and would therefore impact delivery elsewhere. While there was no correspondence issued, it was clear that supporting a UK Bill would enable these important reforms to go ahead, and benefit the people of Wales, while maintaining other key legislative work.

Question 3: The Welsh Government’s legislation handbook suggests that a Bill usually takes between six and eight months to pass through the Senedd - do you believe that this is an accurate reflection?

This is an accurate reflection.

Question 4: You mentioned in your oral evidence to the Committee that stakeholders had been “briefed”. Can you please explain why you chose to brief stakeholders about the Bill rather than consult stakeholders? What form did the briefing take, and will you undertake to publish any briefing material or correspondence arising from the briefing?

Stakeholders were verbally briefed in a variety of meetings when the amendments were made to extend these provisions to Wales. These were not one-way briefings, but rather informal engagement, with feedback requested. Tenant organisations were fully supportive of the provisions. Landlord and agent representatives were also supportive, but raised a concern that they would need to have sufficient time to prepare for introduction. On this point, we sought separate commencement powers for the blanket ban for the Welsh Ministers, in order to address the concerns raised and to ensure implementation and timings could be planned.

Given the tight timescales, these meetings were informal, and as such there were no written briefing materials or correspondence issued.

Question 5: You also stated in your evidence to the Committee that “there’s nothing dissimilar between Wales, Scotland and England in terms of the issues” other than

the existing difference in enforcement regimes. Given that no Welsh Members of Parliament sit on the House of Commons Public Bill Committee, and that there appears to have been little evidence received from bodies based in Wales, what impact will this have on Parliamentary scrutiny of the Bill's provisions as they apply to devolved matters in Wales?

As I outlined in my oral evidence to the Committee, many stakeholders who also represent the interests of tenants, landlords and agents in Wales, as well as England, have given evidence to the House of Commons Public Bill Committee. The NRLA and Generation Rent, for example, may not have a main office based in Wales, but certainly represent the interests of Welsh landlords and tenants.

Question 6: Clause 46 of the Bill gives powers to Welsh Ministers to bring forward further regulations to introduce further provisions to add to the groups of people protected from rental discrimination. In the evidence you said you "can't speculate how and when that would be used" but you did provide some limited information. Please can you provide further information and clarity about how you will use the power and therefore why you are taking it?

It is a power that could be used should discriminatory practices continue to exist in the rental sector. This power will allow the Welsh Ministers to make regulations extending rental discrimination provisions to additional groups in Wales in future, if necessary.

Clause 46 requires that regulations be made under the affirmative procedure and places a requirement on the Welsh Ministers to consult before making regulations. So, making regulations is contingent upon prior consultation with relevant stakeholders, and the agreement of the Senedd.

Question 7: Given the discussions with the UK Government, which you outlined in your oral evidence, can you explain: ▪ why clause 47 has been included, ▪ who requested its inclusion in the Bill, ▪ in what circumstances could it be used, and ▪ the likely timing of its use?

Clause 47 allows the Secretary of State to make regulations that the Welsh Ministers could make under clause 46, but for the limitation in clause 48. That limitation is that regulations under section 46 may only make provision which would be within the legislative competence of Senedd Cymru contained in an Act of the Senedd.

So, this power is the same power as for the Welsh Ministers in Clause 46 - although only in cases where provision would relate to reserved matters and fall outside of the legislative competence of the Senedd Cymru. An example of this might be if any provision were to relate to, for example, the financial services reservation.

This power allows the Secretary of State to make regulations extending rental discrimination provisions to additional groups in Wales, where provision would fall outside the legislative competence of Senedd Cymru, should that be necessary in future.

Again, I will not speculate on what circumstances this power would be used for, and therefore I cannot speculate on any timing of something which may or may not be identified, but the power is there if it is needed.

Question 8: Clause 47 is not listed in the LCM as requiring consent, presumably because it asserts that the power only applies where provision would relate to reserved matters and fall outside of the legislative competence of the Senedd. However, if regulations were made under clause 47 (including in the passing reference to the example of financial services given to the Committee), those would make relevant provision for a purpose in housing law by extending rental discrimination provisions to additional groups in Wales, which is within the legislative competence of the Senedd. Therefore, can you give us a further example of where regulations would be required in relation to housing provisions that would be non-devolved.

As noted above, the Welsh Ministers have power in Clause 46 to extend, by way of regulations, the protections from discrimination given to renters with children or in receipt of benefits to additional cohorts. This power is subject to the affirmative procedure. The Secretary of State also has a power to make such regulations, however, it is only exercisable where the provision would relate to reserved matters and fall outside of the legislative competence of the Senedd. An example, as noted to the Committee, would be when the provision made would relate to the financial services reservation and the same would apply in respect of another reservation. However, in all cases, for provision to be made in regulations by the Secretary of State, it would need to be outside the scope of the Senedd's legislative competence.

Question 9: Please could you, with regards to the Welsh provisions in the Bill, detail how they have changed from the Renters (Reform) Bill and explain how those changes were identified?

I have provided a list of differences at the end of this document.

Question 10: The Bill is at an early stage of the legislative process in the UK Parliament. Do you foresee any further changes being made to the Bill that would require consent, and have you asked or approached the UK Government about any other matters that you wish to include in the Bill that would affect Wales?

At this stage, I have not been approached by UK Government about further amendments to the Bill that may require legislative consent.

I will keep the Senedd informed of any amendments to the Bill which require the legislative consent of the Senedd in accordance with the requirements of Standing Order 29.

Question 11: The Explanatory Memorandum says that “no financial implications have been identified to date should these provisions apply in Wales”. But landlords may need to instruct legal advisers to ensure that all documentation including written statements are updated alongside the occupation contracts. Have you assessed this potential cost on landlords or have you put measures in place which means that they will not be obliged to change anything to coincide with these legal changes? Will you publish the relevant assessment?

The requirement for a landlord to let contract-holders know about changes to contracts is not a new requirement because of the ban, it is a requirement of the Renting Homes (Wales) Act 2016.

We have already included an assessment within the published LCM that no financial implications have been identified.

Question 12: The changes brought forward by these amendments to Welsh housing law will change the fundamental terms contained in all occupation contracts retrospectively. Why has it been deemed necessary to change occupation contracts retrospectively and what impact assessments have you undertaken?

If these changes did not apply retrospectively then some tenants with existing periodic contracts could be subject to these discriminatory terms for many years to come.

I am satisfied that any potential detriment to mortgagees and landlords of making provision with retrospective effect is far outweighed by the benefit to tenants who are or may be on benefits or who have or may have children, and the societal benefits of such persons being able to more readily find appropriate accommodation and not having to rely on homelessness assistance from local authorities.

There are some safeguards built into the provisions e.g. in relation to existing terms in occupation contracts - prospective landlords and/or related parties are exempt from the prohibitions if they are pursuing a legitimate aim or if a restrictive clause in an existing insurance contract is in place that prohibits occupation by children or persons in receipt of benefits. Whilst terms in occupation contracts, leases and mortgages that contravene the blanket ban will be of no effect, the occupation contract, lease or mortgage will continue as far as practicable to have effect in every other respect.

Differences between the provisions in the Renters (Reform) Bill and the Renters' Rights Bill (Question 9)

To note, for ease of reference, I will refer to the Renters (Reform) Bill as the "Reform Bill", and the Renters' Rights Bill as the "Rights Bill".

- In the Reform Bill, the blanket ban was a Committee stage amendment. The blanket ban provisions were also inserted for England at the same time. Further amendments were proposed at Report Stage.
- The provisions contained in the Rights Bill at Introduction consolidated the previous Committee and Report Stage amendments.

This analysis is a comparison of differences between the blanket ban as amended in Committee in the Reform Bill and the discrimination provisions in the Rights Bill upon introduction:

- In the Reform Bill, new sections 8A-8K were inserted into the Renting Homes (Fees etc.) Wales Act 2019 in both English and Welsh languages by clauses 37 and 38. The Rights Bill contains new sections 8A-8J inserted by clauses 42 and 43. The WMs power to protect others (8J) has been moved out of the amendments to the 2019 Act, given it needs to also apply to the 2016 Act, so is now in the main part of the Bill.
- Clause 46 of the Rights Bill has changed (Power of Welsh Ministers to protect others) from the former section 8J of the Reform Bill (power of the Welsh Ministers to amend Part 2A). Section 8J in the Reform Bill provided power to make, in relation to persons of another description, provision corresponding, with or without modifications to the provision made by this Part in relation to persons who would have a child live with or visit them or persons who are benefits claimants. In the Rights Bill, this provision has been greatly expanded. The concept of a 'discriminatory rental practice' (as defined) in relation to dwellings that may be the subject of occupation contracts and because of that discriminatory rental practice, the victims (as defined) of the practice are significantly less likely to obtain the grant, renewal or continuance of occupation contracts than other people, the WMs may make regulations prohibiting that discriminatory rental practice. This is subject to a consultation requirement before any regulations are made with those persons in subsection (6)(a) to (f) as the Welsh Ministers see fit.
- The power of the Secretary of State to protect others (clause 47 of the Rights Bill) has also been included.
- The power in clause 48 of the Rights Bill regarding Regulations has also been added.
- There has been some movement re the back of the Bill provisions too, such as re-ordering provisions. The commencement provision has been streamlined but the power still exists for the WMs to commence Chapter 4 of Part 1.
- Another major difference between the Bills (though no impact on Wales) is that Scottish discrimination provisions are also included in the Rights Bill.

Jayne Bryant MS,
Cabinet Secretary for Housing and Local Government

27 November 2024

Dear Jayne

The Legislative Consent Memorandum on the Renters' Rights Bill

Thank you for appearing before the Committee on 18 November in relation to the Welsh Government's Legislative Consent Memorandum (LCM) on the UK Government's Renters' Rights Bill.

We have some further questions that we were not able to reach during the session, in the attached Annex.

We would be grateful for your response by 16 December so that we can take your responses into account within our report on the LCM.

Yours sincerely,



Mike Hedges
Chair

ANNEX

Question 1: Why were resources an issue for the Welsh Government in preventing you from introducing your own Bill into the Senedd to legislate, if you had Bill provisions already drafted, and bilingually?

Question 2: In evidence to us on the Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill, the then Cabinet Secretary told us that:

"According to the Welsh Government legislation handbook outline of what factors are considered for an expedited or fast-tracked Bill, we don't think this would meet the criteria. But, I mean, I'm quite happy to explore that".

Please can you confirm if you explored introducing a Bill to the Senedd and seeking an expedited process rather than pursuing provisions in the Renters' Rights Bill. If so, please would you provide details of the exploratory work, including any correspondence with the Business Committee and why you chose not to pursue this outcome?

Question 3: The Welsh Government's legislation handbook suggests that a Bill usually takes between six and eight months to pass through the Senedd - do you believe that this is an accurate reflection?

Question 4: You mentioned in your oral evidence to the Committee that stakeholders had been "briefed". Can you please explain why you chose to brief stakeholders about the Bill rather than consult stakeholders? What form did the briefing take, and will you undertake to publish any briefing material or correspondence arising from the briefing?

Question 5: You also stated in your evidence to the Committee that "there's nothing dissimilar between Wales, Scotland and England in terms of the issues" other than the existing difference in enforcement regimes. Given that no Welsh Members of Parliament sit on the House of Commons Public Bill Committee, and that there appears to have been little evidence received from bodies based in Wales, what impact will this have on Parliamentary scrutiny of the Bill's provisions as they apply to devolved matters in Wales?

Question 6: Clause 46 of the Bill gives powers to Welsh Ministers to bring forward further regulations to introduce further provisions to add to the groups of people protected from rental discrimination. In the evidence you said you "can't speculate how and when that would be used" but you did provide some limited information. Please can you provide further information and clarity about how you will use the power and therefore why you are taking it?

Question 7: Given the discussions with the UK Government, which you outlined in your oral evidence, can you explain:

- why clause 47 has been included,
- who requested its inclusion in the Bill,
- in what circumstances could it be used, and
- the likely timing of its use?

Question 8: Clause 47 is not listed in the LCM as requiring consent, presumably because it asserts that the power only applies where provision would relate to reserved matters and fall outside of the legislative competence of the Senedd. However, if regulations were made under clause 47 (including in the passing reference to the example of financial services given to the Committee), those would make relevant provision for a purpose in housing law by extending rental discrimination provisions to additional groups in Wales, which is within the legislative competence of the Senedd. Therefore, can you give us a further example of where regulations would be required in relation to housing provisions that would be non-devolved.

Question 9: Please could you, with regards to the Welsh provisions in the Bill, detail how they have changed from the Renters (Reform) Bill and explain how those changes were identified?

Question 10: The Bill is at an early stage of the legislative process in the UK Parliament. Do you foresee any further changes being made to the Bill that would require consent, and have you asked or approached the UK Government about any other matters that you wish to include in the Bill that would affect Wales?

Question 11: The Explanatory Memorandum says that “no financial implications have been identified to date should these provisions apply in Wales”. But landlords may need to instruct legal advisers to ensure that all documentation including written statements are updated alongside the occupation contracts. Have you assessed this potential cost on landlords or have you put measures in place which means that they will not be obliged to change anything to coincide with these legal changes? Will you publish the relevant assessment?

Question 12: The changes brought forward by these amendments to Welsh housing law will change the fundamental terms contained in all occupation contracts retrospectively. Why has it been deemed necessary to change occupation contracts retrospectively and what impact assessments have you undertaken?



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/PO/0393/24

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

16 December 2024

Dear Mike,

I am writing to inform you the UK Emissions Trading Scheme (ETS) Authority (comprising of the Welsh Government, the UK Government, the Scottish Government, and the Northern Ireland Executive), has today published a consultation document and an Authority response related to ongoing work to review free allocation of allowances within the scheme. Free allocation policy is designed to mitigate carbon leakage resulting from exposure to the UK ETS carbon price. They are allowances that are provided for free to industries who face competition globally from competitors based in countries with weaker climate change mitigation policy (carbon leakage). Free allocations are currently the primary policy lever in mitigating carbon leakage.

In December 2023 the Free Allocation Review consultation was published, which sought views on how free allocation policy could be adjusted to be better targeted to UK sectors most at risk of carbon leakage. The aim was to implement any changes ahead of the second allocation period in 2026. However, in September 2024 the Authority launched a targeted consultation which asked for views on delaying the implementation of any changes until 2027. This was proposed to provide additional time for careful consideration of stakeholder views and policy development in what is a complex and challenging area, as well as align changes to free allocation policy with the UK Governments plans to introduce a UK Carbon Border Adjustment Mechanism (CBAM) in 2027. The alignment with a UK CBAM is particularly important as it is another way to mitigate carbon leakage and, as such, is likely to impact the UK ETS free allocations policy. Stakeholders were therefore strongly in favour of aligning the implementation of these policies. The "*UK Emissions Trading Scheme: Moving the Second UK ETS Free Allocation Period Authority Response*" published today confirms that the proposed delay will take place.

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

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

The consultation document being released is the “*UK Emissions Trading Scheme Free Allocation Review: Carbon Leakage Consultation.*” This follows the proposals from the December 2023 consultation aimed at updating the Carbon Leakage List, which is a list of sectors at risk of carbon leakage. This new consultation provides more detail on those proposals and seeks further input from stakeholders regarding our approach to carbon leakage. It offers additional details on the methodology behind the Carbon Leakage List and considers revised Carbon Leakage Indicator values based on the carbon leakage risks faced by UK industries. Moreover, it invites stakeholders to provide their opinions on whether to adopt a UK-specific Carbon Leakage List or to maintain the existing one. Lastly, the consultation includes proposals and solicits feedback on how free allocations should be adjusted for sectors that will be subject to the proposed UK CBAM.

Through the UK ETS, we must encourage decarbonisation in a way that does not risk disadvantaging Welsh industry and supports their decarbonisation pathways to a net zero world. These publications represent a crucial next step in improving free allocation within the UK ETS, ensuring support is given to those industries who need it most. I expect to write again regarding the outcome of further consultations and policy proposals in the coming months. I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,

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

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-DB-10882-24

Russell George MS
Chair, Health and Social Care Committee
Senedd Cymru

17 December 2024

Dear Russell,

Thank you for the Committee's consideration of the amendments tabled to the Health and Social Care (Wales) Bill during Stage 2 proceedings on 28 November. I am pleased that the Bill has now moved to Stage 3.

During the proceedings I sought to respond constructively to non-Government amendments to the Bill, even though I could not support the amendments as drafted. I wish to assure Committee Members that I am actively considering the points raised during Stage 2. For that reason, I have set out below how I am seeking to address concerns which I believe informed a number of the amendments tabled by Members.

Amendments relating to eliminating profit from the care of looked after children

Amendments 44, 56, 59, 60 (tabled by Mabon ap Gwynfor MS), and amendments 77 and 94 (tabled by Altaf Hussain MS)

A number of amendments were tabled to ensure that looked after children have access to a registered independent visiting advocacy service, particularly where they may be affected by the eliminating profit policy. I did explain during Stage 2 proceedings that local authorities already have a statutory duty to ensure that looked after children can access independent professional advocacy. This is set out in section 178 of the Social Services and Well-being (Wales) Act 2014 (the 2014 Act). In addition, under section 98 of the 2014 Act a local authority looking after a child is also required to appoint an independent person to be the child's visitor if (a) the child falls within a category specified in regulations, or (b) in any other case, it appears to the authority that it would be in the child's interests to do so. It is important not to duplicate these existing duties, not least because it could raise doubts about the intention, efficacy and application of the existing provisions.

I do, however, understand Members' concerns about looked after children's awareness of the offer of advocacy, and that this is important if they are concerned that they may be affected by the provisions of the Bill. The Government engages with local authorities on advocacy for looked after children via a forum, and we will use this forum to explore with local authorities

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how they can further raise awareness and encourage take up of independent professional advocacy among looked after children.

I should note that not all looked after children will want to take up the offer of an independent professional advocate – many children will wish to be advocated for by an adult they are already familiar with, such as a social worker or foster carer. However, it remains important that the offer of independent advocacy is accessible to these children.

I also explained during Stage 2 proceedings that as part of our planned communications aimed at different parts of the sector, the Welsh Government has produced a draft document for children and young people explaining the key elements of the Bill and what it means for them. We are currently reviewing this with the Eliminating Profit Programme Board members and expect to publish this in the coming months. We will continue to work with those organisations that represent children and young people to ensure that their voices can be heard and ongoing communication needs considered. I will also continue to keep Members updated on this work.

Amendment 45 (tabled by Mabon ap Gwynfor MS)

During Stage 2 Mabon ap Gwynfor MS tabled Amendment 45, which sought to ensure that regulations made under paragraph 3(1) of new Schedule 1A to the 2016 Act cannot disrupt the care of any current looked after child with a provider operating under the transitional arrangements. During Stage 2 proceedings, I explained that while I could not support this amendment as drafted, it did align with our policy intention, and that I was happy to undertake to give the issue, and possible responses to it, further consideration in advance of Stage 3.

I wish to reiterate my assurance that the Government does not wish to disrupt existing placements which have been made prior to the start of the transitional period. However, following further consideration, we have concluded that the current provision for a regulation-making power in paragraph 3 of new Schedule 1A is appropriate and proportionate, and that an attempt to limit the power further would be highly likely to prevent the power from being used as intended; which is to ensure that for-profit providers are not able to expand their provision during the transitional period (except in cases where supplementary placements were made or there were other exceptional circumstances).

I also want to emphasise that this regulation-making power is subject to the draft affirmative procedure, and so Senedd Members will be able to scrutinise and vote on any of these regulations before they are made, including satisfying themselves that the proposed provisions operate in accordance with the assurance I have given in this letter.

Amendments 46, 47 and 48 (tabled by Mabon ap Gwynfor MS)

During Stage 2 Mabon ap Gwynfor MS tabled Amendments 46 and 47, which sought to define “near to” in the 2014 Act (as amended by the Bill as introduced) as being in the area of a neighbouring local authority, and to limit such placements to exceptional cases only. Altaf Hussain MS tabled similar amendments. In addition, Mabon ap Gwynfor MS tabled amendment 48 which sought to require local authorities to take account of children’s wishes, views and feelings if they have determined that the most appropriate placement is in a local authority near to their local authority area, rather than within the local authority itself.

As I explained during Stage 2 proceedings, I believe we all share the aim of ensuring that children are placed within their local authority area and close to home wherever possible but that this must not be at the expense of them having placements which best meet their needs.

The local authority will need to consider a range of factors when deciding on the placement of a child under new section 81A of the 2014 Act (to be inserted by section 13 of the Bill).

To assist local authorities in appropriately handling these issues, I committed during Stage 2 proceedings to consider using a code of practice to be issued under section 145 to give guidance to local authorities on placing children within their local authority area or close to home, and to reinforce the importance of local authorities complying with their existing statutory duties around having regard to the views, wishes and feelings of a child they are looking after. I also committed to reinforcing the point about the importance of local authorities complying with their existing statutory duties in this regard, in further communications with local authorities.

Amendments 50, 51 and 52 (tabled by Mabon ap Gwynfor MS)

During Stage 2 Mabon ap Gwynfor MS tabled Amendments 50, 51 and 52, which sought to ensure that a supplementary placement cannot be an unregistered placement. As I explained during Stage 2 proceedings, the provisions of the Bill will only enable Welsh Ministers to approve a placement with a registered provider of children's residential or foster care who is either subject to the wider transitional arrangements set out in the Bill, if operating as a for-profit provider in Wales, or who is operating in England. The Bill will not enable Welsh Ministers to authorise an unregistered placement.

To ensure that this is as clear as possible to local authorities, I committed that this position will be set out in guidance to local authorities to support operation of the supplementary approval process: this is likely to be in a code of practice to be issued under section 145.

I also committed that the due diligence checks that Welsh Government officials will undertake when considering an application for approval of a supplementary placement will include checking that the provider with whom the placement is being sought is a registered provider.

Amendments 57 and 58 (tabled by Mabon ap Gwynfor MS)

During Stage 2 Mabon ap Gwynfor MS tabled Amendments 57 and 58, which sought to require notifications by providers and Welsh Government risk assessments during transition, and for local authorities to include in their annual sufficiency plans an assessment of the amount of accommodation required to meet demand (as set out in risk assessments published by Welsh Ministers).

As I explained during Stage 2 proceedings, in my response to the Committee's report, I committed to the publication of a six-monthly progress report on implementation of the eliminating profit provisions, with intended publication of the first report by 22 April 2025 (6 months after the General Principles debate). This report will include an update on the number of placements leaving the market and the number of new placements created, and will reflect on the stability of existing placements. For these reasons I did not consider that amendment 57 was necessary.

I did however commit to explore including within the six-monthly progress reports an additional requirement reflecting some of the spirit behind these amendments, in the form of a statement on new not for profit providers coming on-stream.

Regarding Amendment 58, I explained that section 11 of the Bill already requires local authorities to consider and provide the information that would be covered by this amendment. As such, I believed the amendment was not needed.

However I committed to give consideration to including requirements for additional material enjoined in amendments 57 and 58 in the overall requirements for local authority sufficiency plans, such as a summary of provider intentions (so far as they are known). This will be considered as the Government develops its more detailed requirements for these sufficiency plans.

Amendments relating to direct payments

Amendment 78 (tabled by Altaf Hussain MS)

Altaf Hussain MS tabled amendment 78, regarding a workforce planning duty relating to personal assistants. As I explained during Stage 2 proceedings, I could not support the amendment, but I have assured the Committee that the Welsh Government is already active in promoting the role of personal assistants, and in my written response to the Committee's Stage 1 report, I accepted recommendation 23 that "*The Minister should work with relevant Cabinet colleagues and wider partners to promote the role of Personal Assistant (PA), to drive up the numbers of applications and to improve retention of staff longer term. Appropriate training will be an important part of this work*" and set out the action that the Welsh Government is taking to value and retain dedicated personal assistants in the workforce and to encourage more people to take up these roles.

Amendment 88 (tabled by Altaf Hussain MS)

Altaf Hussain MS tabled amendment 88, which sought to require the Welsh Ministers to issue guidance to local health boards on how to deliver direct payments, including provision in relation to having regard to the United Nations Convention on the Rights of Persons with Disabilities.

During proceedings I explained that I could not support the amendment as it did not work within the structure of the Bill. However, I committed again to ensuring that the importance of the UN Convention on the Rights of Persons with Disabilities is included in relevant statutory guidance for this part of the Bill, reiterating the commitment I made when accepting recommendation 26 of the Committee's Stage 1 report.

Amendment 54 (tabled by Mabon ap Gwynfor MS) and amendment 85 (tabled by Altaf Hussain MS)

Mabon ap Gwynfor MS and Altaf Hussain MS both tabled amendments which sought to ensure that local health boards would be required to provide information, advice and assistance to those in continuing healthcare who are direct payment recipients. During proceedings, I explained that, whilst I was unable to support amendments 54 and 85 as drafted, I would consider an amendment to achieve the ultimate objective of these amendments, to mandate the provision of Information and support. I am pleased to confirm to the Committee that I will work with both Members to agree an amendment to the Bill to this effect at Stage 3.

I hope this letter provides reassurance that I am continuing to engage with the points raised by Members regarding the Bill, and I look forward to continuing that constructive engagement in the New Year.

I am copying this letter to the Chairs of the Finance Committee and the Legislation, Justice and Constitution Committee, as well as to Mabon ap Gwynfor MS and Altaf Hussain MS directly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

Dawn Bowden AS/MS

Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE Government of Wales Act 2006 (Devolved Welsh Authorities)
(Amendment) Order 2024

DATE 20 December 2024

BY Vikki Howells MS, Minister for Further and Higher Education

In October I issued a [written statement](#) updating Members on the draft Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2024, which was laid before the Senedd and both Houses of Parliament in May.

The Order has now been approved by both Houses of Parliament and has been made by His Majesty at a meeting of the Privy Council on 6 November 2024.

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

—
**Equality and Social Justice
Committee**

—
Welsh Parliament

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Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd
and Chief Whip, Welsh Government

Julie James MS

Counsel General, Welsh Government

Lord Timpson OBE

Minister of State, Ministry of Justice

23 December 2024

Dear Ministers,

Invitation for joint-ministerial general scrutiny session on criminal justice

Prisons and criminal justice have featured in several major pieces of work undertaken by the Equality and Social Justice Committee to date. They include our inquiry into **Women's experiences of the criminal justice system**; our work on **Speech, language, and communications needs (SLCN)** in the youth justice system; and it emerged as an important aspect of the **inquiry into the Anti-Racist Wales Action Plan (ArWAP)**.

The recently published Wales Prison Factfile report by Dr Robert Jones at the Wales Governance Centre highlights critical issues and challenges within the prisons and criminal justice system. They include problems with the overall conditions within prisons, disproportionality in rates of incarceration, overcrowding and difficulties accessing services.

In response to concerns about the state of the wider criminal justice system, we would like to propose a joint-ministerial scrutiny session involving both Welsh and UK governments. As such we would like to invite you as the ministers with responsibilities in these areas to appear together to discuss further. We would like to extend an invitation to you as the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt MS; the Counsel General, Julie James MS; and the Minister of State at the Ministry of Justice, Lord Timpson OBE. We would be willing to consider the involvement of other ministers if a clear rationale for doing so is forthcoming.



In our view, the seriousness of the situation demands the urgent attention of both governments, and your participation would greatly contribute to a constructive dialogue aimed at improving the criminal justice system in Wales.

Please let us know your availability for a meeting at your earliest convenience. The Committee's meeting slots are on Mondays during term time and currently we are keeping space free for a session on either the **10 February, 17 February, or 19 May 2025**. We are willing to be flexible with start times to accommodate your schedules and would envisage the session lasting an hour and thirty minutes to two hours maximum. We are currently seeking your agreement to take part in principle; however, we would consider providing a more detailed steer of potential areas that we would like the session to cover in due course.

Thank you for considering this invitation. We look forward to your positive response and to working together to address these important issues.

I am copying this letter to the Chairs of the Welsh Parliament's Legislation, Justice and Constitution Committee and Health and Social Care Committee and to the Chair of the Welsh Affairs Committee in Westminster. To ensure a joined-up approach we will be inviting all three committees to consider the extent of their involvement in these sessions in the interim.

Yours sincerely,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Senedd Cymru

Agenda Item 10

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

Document is Restricted

Agenda Item 11

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

Document is Restricted

The Review of the United Kingdom Internal Market Act 2020

Statement made on 12 December 2024

Statement UIN HCWS299

Statement made by



Mr Douglas Alexander

Minister of State for Trade Policy and Economic Security

Labour

Lothian East

Commons



Statement

The smooth functioning of the United Kingdom's internal market is vitally important to achieving economic growth. People and businesses depend on being able to buy and sell goods, provide services, and work across the four nations of the United Kingdom (UK).

The Government is committed to working closely with the Devolved Governments to deliver effective outcomes for people across the UK. To ensure the efficiency of the UK's internal market, the Government considers Common Frameworks to be the key fora for supporting collaborative policy-making processes in the areas they cover, managing policy divergence between the UK's nations where it occurs, and maximising the benefits of taking different, innovative approaches in different parts of the UK. We are therefore committed to finishing the Common Frameworks programme as soon as possible.

The UK Internal Market Act's market access principles for goods and services, and system for the recognition of professional qualifications across the UK, can also play an important role in protecting jobs and livelihoods and promoting growth across the whole UK. Where they apply, they allow businesses, consumers and professionals to comply with the regulations in the part of the UK they are based in, to sell goods and provide services across the whole UK.

However, we recognise that the operation of the UK Internal Market Act can be improved, including more certainty and clarity when considering proposals which remove areas of regulation from the scope of the market access principles. We believe that the UK Internal Market Act should complement Common Frameworks and support collaborative policy-making.

To improve the management of the UK internal market, the Government will deliver an initial package of measures to demonstrate a more pragmatic approach. This includes:

A recommitment to the principles for Common Frameworks agreed at the Joint Ministerial Committee (EU Negotiations) in October 2017 between the previous Government and Devolved Governments. This recommitment includes:

developing closer working relationships and increased transparency between the Government and the Devolved Governments on UK internal market matters that impact significantly on devolved responsibilities within Common Frameworks;

acknowledging the benefits of policy innovation and shared learning on policy development and implementation, while enabling the smooth functioning of the UK internal market;

Aiming to finalise the Common Frameworks programme by Easter 2025 ensuring the necessary structures exist for joined up inter-governmental discussions around regulatory divergence and implications for the performance of the UK internal market; and

Agreeing an exclusion from the UK Internal Market Act's market access principles regarding the sale of rodent glue traps, in response to the Scottish Government's previous proposal, as this Government recognises this proposal has a minimal economic impact on trade within the UK.

The Government then intends to launch the statutory review of the UK Internal Market Act in January 2025, seeking the views of a wide range of public stakeholders, with the aim of completing the review by summer 2025. This is earlier than the statutory deadline of December 2025, as we recognise the importance of formally considering the role of the UK Internal Market Act in the effective operation of the UK internal market.

As a statutory minimum, this review must cover use of the powers in Part 1 (Goods) and Part 2 (Services), including the powers to add, delete or amend exclusions from the scope of the Act, and the arrangements relating to the use of the Office of the Internal Market to perform the functions in Part 4 of the Act (covering independent advice and monitoring of the UKIM) .

However, the Government recognises the importance of fully considering the operation of the Act beyond the narrow statutory requirements. Therefore, the Government will broaden the scope of the review to include the practical operation of parts 1, 2 and 3 of the Act, including inviting views on the process for considering exclusions from the Act, and the role and functions carried out by the Office for the Internal Market as set out in Part 4. We will directly engage the Devolved Governments in conducting the Review.