

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 27 January 2025

Meeting time: 14.00

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

SeneddLJC@senedd.wales

Hybrid

Public meeting

(14.00 – 14.25)

1 Introduction, apologies, substitutions and declarations of interest

(14.00)

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

(14.00 – 14.05)

(Page 1)

Attached Documents:

LJC(6)-04-25 – Paper 1 – Draft report

Made Negative Resolution Instruments

2.1 SL(6)569 – The Civil Enforcement of Bus Lane and Moving Traffic

Contraventions (County Borough of Merthyr Tydfil) Designation Order 2025

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

(14.05 – 14.10)

3.1 SL(6)568 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025

(Pages 2 – 4)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-25 – Paper 2 – Draft report

Affirmative Resolution Instruments

3.2 SL(6)570 – The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2025

(Pages 5 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-25 – Paper 3 – Draft report

3.3 SL(6)571 – The Procurement (Miscellaneous Amendments) (Wales) Regulations 2025

(Pages 7 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-25 – Paper 4 – Draft report

3.4 SL(6)572 – The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2025

(Pages 10 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-25 – Paper 5 – Draft report

LJC(6)-04-25 – Paper 6 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 14 January 2025

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

(14.10 – 14.15)

4.1 SL(6)561 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2025

(Pages 14 – 15)

Attached Documents:

LJC(6)–04–25 – Paper 7 – Letter to the Cabinet Secretary for Finance and Welsh Language, 20 January 2025

5 Inter–Institutional Relations Agreement

(14.15 – 14.20)

5.1 Correspondence from the Welsh Government: Meetings of inter–ministerial groups

(Page 16)

Attached Documents:

LJC(6)–04–25 – Paper 8 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Inter–Ministerial Group for Trade, 20 January 2025

6 Papers to note

(14.20 – 14.25)

6.1 Correspondence with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Legislative Consent Memoranda on the Water (Special Measures) Bill

(Pages 17 – 20)

Attached Documents:

LJC(6)–04–25 – Paper 9 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 20 January 2025

LJC(6)-04-25 – Paper 10 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 January 2025

6.2 Correspondence from the Scottish Parliament's Delegated Powers and Law Reform Committee: Framework legislation and Henry VIII powers

(Page 21)

Attached Documents:

LJC(6)-04-25 – Paper 11 – Letter from the Scottish Parliament's Delegated Powers and Law Reform Committee, 21 January 2025

6.3 Correspondence from the Minister for Children and Social Care: Health and Social Care (Wales) Bill

(Pages 22 – 27)

Attached Documents:

LJC(6)-04-25 – Paper 12 – Letter from the Minister for Children and Social Care, 21 January 2025

LJC(6)-04-25 – Paper 13 – Letter from the Minister for Children and Social Care to the Health and Social Care Committee, 21 January 2025

LJC(6)-04-25 – Paper 14 – Letter from the Minister for Children and Social Care to the Finance Committee, 21 January 2025

6.4 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: The Welsh Government's Legislative Consent Memorandum on the Great British Energy Bill

(Pages 28 – 32)

Attached Documents:

LJC(6)-04-25 – Paper 15 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 23 January 2025

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

(14.25)

Private meeting

(14.25 – 15.45)

8 Legislative Consent Memorandum on the Employment Rights Bill

(14.25 – 14.40)

(Pages 33 – 42)

Attached Documents:

LJC(6)-04-25 – Paper 16 – Legal Advice Note

9 Legislative Consent Memorandum on the Renters' Rights Bill: Draft report

(14.40 – 14.55)

(To Follow)

Attached Documents:

LJC(6)-04-25 – Paper 17 – Draft report

10 Legislation (Procedure, Publication and Repeals) (Wales) Bill:

Consideration of key issues

(14.55 – 15.10)

(Pages 43 – 64)

Attached Documents:

LJC(6)-04-25 – Paper 18 – Paper

11 Legislative Consent Memoranda on the Mental Health Bill

(15.10 – 15.25)

(Pages 65 – 82)

Attached Documents:

LJC(6)-04-25 – Paper 19 – Legal Advice Note

LJC(6)-04-25 – Paper 20 – Supplementary Legal Advice Note

12 Welsh Government Draft Budget 2025–26: Draft report

(15.25 – 15.35)

(To Follow)

Attached Documents:

LJC(6)-04-25 – Paper 21 – Draft report

13 Draft correspondence to the Chairs' Forum

(15.35 – 15.45)

(Pages 83 – 84)

Attached Documents:

LJC(6)-04-25 - Paper 22 - Draft letter

Statutory Instruments with Clear Reports 27 January 2025

SL(6)569 – The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County Borough of Merthyr Tydfil) Designation Order 2025

Procedure: Made Negative

The Order enables Merthyr Tydfil County Borough Council to enforce bus lane and moving traffic contraventions within its County Borough. This will apply to the whole area of the County Borough with the exception of those areas listed in the Schedule to the Order.

Parent Act: Traffic Management Act 2004

Date Made: 08 January 2025

Date Laid: 10 January 2025

Coming into force date: 06 February 2025



Agenda Item 3.1

SL(6)568 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations, which are in eight Parts, amend various Regulations which make provision about, and in connection with, student finance.

Part 1 makes provision about the coming into force and application of these Regulations.

Parts 2 to 8 make amendments to the following Regulations—

- (a) Part 2 amends the Education (Fees and Awards) (Wales) Regulations 2007 (“the 2007 Regulations”),
- (b) Part 3 amends the Education (European University Institute) (Wales) Regulations 2014 (“the 2014 Regulations”),
- (c) Part 4 amends the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the 2015 Regulations”),
- (d) Part 5 amends the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”),
- (e) Part 6 amends the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”),
- (f) Part 7 amends the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Degree Loan Regulations”), and
- (g) Part 8 amends the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the 2019 Regulations”).

Amendments made by these Regulations—

- (a) update the definition of a “protected Ukrainian national” in the 2007 Regulations, the 2014 Regulations, the 2015 Regulations, the 2017 Regulations, the 2018 Regulations, the Doctoral Degree Loan Regulations and the 2019 Regulations to include persons who are granted leave to remain in the United Kingdom under the new Ukraine Permission Extension Scheme, so that such persons are eligible for home fee status, the fee limits and student support,



- (b) provide for certain categories of students in the 2007 Regulations, the 2015 Regulations, the 2017 Regulations, the 2018 Regulations, the Doctoral Degree Loan Regulations and the 2019 Regulations, which require a student to be settled in the United Kingdom, to become eligible for home fee status, the fee limits and student support when they acquire their settled status during an academic year,
- (c) update the categories of students in the 2007 Regulations, the 2015 Regulations, the 2018 Regulations, the Doctoral Degree Loan Regulations and the 2019 Regulations, relating to persons settled in the United Kingdom from the British overseas territories, to provide for British citizens of Chagossian descent to satisfy the ordinary residence requirements under those categories, so that such persons are eligible for home fee status, the fee limits and student support,
- (d) provide for students undertaking a sandwich year to qualify for a disabled student's grant under the 2018 Regulations, so far as it relates to the provision of technical support, repairs or replacement in respect of equipment previously provided or approved for them under such a grant,
- (e) provide for students who are care leavers to qualify for the lower deduction available when calculating the amount of grant for travel payable to them under the 2018 Regulations,
- (f) omit references to domicile in provisions relating to the calculation or treatment of income under the 2014 Regulations, the 2017 Regulations, the 2018 Regulations and the 2019 Regulations, which will become redundant as a result of changes to the taxation of non-UK domiciled individuals from 6 April 2025,
- (g) make corrections to the 2017 Regulations and the 2018 Regulations, in connection with amendments made to each of those Regulations by the Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023, to clarify the extent of a particular period of time and to replace an erroneous term in the Welsh language text respectively, and
- (h) omit redundant provisions relating to the KESS 2 Scheme in the Doctoral Degree Loan Regulations and the 2019 Regulations, which are redundant as a result of the closure of that scheme.

Procedure

Negative

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



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

Technical Scrutiny

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

Merits Scrutiny

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

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

We note that these Regulations make technical corrections in response to the Committee's report on the Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023. In particular, we note the following paragraph in the Explanatory Memorandum:

"The 2025 Regulations make technical corrections to the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018, in connection with amendments made to each of those Regulations by the Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 which the Legislation, Justice and Constitution Committee reported upon ([SL\(6\)431](#) refers)."

The Committee's report on the [SL\(6\)510 - The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2024](#) raised similar issues arising from the historical error.

Could the Welsh Government confirm if the issues from the 2024 Regulations are being addressed in these Regulations? If corrections are being made, why are they not referenced in the Explanatory Memorandum? If no corrections are being made from the 2024 Regulations, could the reasons be provided?

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

22 January 2025



SL(6)570 – The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2025

Background and Purpose

These Regulations amend the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016.

Section 80(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 requires Social Care Wales to keep a register of social care workers of a description specified in regulations made by the Welsh Ministers.

These Regulations specify an additional description of social care workers in respect of which Social Care Wales must keep a register, namely those who are employed (whether as an employee or a worker) or engaged under a contract for services to provide care and support to any person in Wales in connection with a special school residential service.

Procedure

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 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

At page 1 of the Explanatory Memorandum, in the Minister's declaration, the spelling of the Minister's name, and her Ministerial title, is incorrect. The declaration is said to be made by "Down Bowden MS Minister for Social Care". Our understanding is that this should instead read "Dawn Bowden MS Minister for Children and Social Care". The Regulations themselves include the correct Ministerial title.

Welsh Government response



A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
21 January 2025



SL(6)571 – The Procurement (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the Procurement Act 2023 (“the 2023 Act”) and the Procurement (Wales) Regulations 2024 (“the 2024 Regulations”). The amendments deal with ensuring that updates can be made to the threshold figures that will apply to contracting authorities that are or are treated as devolved Welsh authorities; additions and amendments to the UK’s international obligations regarding procurement; and matters that were raised in a previous report of this Committee and subsequent correspondence relating to the 2024 Regulations.

Procedure

Affirmative

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

Technical Scrutiny

The following 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.

Regulation 6 inserts a new regulation 45A into the 2024 Regulations. The new regulation 45A includes references to “affiliated turnover amount”, “affiliated person” and “utility”. These terms are not defined in the new regulation 45A, nor are they defined in the 2024 Regulations (“utility” is defined in relation to Part 2 of the 2024 Regulations, but not for the purposes of Part 3 of which regulation 45A would be part). Footnotes to the new regulation 45A invite references to provisions of the 2023 Act for the meaning of these terms, but footnotes are not operative parts of legislation. It is therefore necessary to define these terms in the body of the new regulation 45A.

It should also be noted that the term “affiliated person” is used twice before reference is made to the footnote. Reference is also made to “persons affiliated” but it is not clear whether this is intended to have the same meaning as “affiliated person” (although it is noted that the definition used in the 2023 Act would cover both).

The Welsh Government is asked to explain why definitions for “affiliated turnover amount”, “affiliated person” and “utility” were not included in the new section 45A(5) or elsewhere in the Regulations if appropriate.



Merits Scrutiny

The following three points are 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.

Some of the amendments that the Regulations make to the 2024 Regulations address issues that were raised in this [Committee's previous report and subsequent correspondence](#). This includes updating terminology in Schedule 2 to the Regulations so that it now correctly refers to the Senedd Cymru Commission instead of the National Assembly for Wales Commission, and to other public bodies by their current titles.

The Committee notes that the [letter from the Cabinet Secretary for Finance, Constitution and Cabinet Office to the Chair of the Committee dated 2 September 2024](#) cited concerns about the impact of changing the names of these bodies on compatibility with international obligations. It was noted that the Welsh Government intended to return to looking at the international obligations-related implications of updating the names of Schedule 2 authorities at a later date. The Committee would be grateful if the Welsh Government could provide an update regarding how and why it determined that it is now appropriate to make these name changes.

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

The Regulations amend changes to the 2023 Act that are to be made by the Procurement Act 2023 (Consequential and Other Amendments) Regulations 2025 ("the UK Regulations"), which are currently in draft form before the UK Parliament and are not yet law. The provisions of the draft UK Regulations to which these Regulations relate are due to come into force on 23 February 2025, one day before these Regulations.

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

A public consultation exercise was not carried out in relations to these Regulations. The Explanatory Memorandum states:

Formal public consultations were held on the UK Government's Draft Statutory Instruments (SIs) with bilingual supporting documentation explaining the proposed derogations / differences for Wales. Many of the elements included in the consultations are being taken forward in these Regulations and the information gathered therefore applies. A separate consultation exercise was therefore not held.



Welsh Government response

A Welsh Government response is required in relation to the technical reporting point and the first merit point only.

Legal Advisers

Legislation, Justice and Constitution Committee

21 January 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 3.4

SL(6)572 – The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2025

These Regulations amend the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (“the **2017 Act**”) to limit the availability of multiple dwelling relief (“**MDR**”) from land transaction tax (“**LTT**”) in certain circumstances where the subsidiary dwelling exception (“**SDE**”) applies.

Higher residential rates of LTT generally apply to purchases of additional residential dwellings. However, for purchases of a main dwelling alongside a subsidiary dwelling (or dwellings) within the same building or grounds, the SDE provides an exemption from the higher residential rates of LTT, subject to certain conditions.

MDR is a partial relief from LTT available where a purchaser acquires a number of dwellings in the same transaction or in linked transactions. The effect of these Regulations will be to broadly prevent taxpayers who will be main residential LTT ratepayers due to the operation of the SDE from also being able to claim MDR.

The Regulations will come into force on 7 February 2025 and contain transitional provision for land transactions effected by a contract entered into or substantially performed before that date, subject to certain conditions.

Procedure

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 point is 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.

These Regulations modify the application of a relief (MDR) from LTT in transactions involving the purchase of more than one dwelling, in certain circumstances where the SDE applies.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE Land Transaction Tax Multiple-Dwellings Relief

DATE 14 January 2025

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

Today I have laid the draft Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2025 before the Senedd. Subject to Senedd approval, the Regulations will amend some of the rules governing land transaction tax (LTT) reliefs.

[Explanatory Memorandum to The Land Transaction Tax \(Modification of Relief for Acquisitions Involving Multiple Dwellings\) \(Wales\) Regulations 2025](#)

[The Land Transaction Tax \(Modification of Relief for Acquisitions Involving Multiple Dwellings\) \(Wales\) Regulations 2025](#)

The new regulations will amend rules governing the combined use of LTT multiple-dwellings relief (MDR) and the subsidiary dwelling exception (SDE). Until now, taxpayers have been able to choose to make a claim to MDR in relation to all multiple-dwelling transactions. The new regulations will discontinue the possibility of claiming MDR in relation to transactions which are subject to the main residential rates because of the application of the SDE.

These amendments are in line with our key tax principles underpinning our devolved taxes, to raise revenue to fund public services as fairly as possible, deliver our policy objectives, be clear, stable and simple, be developed through collaboration and involvement and contribute to the Well Being of Future Generations Act goal of creating a more equal Wales.

In setting out the intended rule change, this statement provides an update on the Welsh Government's response to the public consultation on LTT reliefs which was conducted between 8 April and 19 May 2024. An initial response was published on 17 July 2024.

As I have set out in the Explanatory Memorandum published today to accompany the draft statutory instrument, the rule changes proposed today are estimated to increase LTT revenues by between £1 million and £2 million per year. This will partly offset the cost of providing MDR (on average around £10million each year since 2018). Further work will be carried out to consider MDR relief within the LTT regime over the coming year, reflecting on the benefits of MDR as a policy lever alongside its impact on LTT revenues.

**Legislation, Justice and
Constitution Committee**

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN
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0300 200 6565

Mark Drakeford MS
Cabinet Secretary for Finance and Welsh Language

20 January 2025

Dear Mark

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2025

At its meeting this afternoon, the Committee considered the Welsh Government response to its report on the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2025.

The Committee notes that you intend to correct the errors in the draft Regulations that we identified in our Report prior to making the Regulations and subject to the Senedd's approval tomorrow afternoon. Unfortunately, the Committee is of the view that there is a problem with the Government's planned corrections.

To address the errors the Committee identified in the Welsh text of the draft Regulations, the Government plans to insert a new sub-paragraph (iii) into regulations 5(e), 8(e) and 17(b). Whilst this works in relation to the first two regulations, the Committee is of the view that this does not work for regulation 17 as that regulation does not contain roman numeral sub-paragraphs. Instead, the Committee believes that a new regulation 17(c) would need to be inserted.

We would be grateful if you would reflect on the planned corrections in light of our concerns and, during the Plenary debate, provide clarity to the Senedd on the changes that will be made to the Regulations prior to making.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair

Agenda Item 5.1

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

20 January 2025

Dear Mike

I am writing to inform you, in line with the inter-institutional relations agreement, that a meeting of the Inter-Ministerial Group for Trade is scheduled for 22 January 2025.

The meeting will be the first meeting since the UK general election and will discuss engagement between UK administrations, the UK governments trade strategy, as well as provide updates on several active trade negotiations.

I will update you further following the meeting.

Yours sincerely

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

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

Ein cyf/Our ref PO/HIDCC/0012/25

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

20 January 2025

Dear Mike,

Thank you for your letter of 14 January regarding the Water (Special Measures) Bill, and advance sight of some of your recommendations.

I recognise the Bill has progressed at pace through the UK Parliament and I would like to thank the committee for its engagement on the Bill.

You will no doubt have noted that the Legislative Consent Motion for the Bill was laid on 14 January which outlined the clauses requiring the Senedd's consent. SLCM (No.3) was laid because of the amendment to extend the application of Clause 2 (Pollution Incident Reduction Plans) to Wales. Paragraph 48 of SLCM (No.3) states that I am seeking the legislative consent of the Senedd in relation to Clause 2, and in paragraph 54 I recommend the Senedd gives its consent to the amendments covered in SLCM (No.3).

I trust this addresses your concerns around SLCM (No.3) with regard to clarity on the clauses requiring consent.

I am grateful for sight of your further recommendation of an additional SLCM on the Welsh Government's approach to water quality in Wales. I do not feel it would be appropriate for me to use a procedural measure on a specific piece of legislation to set out wider policy statements, and that was not the intention of the reference the Committee has highlighted.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

I would draw the Committee's attention to my Statement to the Senedd on 17th September last year. In that I set out clearly my priorities for the water sector and the wider water environment in Wales.

The reference to water as a cross-border issue was simply intended to reflect the reality that some of our iconic rivers, such as the Severn, the Dee and the Wye, cross national borders. What happens upstream in England impacts downstream in Wales and vice versa and so cooperation is key. In addition, regulators such as Ofwat, the Drinking Water inspectorate and the organisation which champions the interests of consumers, the Consumer Council for Water operate with both Wales and England remits.

Given there have been amendments tabled for Report Stage in the UK Parliament, I will be laying a further Supplementary Legislative Consent Memorandum in due course and am happy to clarify the position within that.

I hope this letter addresses your concerns, and I look forward to hearing from the Committee further in due course.

I am also copying this letter to the Llywydd.

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

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

14 January 2025

Dear Huw,

Legislative Consent Memoranda on the Water (Special Measures) Bill

Yesterday we considered Memorandum No 4 and Memorandum No 5 on the Water (Special Measures) Bill, as well as our draft report.

We understand from today's Business Committee that the debate on the legislative consent motion is now being brought forward to 21 January, from 28 January.

Ahead of the debate, we would like to give you advance notice of two recommendations, which both involve the Welsh Government laying a further supplementary legislative consent memorandum.

First, in paragraph 47 of Memorandum No 3, which covers amendments to extend clause 2 to Wales, you state that:

"The amendments proposed by the UK Government do not change my view of the requirement for consent for those clauses they amend. This is due to those clauses relating to a devolved matter, namely the water industry."

However, in paragraph 12 of the first Memorandum, you note that clause 2 does not apply to Wales and agree with the UK Government that consent is not required. We are therefore intending to recommend that you consider laying a supplementary legislative consent memorandum to make it clear that the Senedd's consent is being sought for clause 2 of the Bill.

Secondly, we are also intending to recommend that you should lay a supplementary legislative consent memorandum in which you withdraw the statement that “Water is an inherently cross-border issue” (paragraph 14 of the Memorandum) and instead provide a more accurate narrative of the Welsh Government’s position as regards its 2015 water strategy.

We are finalising our report and will aim to lay it as soon possible before the debate takes place and in line with the revised deadline of 20 January set by the Business Committee this morning.

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



The Scottish Parliament
Pàrlamaid na h-Alba

Agenda Item 6.2

Delegated Powers and Law Reform Committee

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru (Welsh Parliament)

21st January 2025

Dear Mike,

Framework legislation and Henry VIII powers

Thank you for giving evidence to the Committee on Framework legislation and Henry VIII powers on Tuesday 21st January, and for contributing to an interesting and informative session. The Committee Members all very much appreciated you taking the time to speak to them and found the discussions of huge value to the inquiry.

Finally, if you have any additional comments which you think would be helpful to its work, please do get in touch with the clerks.

Thank you again for your time and we will of course share the report in due course.

Yours sincerely,

Stuart McMillan MSP
Convener



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/DB/0078/25 - LJCC

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

21 January 2025

Dear Mike,

Health and Social Care (Wales) Bill – Revised Explanatory Memorandum

Following the completion of the Stage 2 proceedings in respect of the Health and Social Care (Wales) Bill, and in line with Standing Order 26.28, a revised Explanatory Memorandum (EM) has been laid, to account for amendments made to the Bill at Stage 2, in order to reflect new, amended or removed provisions. Updates have been made to Chapter 5 of the EM in order to reflect the updated position on the powers for making subordinate legislation, and to Annex 1 of the EM to ensure the Explanatory Notes reflect the Bill as amended.

In response to recommendation 24 in your Committee's Stage 1 report, which I accepted in principle, I have provided indicative information regarding the healthcare services where a direct payment could be made in lieu of those services. This is included in an annex to this letter.

I would like to take the opportunity to again thank the Legislation, Justice and Constitution Committee for its scrutiny of the Bill. I have copied this letter to the Chairs of the Health and Social Care Committee and the Finance Committee.

Yours sincerely,

Dawn Bowden AS/MS
Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

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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.

Annex: further indicative information

Recommendation 24 (LJC Committee):

The Minister should provide detail on all the services that could be subject to direct payments using the provisions to be inserted into the National Health Service (Wales) Act 2006 by section 24. This information should be provided no later than the commencement of Stage 3 proceedings.

Welsh Government response provided to the recommendation:

I accept this recommendation in principle.

The power will enable direct payments in health care to recipients with a wide range of conditions and diagnoses. It would not be appropriate to provide an exhaustive list of where a direct payment could be made in lieu of services. In addition, it would be taking a 'medical model' approach and would not be in keeping with the social model of disability to be prescriptive in terms of type of condition or disability. However, I would be happy to provide the Committee with indicative information.

Further information provided by Welsh Government:

In addition to adults in receipt of NHS continuing health care, the list of service user groups eligible for direct payments could be expanded in future, if considered appropriate. Further groups could include children and young people eligible for continuing care, people eligible for aftercare services under section 117 of the Mental Health Act and people eligible for an NHS wheelchair¹. This would be in alignment with direct payments made as part of a personal health budget in England. Direct payments can also be made in England for a short period to individuals to facilitate their discharge from hospital, and this might be a model which could be replicated at a future point in Wales.

Further to those indicative services and user groups, a comprehensive list of delegated health care tasks has been developed by specialist insurers who cover the work of PAs in England. These are health care tasks that can be carried out by a PA once appropriate training has been undertaken. Competence would need to have been confirmed by a registered health care professional. Additionally, as part of the agreed health and care plan of the direct payment recipient, the PA would have a means to escalate any issues or engage the support of healthcare professionals should they need to do so. The list of healthcare tasks, which is indicative and not intended to be exhaustive, is included below for information:

- Administration of drugs
- Administration of enemas
- Administration of medication by nebuliser
- Administration of oxygen
- Application of compression garments
- Bipap and cough assist machine
- Bowel care
- Catheter care
- Changing dressings
- Chest/limb physiotherapy
- Epilepsy management and first aid in the event of an attack
- Gastrostomy feeding and care
- Hickman Line
- Hydrotherapy
- Identification and treatment of Autonomic Dysreflexia

¹ [NHS England » Personal health budgets](#) Pack Page 23

Infusion pumps
Insulin injections
Management of asthma and first aid in the event of an attack
Monitoring of pressure areas
Monitoring of vitals inc. blood sugars
Oral suction/Nasopharyngeal suction
Severe allergic reactions and the use of auto injector in emergency situations
Total Parenteral Nutrition (TPN)
Tracheostomy care
Urostomy care
Ventilator care
Duodenostomy
Jejunostomy
Management of FND Non-Epileptic Seizures
Naso-gastric feeding and care
Colostomy care



Ein cyf/Our ref: MA/DB/0078/25 - HSCC

Russell George MS
Chair of the Health and Social Care Committee
Senedd Cymru

21 January 2025

Dear Russell,

Health and Social Care (Wales) Bill – Revised Explanatory Memorandum

Following the completion of the Stage 2 proceedings in respect of the Health and Social Care (Wales) Bill, and in line with Standing Order 26.28, a revised Explanatory Memorandum (EM) has been laid, to account for amendments made to the Bill at Stage 2, in order to reflect new, amended or removed provisions. Updates have been made to Chapter 5 of the EM in order to reflect the updated position on the powers for making subordinate legislation, and to Annex 1 of the EM to ensure the Explanatory Notes reflect the Bill as amended.

In addition, the EM now also reflects my [Written Statement of 27 November 2024](#), regarding the timescale for implementing the eliminating profit element of the Bill. The impact of this on the cost estimates for the Bill has been reflected in the Regulatory Impact Assessment (RIA) within the EM, and I am writing to the Chair of the Finance Committee to outline this and other changes made to the RIA in light of the Committee's Stage 1 report recommendations.

I would like to take the opportunity to again thank the Health and Social Care Committee for its scrutiny of the Bill.

I have copied this letter to the Chairs of the Finance Committee and the Legislation, Justice and Constitution Committee.

Yours sincerely,

Dawn Bowden AS/MS
Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

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Ein cyf/Our ref: MA/DB/0078/25 - FC

Peredur Owen Griffiths MS
Chair of the Finance Committee
Senedd Cymru

21 January 2025

Dear Peredur,

Health and Social Care (Wales) Bill – Revised Regulatory Impact Assessment

Following the completion of the Stage 2 proceedings in respect of the Health and Social Care (Wales) Bill, and in line with Standing Order 26.28, a revised Explanatory Memorandum has been laid and I would like to bring relevant changes which have been made to the Regulatory Impact Assessment (RIA) to the Committee's attention.

The Committee's recommendations

In my letter of 18 October, following the publication of the Committee's Stage 1 report, I set out my initial response to the Committee's recommendations. I can now provide further details for those recommendations in response to which the RIA has been revised.

In response to the Committee's recommendation 2, I have included an additional summary table in the RIA (at Chapter 6) to demonstrate how the constituent elements agree with the range of total costs of the Bill.

In response to the Committee's recommendation 4, I have updated and corrected any errors or apparent inconsistencies, and provided further information regarding annual costs and benefits, where possible.

In response to the Committee's recommendation 6, I have provided an update about latest evidence on private providers expected to convert to "not-for-profit" status in the RIA.

In response to the Committee's recommendation 8, I have reviewed the assumptions made about the projected number of looked after children in the RIA.

In response to the Committee's recommendation 9, I have set out the rationale for the costs relating to modelled revenue for for-profit provision during the transition period, which are in tables 7.19 and 7.22 of the RIA.

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In response to the Committee's recommendation 16, I have provided further detail on how the costs for implementation and administration of Continuing Healthcare direct payments have been estimated.

In response to the Committee's recommendation 17, I have provided further information to support the use of the estimated CHC package cost in the RIA.

In response to the Committee's recommendation 18, where possible I have confirmed the sources used to justify modelling the financial implications of the proposals for funding Continuing Health Care direct payments in Wales on the level of savings made by NHS England after the introduction of Personal Health Budgets.

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

In my [written statement of 27 November 2024](#), I outlined the adjusted timescale for the transitional arrangements for the provisions relating to eliminating profit from the care of looked after children. The cost implications as a result of this have been reflected in the RIA. I would be happy to provide the Committee with further information on these changes if needed.

I would like to take the opportunity to again thank the Finance Committee for its scrutiny of the Bill.

I have copied this letter to the Chairs of the Health and Social Care Committee and the Legislation, Justice and Constitution Committee.

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

Agenda Item 6.4

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



Llywodraeth Cymru
Welsh Government

Our ref: MA/RE/11160/24

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

23 January 2025

Dear Mike,

Thank you for the Legislation, Justice, and Constitution Committee report on the Great British Energy Bill Legislative Consent Memorandum. Please find enclosed my response to the issues raised in the report.

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.

The Welsh Government's Legislative Consent Memorandum on the Great British Energy Bill

Response to the Legislation, Justice and Constitution Committee

Summary

The Great British Energy Bill ("the Bill") was introduced in the House of Commons on the 25th of July 2024. Certain elements of the Bill require the legislative consent of the Senedd and on 8 August 2024, the then Cabinet Secretary for Economy, Transport and North Wales laid a Legislative Consent Memorandum for the Great British Energy Bill ('the LCM') before the Senedd.

The Cabinet Secretary for Economy, Energy and Planning provided evidence to the Committee on 4 November.

1. Response to issues raised by the committee

This report will respond to the recommendations raised by the committee's report agreed on 25 November 2024.

On 8 August 2024, Ken Skates MS, the then Cabinet Secretary for Economy, Transport and North Wales, laid before the Senedd a Legislative Consent Memorandum (the Memorandum) in respect of the Great British Energy Bill. On 11 September the Cabinet Secretary for Economy, Energy and Planning (the Cabinet Secretary) took over the responsibility for this Bill.

LJCC Recommendation 1. The Cabinet Secretary should continue to provide regular updates to the Committee and the Senedd on its position in respect of the Bill, to enable it to form a view on whether or not it should provide its consent.

I have previously stated we are supportive of legislation to establish Great British Energy to help facilitate and encourage the development of renewable energy projects. The Memorandum highlighted our view that consent for the Bill would be required.

The Bill is a narrow piece of legislation which makes provision for the designation, status, governance, objects, strategic direction and accountability of Great British Energy (GBE).

I met with Michael Shanks, the lead Minister for the Bill in the Department for Energy Security and Net Zero, on 24 October and again on the 13 November. Our discussions were focussed on necessary improvements to the Bill and on matters which are not part of the legislation but are about how we can work in partnership in the future when GBE is operational. I will update the Senedd on progress on the issue of legislative consent including through Supplementary Legislative Consent Memoranda as necessary.

LJCC Recommendation 2. The Cabinet Secretary should set out the different ways the Welsh Government is seeking the Bill to be amended to ensure a role for the Welsh Ministers and the Senedd.

The Bill provides for the designation of a company as GBE and sets its objects. In discussions with Minister Shanks, I raised my concerns about Clause 5 of the Bill.

Clause 5 provides that the Secretary of State must prepare a statement of strategic priorities for GBE. Before making a statement, the Secretary of State must consult with the Welsh Ministers to the extent that the statement concerns subject matters within the Senedd's legislative competence. As currently drafted, the Statement of Strategic Priorities is not subject to any specific legislative scrutiny upon the preparation of the statement by UK Government, beyond scrutiny through the passage of the Bill. I am seeking an amendment to the process set out in clause 5 to require the Secretary of State to seek the consent of Welsh Ministers should the strategic priorities concern matters within the Senedd's legislative competence. I am hoping to see amendments to be laid to reflect this requirement.

LJCC Recommendation 3. The Cabinet Secretary should provide more information and clarity as to why the Welsh Government does not think there is a need for it to undertake its own assessments of the potential impact of the Bill on devolved matters.

This Bill does not require its own impact assessment as the UK Government will be responsible for setting up Great British Energy, and for its ongoing governance.

Detailed discussions on anything which falls within the competencies of Welsh Ministers and/or the Senedd might require further impact assessments, and this will be decided once we have the issues to consider.

LJCC Recommendation 4. The Cabinet Secretary should explain and confirm how the Bill interacts with the obligations of the Trade and Cooperation Agreement.

The aim of the Great British Energy Bill is to set up the company. The Bill is a narrow piece of legislation which makes provision for the designation, status, governance, objects, strategic direction and accountability of Great British Energy (GBE).

The functions and operation of the company are not set out in the Bill. It will be up to the Secretary of State for Energy Security and Net Zero, as sole shareholder of Great British Energy to ensure the operation of Great British Energy is compliant with the Trade and Cooperation Agreement. To the limited extent that the Bill confers functions on the Welsh Ministers, the exercise of those functions will be subject to compliance with relevant provisions of the Trade and Cooperation Agreement.

I will now go onto consider the conclusions raised by the committee in the same report where I can provide further information.

LJCC Conclusion 1. We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provisions within the Bill which require consent of the Senedd in accordance with Standing Order 29.

No response required.

LJCC Conclusion 2. We are concerned that the Senedd will likely be asked to make a decision on whether or not to consent to the Bill without knowing sufficient details about the planned operation of Great British Energy and therefore its potential impact on Trydan Gwyrdd Cymru.

LJCC Conclusion 3. In our view, understanding how Great British Energy will work alongside the already established Trydan Gwyrdd Cymru is a crucial factor in the decision-making process as to whether the Senedd should give its consent to the Bill

I do not consider that a further understanding of how Great British Energy will work alongside Trydan Gwyrdd Cymru is required in relation to consenting this Bill. The Bill itself does not impact on the work of Trydan Gwyrdd Cymru. Trydan Gwyrdd Cymru is in a more advanced position than Great British Energy. I see opportunities to work in partnership with Great British Energy once established which will help to avoid duplication.

I have had positive discussions regarding Trydan Gwyrdd Cymru and expect these to continue as the thinking around GBE continues to develop.

LJCC Conclusion 4. Enabling the UK Government to issue directions in Wales relating to devolved areas without any requirement for consent from the

Senedd or the Welsh Government is inappropriate. As such, we are concerned at the breadth of power clause 6 of the Bill offers to UK Government Minister

LJCC Conclusion 5. We welcome the Cabinet Secretary's statements that she is negotiating with the UK Government a change to the Bill so that the Welsh Ministers' consent must be obtained before clause 6 directions may be given.

The Bill provides that Great British Energy would only be able to act in accordance with strategic plans which reflect the statement of strategic priorities. The amendment I am seeking to clause 5(5) would have the effect of requiring the consent of the Welsh Ministers to the inclusion in that statement of anything which concerns a subject matter where provision about which would be within the legislative competence of the Senedd. Consequently, the effective scope of the direction-making power in clause 6 would necessarily be restricted to activities that would be in accordance with strategic statements agreed by the Welsh Ministers.

In addition to seeking amendment to clause 5 as described above, I have also sought assurances from the UK Government that that Welsh Ministers would be consulted under clause 6(3)(b) should any direction interact with clause 5 on issues within the competence of Welsh Ministers or the Senedd.

Conclusion 6. Given that the Senedd may be required to make its consent decision in the absence of important information and given the uncertainty about the impact of Great British Energy, we believe that the Bill should be amended to include a formal role for the Senedd in connection with the exercise of any delegated powers under the Bill by the Secretary of State.

I believe the amendments we are seeking to Clause 5 and the assurances around consultation processes for Clause 6 would be sufficient for the Senedd to make a consent decision for the Bill.

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