

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

Committee Room 2, Senedd

Meeting date: 10 February 2025

Meeting time: 13.30

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

## Hybrid

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### Public meeting

(13.30 – 14.55)

#### 1 Introduction, apologies, substitutions and declarations of interest

(13.30)

#### 2 Evidence Session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Disused Mine and Quarry Tips (Wales) Bill

(13.30 – 14.30)

(Pages 1 – 28)

[Disused Mine and Quarry Tips \(Wales\) Bill, as introduced](#)  
[Explanatory Memorandum](#)

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

Chris Jones, Deputy Director, Mining Legacy and Reservoir Safety, Welsh  
Government

Rebecca Ryan, Lawyer, Welsh Government

Attached Documents:

LJC(6)-06-25 – Paper 1 – Briefing Paper



LJC(6)-06-25 – Paper 2 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 9 December 2024

## **Break**

(14.30 – 14.35)

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

(14.35 – 14.40)

### **Affirmative Resolution Instruments**

#### **3.1 SL(6)575 – The Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025**

(Pages 29 – 31)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-25 – Paper 3 – Draft report

LJC(6)-06-25 – Paper 4 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 28 January 2025

#### **3.2 SL(6)576 – The Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025**

(Pages 32 – 34)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-25 – Paper 5 – Draft report

LJC(6)-06-25 – Paper 6 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 28 January 2025

#### **3.3 SL(6)578 – The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2025**

(Pages 35 – 36)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-25 – Paper 7 – Draft report

- 3.4 SL(6)577 – The Welsh Language Standards (No. 1, No. 2, No. 4, No. 6 and No. 7) Regulations (Amendment) Regulations 2025**

(Pages 37 – 38)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-25 – Paper 8 – Draft report

- 3.5 SL(6)579 – The Regulated Services (Inspection Ratings) (Wales) Regulations 2025**

(Pages 39 – 40)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-25 – Paper 9 – Draft report

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

(14.40 – 14.45)

- 4.1 SL(6)573 – The Non-Domestic Rating (Multiplier) (Wales) Regulations 2025**

(Pages 41 – 44)

Attached Documents:

LJC(6)-06-25 – Paper 10 – Report

LJC(6)-06-25 – Paper 11 – Welsh Government response

- 5 Inter-Institutional Relations Agreement**

(14.45 – 14.50)

**5.1 Correspondence and Written Statement by the Minister for Mental Health and Wellbeing: The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025**

(Pages 45 – 48)

Attached Documents:

LJC(6)-06-25 – Paper 12 – Letter from the Minister for Mental Health and Wellbeing, 3 February 2025

LJC(6)-06-25 – Paper 13 – Written Statement by the Minister for Mental Health and Wellbeing, 30 January 2025

**5.2 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: Memorandum of understanding: the use of UK government funding for city and regional growth deals**

(Page 49)

Attached Documents:

LJC(6)-06-25 – Paper 14 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 5 February 2025

**5.3 Correspondence from the Welsh Government: Meetings of inter-ministerial groups**

(Page 50)

Attached Documents:

LJC(6)-06-25 – Paper 15 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Inter-Ministerial Group for Trade, 6 February 2025

**6 Papers to note**

(14.50 – 14.55)

**6.1 Correspondence from the House of Lords International Agreements Committee: Scrutiny of international agreements and interparliamentary relations**

(Page 51)

Attached Documents:

LJC(6)-06-25 – Paper 16 – Letter from the House of Lords International Agreements Committee, 30 January 2025

**6.2 Correspondence with the Counsel General and Minister for Delivery:  
Consolidation of planning law**

(Pages 52 – 55)

Attached Documents:

LJC(6)-06-25 – Paper 17 – Letter from the Counsel General and Minister for Delivery, 4 February 2025

LJC(6)-06-25 – Paper 18 – Letter to the Counsel General and Minister for Delivery, 23 January 2025

**6.3 Correspondence with the Cabinet Secretary for Finance and Welsh Language:  
Visitor Accommodation (Register and Levy) Etc. (Wales) Bill**

(Pages 56 – 63)

Attached Documents:

LJC(6)-06-25 – Paper 19 – Letter from the Cabinet Secretary for Finance and Welsh Language, 5 February 2025

LJC(6)-06-25 – Paper 20 – Letter to the Cabinet Secretary for Finance and Welsh Language, 23 January 2025

**6.4 Correspondence from the Cabinet Secretary for Economy, Energy and  
Planning: Legislative Consent Memorandum on the Data (Use and Access) Bill**

(Pages 64 – 67)

Attached Documents:

LJC(6)-06-25 – Paper 21 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 5 February 2025

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

(14.55)

## **Private meeting**

(14.55 – 15.55)

## **8 Evidence Session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Disused Mine and Quarry Tips (Wales) Bill: Consideration of evidence**

(14.55 – 15.10)

## **9 Legislation (Procedure, Publication and Repeals) (Wales) Bill: Draft report**

(15.10 – 15.30)

(To Follow)

Attached Documents:

LJC(6)-06-25 – Paper 22 – Draft report

## **10 Legislative Consent Memorandum on the Tobacco and Vapes Bill: Draft report**

(15.30 – 15.45)

(Pages 68 – 69)

Attached Documents:

LJC(6)-06-25 – Paper 23 – Draft report

LJC(6)-06-25 – Paper 24 – Letter from the Minister for Mental Health and Wellbeing, 5 February 2025

## **11 Supplementary Legislative Consent Memorandum on the Renters' Rights Bill**

(15.45 – 15.50)

(Pages 70 – 72)

Attached Documents:

LJC(6)-06-25 – Paper 25 – Legal Advice Note

## **12 Consolidation of planning law**

(15.50 – 15.55)

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/10847/24

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

9 December 2024

Dear Llŷr,

Following the introduction of the Disused Mine and Quarry Tips (Wales) Bill into the Senedd on 9 December 2024, please find attached a copy of the Statement of Policy Intent. This is provided to support the Committee's scrutiny of the Bill.

I look forward to providing evidence to the Committee on 12 December.

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

Yours sincerely,

**Huw Irranca-Davies AS/MS**

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

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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.

# Statement of Policy Intent for the Disused Mine and Quarry Tips (Wales) Bill

## Introduction

This paper summarises the Welsh Ministers' powers and duties for making secondary legislation under the provisions of the Disused Mine and Quarry Tips (Wales) Bill (the Bill), as introduced to the Senedd Cymru on 9 December 2024.

The statement explains the current policy intention as to how these powers and duties are intended to be used. The justification for the Senedd procedure selected in respect of each regulation-making power or duty is set out in table 5.1 of the Explanatory Memorandum.

In developing subordinate legislation, the Welsh Ministers will work closely with stakeholders, and regulations made under powers in the Bill will be subject to consultation where appropriate.

The Welsh Ministers have considered the use of powers in the Bill, as set out below, and are satisfied they are necessary and justified.

## Overview of the Bill

The Bill contains 5 Parts and 3 Schedules.

In summary, the Bill:

- establishes the Disused Tips Authority for Wales (the Authority) as a body corporate. Its main objective in carrying out its functions under the Bill is to ensure that disused tips do not threaten human welfare by reason of their instability;
- makes provision for the assessment, registration and monitoring of disused tips;
- contains provisions that enable the Authority to deal with tip instability and threats to tip instability. This includes powers to require an owner of land to carry out operations and for the Authority to carry out operations itself, and related provisions in respect of payments in connection with such operations;
- contains supplementary provisions including powers of entry for the Authority, information sharing provisions and powers to require information; and
- creates related offences to support the enforcement of the regime.

## **Other documentation**

This statement has been prepared in order to assist committees during the scrutiny of the Bill. It should be read in conjunction with the following:

- the Disused Mine and Quarry Tips (Wales) Bill;
- the Explanatory Notes to the Bill; and
- the Explanatory Memorandum to the Bill.

## Register of Disused Tips

Section	Form	Proposal	Procedure
8(2)(f)	Regulations	Section 8 details the information that must be included in an entry for a disused tip in the register. Paragraph (f) provides Welsh Ministers with a power to specify additional information that must be included in an entry in the register.	Negative

### Description of power

Section 8 specifies what must be included within an entry in the electronic register the Authority is required to compile and maintain. Subsection (2)(f) gives the Welsh Ministers the power to make regulations to specify additional information the register must contain.

### Policy purpose and intent

Section 6 of the Bill requires the Authority to compile and maintain an electronic register of disused tips that pose a threat to human welfare by reason of instability, or which could pose such a threat in the event of instability.

Section 8(1) and (2) require the following information to be included in an entry in the register:

- a map showing the area of the tip;
- the name or names by which the tip is commonly known (if any);
- the location of the tip;
- a unique identifier given by the Authority to the tip;
- the tip's category;
- the date of the most recent inspection of the tip (if any).

This is information needed by the Authority to perform its functions, and is considered to be information that should be publicly available in the register of disused tips. In accordance with section 9, the Authority must ensure the maps and information in the

register (other than any information specified by regulations under section 8(2)(f)) can be accessed electronically at all reasonable times by the public.

Section 8(2) lists all of the information that is currently considered appropriate and necessary to include in an entry in the register. Whilst there is no current policy intention to exercise this power, it is considered prudent for Welsh Ministers to have the ability to specify additional information that must be included in the register. This power will ensure that, once the register is established and being accessed by the public, should it become clear that including additional information would be useful, there is the flexibility to reflect the experience, practice and feedback from users of the register. This will help to ensure that the register remains fit for purpose in the future. The power in section 8(2)(f) cannot be used to remove any of the categories of information that are specified on the face of the Bill. The Bill therefore provides certainty in this regard. Subsection (3) requires the Welsh Ministers to consult the Authority before making regulations under subsection (2)(f).

### Proposal to register a tip

Section	Form	Proposal	Procedure
20(4)	Regulations	A power for the Welsh Ministers to amend subsection (3)(e) to change the minimum period for making representations.	Negative

### Description of power

Where the Authority concludes that the criteria for registering a tip are met, based on the report of a full assessment, section 20 requires the Authority to give a “notice of proposed registration” to the persons detailed in section 20(2)(a) and (b).

Subsection (3) prescribes what a notice of proposed registration must include. Subsection (3)(e) provides the notice must specify the period the recipient of the notice has to make representations to the Authority in relation to the proposal: this must be a period of at least 30 days beginning with the day after the day on which the notice is given.

Subsection (4) gives the Welsh Ministers the power to make regulations to amend subsection (3)(e) so as to change the minimum period for making representations.

## Policy purpose and intent

We have no current plans to exercise the regulation-making power to amend subsection (3)(e) to change the minimum period for making representations. A minimum period of 30 days to make representations to the Authority in relation to a proposal to register a disused tip is considered to be a reasonable amount of time.

However, it is considered necessary for the Welsh Ministers to have a power to change the period in the future, should that prove to be appropriate. As the Authority carries out its functions and gathers experience in including disused tips in the register, experience may indicate the minimum period for making representations may need to be reconsidered (for example, if experience shows that it often takes longer than 30 days to gather the requisite information so as to be in a position to provide meaningful representations in response to a notice of proposed registration).

## Deregistering a tip

Section	Form	Proposal	Procedure
22(4)	Regulations	A power for the Welsh Ministers to amend subsection (3)(d) to change the minimum period for making representations.	Negative

## Description of power

Where the Authority concludes, on the basis of a report of a full assessment, that the criteria for registration are no longer met in relation to a disused tip in the register, section 22 requires the Authority to give a “notice of proposed deregistration” to the persons detailed in section 22(2)(a) and (b).

Subsection (3) prescribes what a notice of proposed deregistration must include. Subsection (3)(d) provides the notice must specify the period the recipient of the notice has to make representations to the Authority in relation to the proposal. This must be a period of at least 30 days beginning with the day after the day on which the notice is given.

Subsection (4) gives the Welsh Ministers the power to make regulations to amend subsection (3)(d) so as to change the minimum period for making representations.

### Policy purpose and intent

We have no current plans to exercise the regulation-making power to amend subsection (3)(d) to change the minimum period for making representations. A minimum period of 30 days to make representations to the Authority in relation to a proposal to remove a tip from the register is considered to be a reasonable amount of time.

However, it is considered necessary for the Welsh Ministers to have a power to change the period in the future, should that prove to be appropriate. As the Authority carries out its functions and gathers experience in removing tips from the register, experience may indicate the minimum period for making representations may need to be reconsidered (for example, if experience shows that it often takes longer than 30 days to gather the requisite information so as to be in a position to provide meaningful representations in response to a notice of proposed deregistration). The ability to amend subsection (3)(d) will ensure that the Welsh Ministers are able to be responsive to gained experience and are able to amend the minimum period for making representations, should that be considered necessary.

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### Proposal to make a notifiable change in relation to a disused tip

Section	Form	Proposal	Procedure
29(3)	Regulations	A power for the Welsh Ministers to amend subsection (2)(e) to change the minimum period for making representations.	Negative

### Description of power

Section 29 makes provision where the Authority proposes to make a notifiable change to an entry in the register. Section 28 defines a “notifiable change” as:

(a) a change to the area shown as the area of a disused tip on a map in the register; or

(b) a change to a disused tip's category.

Section 29(1) places a duty on the Authority to notify prescribed persons if it proposes to make a notifiable change in relation to a disused tip.

Subsection (2) prescribes what a notice of a proposed change to the register must include. Subsection (2)(e) provides the notice must specify the period the recipient of the notice has to make representations to the Authority in relation to the proposal: this must be a period of at least 30 days beginning with the day after the day on which the notice is given.

Subsection (3) gives the Welsh Ministers the power to make regulations to amend subsection (2)(e) so as to change the minimum period for making representations.

### **Policy purpose and intent**

We have no current plans to exercise the regulation-making power to amend subsection (2)(e) to change the minimum period for making representations. A minimum period of 30 days to make representations to the Authority in relation to a proposal to make a notifiable change to an entry in the register for a disused tip is considered to be a reasonable amount of time.

However, it is considered necessary for the Welsh Ministers to have a power to change the period in the future, should that prove to be appropriate. As the Authority carries out its functions, experience may indicate the minimum period for making representations may need to be reconsidered (for example, if experience shows that it often takes longer than 30 days to gather the requisite information so as to be in a position to provide meaningful representations in response to a proposal to make a notifiable change).

## Supplementary provision about appeals and Reimbursement of owner’s expenses on cancellation of notice

Section	Form	Proposal	Procedure
38(1)	Regulations	Duty to make regulations in relation to the procedure to be followed by an appointed person in determining applications under section 36.	Affirmative
38(2)	Regulations	Power for the Welsh Ministers to make regulations making further provision in connection with the determination of applications under section 36.	Affirmative
41(7)	Regulations	Duty on Welsh Ministers to make regulations about the procedure to be followed by an appointed person in determining applications made under section 41.	Affirmative
41(8)	Regulations	Power for the Welsh Ministers to make other provision in connection with the determination of applications under section 41.	Affirmative

### Description of power

#### Section 38(1) and (2)

Section 36 allows an owner of land who is given a notice (under section 33) requiring the carrying out of operations on land, or a person who is given a copy of the notice under section 35, a right to apply to the Welsh Ministers to vary or cancel the notice. Section 36(3) and (4) sets out specified grounds on which an application may be made.

Section 37 provides that an application made under section 36 is to be determined by a person appointed by the Welsh Ministers (an “appointed person”).

Section 38(1) places a duty on the Welsh Ministers to make regulations about the procedure to be followed, by an appointed person, in determining appeals made under section 36.

Section 38(2) gives the Welsh Ministers the power to make regulations about any other (non-procedural) matter that is connected to the determination of appeals under section 36.

### Section 41(7) and (8)

Section 41 applies where the Authority has cancelled a section 33 notice (a notice requiring an owner of land to carry out operations) and the owner who was given the notice has incurred expenditure in complying with it.

Subsection (2) gives the owner a right to apply to the Welsh Ministers to be reimbursed by the Authority for (a) any expenditure incurred by the owner as a result of them having been given the notice, and (b) any expenditure incurred by the owner that is attributable to the cancellation of the notice.

Subsection (7) places a duty on Welsh Ministers to make regulations about the procedure to be followed in determining applications under section 41.

Subsection (8) gives Welsh Ministers the power to make regulations making other provision in connection with the determination of applications under section 41. This means that the Welsh Ministers have the power to make regulations about any other (non-procedural matter) that is connected to the determination of applications under section 41.

### **Policy purpose and intent**

It is the policy intention to make one set of regulations that cover both procedural matters (pursuant to sections 38(1) and 41(7)) and non-procedural matters (pursuant to sections 38(2) and 41(8)) connected to determining appeals brought under the respective sections. It is intended the regulations will come into force on 1 April 2027, as this is when the Authority will be established.

Sections 38 and 41 set out the following examples as matters that may be included in regulations made under these sections:

- (a) the attendance and examination of parties or witnesses (including provision authorising an appointed person to administer oaths or to take affirmations);
- (b) the production and inspection of documents;
- (c) powers to enter land.

Sections 38 and 41 also allow for the creation of offences in connection with failures to comply with any requirements imposed by or under the regulations. So, for example, if individuals are authorised to enter land for the purposes of determining an appeal, and entry is refused, this could be subject to a criminal sanction.

In terms of procedure to be followed when determining an appeal, under either section, the regulations could, for example, confer a discretion on the person determining the appeal to decide the way in which the appeal proceedings should be determined, i.e. by written representations or a hearing. The regulations could also include provision conferring a discretion on the person determining the appeal to appoint another person to advise on any technical matters arising in connection with an appeal (e.g. an expert in a particular field).

In relation to non-procedural matters, the regulations could, for example, make provision about matters that are preliminary or subsequent to the determination of an appeal, or which, for other reasons, cannot reasonably be characterised as a matter of procedure. An example might be conferring a power to enter land if that is necessary to fairly determine an appeal.

Section 37 provides that an application under section 36 is to be determined by a person appointed by the Welsh Ministers (an appointed person). Similarly, section 41(3) provides that applications under section 41 are to be determined by an appointed person. It is currently the policy intention for Planning and Environment Decisions Wales (PEDW) to be appointed as the “appointed person” by Welsh Ministers to deal with appeals under both sections. PEDW carry out casework relating to the development and use of land in the public interest. They deal with, amongst other things, planning and enforcement appeals, Strategic and Local Development Plans and environment appeals and are considered to have relevant experience and expertise in terms of appeals that will be brought under the Bill.

The detail of the appeal procedure will be developed through consultation with relevant stakeholders. In addition, it may be necessary to amend the procedure in the future. Officials intend to involve PEDW on the development of regulations made under sections 38 and 41.

## Meaning of “relevant public authority”

Section	Form	Proposal	Procedure
55(3)	Regulations	A power for the Welsh Ministers to make regulations that amend the definition of “relevant public authority” in section 55(1).	Affirmative

### Description of power

Part 4 of the Bill contains provisions about information sharing and powers to require information between the Authority and relevant public authorities.

Section 55(1) defines “relevant public authority” for the purposes of Part 4.

Subsection (3) gives Welsh Ministers a power, by regulations, to amend section 55 to change the definition of “relevant public authority”.

### Policy purpose and intent

Part 4 of the Bill contains provisions about information sharing and powers to require information. Some of the sections in Part 4 that relate to the provision of information apply specifically to relevant public authorities whilst others do not allow for information to be requested from such authorities. Section 56 places a duty on each relevant public authority to provide the Authority with information requested by the Authority for the purpose of exercising functions conferred by or under the Bill. Section 57 places a duty on the Authority and a relevant public authority, if certain conditions are satisfied, to share information with the other party as soon as practicable.

The provisions are included to ensure that there is a framework for the Authority to gather, or be provided with, the information it requires to perform its functions under the Bill. It also provides benefits to each relevant public authority as it requires the Authority to share information that the Authority considers ought to be brought to the attention of a particular relevant public authority, for the purpose of the exercise of its functions.

It should be noted that the information sharing provisions are subject to the safeguard that information is not required or permitted to be given contrary to any prohibition imposed by an enactment or other rule of law.

“Relevant public authority” is defined in section 55(1) as:

- (a) the Welsh Ministers;
- (b) Natural Resources Wales;
- (c) a council for a county or county borough in Wales;
- (d) a National Park Authority for a National Park in Wales;
- (e) the Coal Authority;
- (f) a Fire and Rescue Authority for an area in Wales.

The bodies listed, on the face of the Bill, as a relevant public authority are the public bodies that we anticipate the Authority may wish to require information from under section 56 for the purpose of carrying out its functions. For example, the Authority may require information held by the Coal Authority, that has been inspecting disused coal tips in Wales since 2020 and has detailed, expert knowledge of the current state of disused coal tips in Wales, when it is determining its programme of monitoring and inspections of disused tips. The Authority may also need access to information held by a council who has detailed records of maintenance operations undertaken on a disused tip in the council’s ownership, when it is determining its assessment of the disused tip.

Section 57(1) requires a relevant public authority, if it becomes aware of a threat to the stability of a disused tip or of evidence of a disused tip’s instability, and it considers that information should be shared with the Authority in the interests of avoiding or reducing a threat to human welfare, to provide the Authority with that information as soon as practicable. The bodies that are listed as a “relevant public authority” are considered to be the public bodies that are likely to receive or use such information in the course of carrying out their day-to-day functions. For example, a local authority may become aware, as part of a planning application, of activity on or near a disused tip that it considers should be passed to the Authority in the interests of avoiding or reducing a threat to human welfare.

Section 57(2) places a duty on the Authority, if it becomes aware of something that should be brought to the attention of a relevant public authority for the purpose of the public authority’s exercise of its functions, to provide that information to the public authority as soon as practicable. For example, if when assessing a disused tip, the Authority becomes aware of a fire hazard on the tip or on

neighbouring land, the Authority must provide that information to the Fire and Rescue Authority for that area. Again, the public bodies that are listed at subsection (1) are considered to be the bodies the Authority may need to share information with.

Consequently, we are satisfied section 55(1) captures the appropriate public bodies within the definition of “relevant public authority” and there are no current plans to exercise the regulation-making power to amend the definition of “relevant public authority”. However, the regulation-making power in subsection (3) gives Welsh Ministers an opportunity to make regulations, at a later date, should it become apparent that another body should be added to the definition in subsection (1). This will ensure that if, for example, a new body is created with functions that mean it receives information relevant to the Authority, such a body could be brought within the scope of section 55.

It should be noted, the exercise of the Welsh Ministers’ regulation-making power is constrained by subsection (4). Subsection (4) provides that regulations under subsection (3) may only bring a person within the scope of a “relevant public authority” if they are a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006<sup>1</sup>.

That means a body can only be added if its functions are exercisable only in relation to Wales and are wholly or mainly functions that do not relate to reserved matters.

### Power to make consequential, transitional provision etc

Section	Form	Proposal	Procedure
73(1)	Regulations	Power to make supplementary, incidental or consequential, transitional or saving provision.	Negative unless regulations modify any provision of primary legislation (which are subject to the affirmative procedure)

<sup>1</sup> 2006 c.32

## **Description of Power**

Section 73 gives Welsh Ministers the power to make regulations that make consequential, supplementary or incidental provision, or transitional or saving provision, in consequence of, or for giving full effect to any provision of the Bill. Regulations may modify any enactment (which includes primary and secondary legislation). The power to modify includes the power to amend, revoke and appeal.

## **Policy Purpose and Intent**

These are standard Bill provisions.

At present there is no intention to utilise the powers to modify existing enactments, save to the extent that transitional or savings provisions may be necessary.

Transitional and savings provisions are often utilised to ensure smooth transition between existing and new regimes. It is not possible to say, at this point, precisely what legislation – if any - may need to be adjusted, but an example of a transitional provision generally is the ‘saving’ of existing legislation (such as a provision under the Mines and Quarries (Tips) Act 1969) so that it continues to apply where, for example, processes under an existing regime are part way through when a new regime is established. For example, there may need to be transitional/savings provisions that enable any notices to carry out works under the 1969 Act that have already been given to be completed before the new regime under the Bill can apply to that particular area. We will liaise with stakeholders including the Coal Authority and local authorities on the need for such provisions. We would expect that any transitional/savings regulations would need to be in force by 1 April 2027.

## Power to modify application of Act to Authority land

Section	Form	Proposal	Procedure
80	Regulations	Power for the Welsh Ministers to modify the application of the Bill in relation to land in which the Authority has an estate or interest.	Affirmative

### Description of power

Section 80 gives the Welsh Ministers a regulation-making power to modify the application of the Bill should the Authority acquire an estate or interest in land.

### Policy purpose and intent

When it is established, the Authority will not have any estates or interests in land – for example it will not own the freehold title to any land nor have a leasehold interest in land.

It is not the current policy intention for the Authority to acquire an estate or interest in land.

Nevertheless, it is considered prudent to include a regulation-making power to enable the Welsh Ministers, by regulations, to modify the application of the Bill, should the Authority acquire an estate or interest in land in the future. Any regulations will reflect the Authority's role in the new regime, in the context of any acquisition of an estate or interest by the Authority.

### Meaning of “tip” and “disused tip”

Section	Form	Proposal	Procedure
81(4)	Regulations	Power for Welsh Ministers to make regulations changing the definition of “disused tip” if either the Quarries Regulations 1999 or the Mines Regulations 2014 is revoked or amended.	Affirmative

## Description of power

Section 81(3) defines a “disused tip” as a tip situated wholly or partly in Wales other than one to which the Quarries Regulations 1999<sup>2</sup> (1999 Regulations) or the Mines Regulations 2014<sup>3</sup> (2014 Regulations) applies.

If either the 1999 Regulations or the 2014 Regulations is amended or revoked, subsection (4) gives the Welsh Ministers a regulation-making power to amend section 81 to change the definition of “disused tip”.

## Policy purpose and intent

Section 81 defines “tip” and “disused tip”.

Subsections (1) and (2) provide that for the purposes of the Bill, “tip” means an accumulation or deposit of waste from a mine or quarry (whatever its form or composition) other than an accumulation or deposit situated underground. Any wall or other structure (whether or not composed entirely or partially of waste) which retains or confines a tip is to be treated for the purposes of the Bill as forming part of the tip.

Subsection (3) defines a “disused tip” as being a tip situated wholly or partly in Wales other than one to which the 1999 Regulations or the 2014 Regulations apply. Those regulations apply to tips that are associated with active mine or quarrying works.

The effect of this definition means that the Bill does not apply to any active tips that are associated with operational mines or quarries.

The regulation-making power in subsection (4) allows for the amendment of the definition of “disused tip”, a key definition in the context of the Bill. The power to amend this definition is connected to any amendment to, or revocation of, the 1999 or 2014 Regulations. There is no current policy intention to exercise this regulation-making power, however its inclusion within the Bill is considered imperative to ensure the Bill can continue to operate in accordance with the stated policy intent by reflecting any

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<sup>2</sup> S.I. 1999/2024

<sup>3</sup> S.I. 2014/3248.

changes in the legislative landscape. The regulation-making power can only be exercised should either of these two sets of regulations be amended or revoked.

## Meaning of “tip” and “disused tip”

Section	Form	Proposal	Procedure
81(5)	Regulations	Power for Welsh Ministers to provide that certain tips are not to be treated as a disused tip for the purpose of the Bill or regulations made under it.	Affirmative

### Description of Power

Sections 81(1), (2) and (3) define “tip” and “disused tip”.

Section 81(5) gives the Welsh Ministers a regulation-making power to prescribe that certain descriptions of tip fall outside the definition of a “disused tip” either altogether or for the purposes of those provisions of the Bill specified in the regulations.

### Policy Purpose and Intent

In line with the [Law Commission’s Report on Regulating Coal Tip Safety in Wales](#), the Welsh Government’s [Coal Tips Safety Wales White Paper, 2022](#) considered whether separate definitions of tip were required and consulted on the possibility of including in the Bill the definition of a ‘de minimis’<sup>4</sup> tip to which certain provisions of the Bill would not apply.

Respondents were supportive of the White Paper proposal. However, it was considered preferable, rather than trying to set a definition of a de minimis tip on the face of the Bill, which could lead to complexity and confusion and risk striking the wrong balance, to, instead, take an appropriate regulation-making power.

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<sup>4</sup> Page 26 of the [White Paper](#) A de minimis tip definition could identify tip features, which pose a suitably low or insignificant risk from multi-hazards as outlined in Chapter 4 and key elements of the regime could be applied proportionately or exempted in relation to these small tips, depending on whether they posed no risk to communities, critical infrastructure or the environment.

Section 81(5) gives the Welsh Ministers a regulation-making power that enables them to set out certain descriptions of tip that would fall outside the definition of a “disused tip” either altogether or for the purposes of those provisions of the Bill specified in the regulations.

The descriptions could refer to a tip’s height, gradient, volume, surface area or the material from which it is composed, or any combination of these.

Regulations under subsection (5) could, for example, provide that the Authority is not under a duty to carry out its functions under Part 2 of the Bill in relation to tips where there is a negligible accumulation or deposit of waste.

Once the Authority is operational and is conducting its programme of work to assess disused tips, consideration will be given as to whether regulations are needed under section 81(5), setting out certain descriptions of tips that would fall outside the definition of “disused tip”, and in what circumstances they should be brought forward. Any consideration of this issue will include consideration of the Authority’s experience. Any regulations would be the subject of consultation and would be subject to the affirmative procedure.

## Coming into Force

Section	Form	Proposal	Procedure
87(3)	Order	Power for the Welsh Ministers to bring specified sections of the Bill into force by order.	None

## Description of power

Section 87 makes provision in relation to when provisions of the Bill come into force.

Subsection (1) provides that Part 5 comes into force on the day after the day on which the Bill receives Royal Assent.

Subsection (2) provides that sections 1, 2 and 5 and Schedule 1 come into force on 1 April 2027.

Subsection (3) provides that the other provisions of the Bill come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

Subsection (4) enables such an order to make transitional or saving provision.

### **Policy purpose and intent**

Sections 1, 2, 5 and Schedule 1 come into force on 1 April 2027. These are the provisions that establish the Authority.

It is intended to bring those provisions of the Bill that are not mentioned above, into force by way of Order on or after 1 April 2027.

The Welsh Government has in place an implementation team that is undertaking the preparatory work necessary to establish the Authority on 1 April 2027.

### **Schedule 1 – the Disused Tips Authority for Wales**

<b>paragraph</b>	<b>Form</b>	<b>Proposal</b>	<b>Procedure</b>
2(4)	Regulations	Power for the Welsh Ministers to amend sub-paragraph (1) of paragraph 2 to Schedule 1 (which makes provision in respect of the number of members of the Authority), to substitute any of the numbers specified in it, provided the number of non-executive members of the Authority continues to exceed the number of executive members.	Negative

## Description of power

Paragraph 2(1) of Schedule 1 specifies the members of the Authority as:

- (a) a person appointed by the Welsh Ministers as its chairperson;
- (b) at least 3 but not more than 5 other persons appointed by the Welsh Ministers;
- (c) its chief executive; and
- (d) at least 1 but no more than 2 other members appointed by the chief executive and the non-executive members from among the Authority's staff.

Sub-paragraph (4) gives the Welsh Ministers a regulation-making power that enables them to amend the number of members specified in sub-paragraph (1), but a limit is placed on the power as sub-paragraph (4) specifically provides that the regulation-making power must be exercised in such a way as to ensure the number of non-executive members continues to exceed the number of executive members.

## Policy purpose and intent

Paragraph 2 of Schedule 1 makes provision in respect of the composition of the Authority. The Authority comprises executive members (staff of the Authority) and non-executive members (who are not staff of the Authority and who are appointed by the Welsh Ministers through the public appointments process).

In accordance with paragraph 2(1) there will be between 2 and 3 executive members of the Authority and between 4 and 6 non-executive members. It is a principle of good governance and accountability that the number of non-executive members on a board should outnumber the executive.

The Welsh Ministers have no current plans to make regulations using this power as we are satisfied the membership that is prescribed in paragraph 2(1) is what is required for optimal functioning of the board of the Authority. However, it is usual practice to

take a power to amend the membership requirements should it be considered there is a need for change at some point in the future.

paragraph	Form	Proposal	Procedure
3(g)	Regulations	Power for the Welsh Ministers to specify a holder of an office, a member, or member of staff of a body, that may be disqualified from being a non-executive member of the Authority.	Negative

### Description of power

Paragraph 3 of Schedule 1 to the Bill prescribes the circumstances in which a person is disqualified from being appointed, or holding office, as a non-executive member of the Authority.

A person is disqualified if they are or become:

- (a) a member of the Authority's staff,
- (b) a member of Senedd Cymru,
- (c) a member of a council for a county or county borough in Wales,
- (d) a member of the House of Commons or the House of Lords,
- (e) a member of the Welsh Government, or
- (f) a person employed in the civil service of the State.

In addition, subparagraph (g) provides a person is disqualified if they are or become the holder of an office, or a member or member of staff of a body, specified by regulations made by the Welsh Ministers.

### Policy purpose and intent

It is considered that the list of disqualified persons set out in paragraph 3 of Schedule 1 to the Bill is sufficient and proportionate. There is no policy intention to utilise the regulation-making power to amend the list at present. However, having a regulation-making power to add to that list is necessary to keep the list of disqualifications up to date if, for example, a new public body were created.

paragraph	Form	Proposal	Procedure
19(10) of Schedule 1	Regulations	Power for the Welsh Ministers to amend paragraph 19(9)(b) (meaning of “planning period”).	Negative

### Description of power

Paragraph 19 requires the Authority to prepare a corporate plan for each planning period.

Sub-paragraph (9) defines “planning period” as “(a) the period of 3 years beginning with 1 October 2027, and (b) each subsequent period of 3 years”.

Sub-paragraph (10) gives Welsh Ministers a regulation-making power to amend sub-paragraph (9)(b), i.e. to amend the three yearly planning period cycle.

### Policy purpose and intent

At the time of drafting, it is considered a three-year planning cycle is appropriate.

Having a regulation-making power provides the flexibility to keep the planning period for the corporate plan under review and amend if considered necessary.

## Guidance

The Bill does not confer powers on the Welsh Ministers to issue guidance. The Welsh Ministers intend to issue guidance utilising existing powers under section 58A of the Government of Wales Act 2006<sup>5</sup>.

Section 69(1) of the Bill places a duty on the Authority to have regard to guidance issued by the Welsh Ministers when exercising its functions. Section 69(2) places a duty on a person appointed by the Welsh Ministers, when determining an appeal under section 36 (application to vary or cancel a notice requiring an owner to carry out operations) or section 41 (application for reimbursement of owner's expenditure where notice to carry out operations is cancelled), to have regard to guidance given by the Welsh Ministers when exercising those functions. As set out above, it is intended that PEDW will be appointed by the Welsh Ministers to determine such applications.

Welsh Ministers intend to issue guidance to the Authority to assist it in the performance of its functions. Guidance will be developed with the Authority and other relevant stakeholders (and be subject to consultation). It is intended that guidance will be developed to cover a number of areas including:

### Monitoring and assessment

The Bill requires the Authority to monitor all disused tips in the register. The Welsh Ministers intend to develop guidance in respect of monitoring, including what is considered to be the minimum frequency of inspection and the minimum requirement of each inspection (e.g. information to be recorded). The frequency of inspection will be influenced by factors such as the category of the tip, with the guidance reflecting that higher rated tips should be inspected at a higher frequency than lower rated tips.

Guidance is also intended to additionally set out the approach which should be used by the Authority when carrying out both preliminary and full assessments of disused tips. Assessments will be crucial to inform any decision in respect of registration and, if required, the category of a disused tip. Assessments will also contribute towards the development of management practices, where the intention is that these will be included in a management plan, where appropriate.

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<sup>5</sup> 2006 c. 32.

### Cost recovery, contributions and charging

Under the Bill, the Authority may carry out operations on any land if it considers it necessary to do so in order to achieve the objective set out in section 42(2). As regards these operations, the Authority will not have charging powers, but it will be able to apply to the court for a contribution order. A person who is given a demand and disputes the amount payable, may apply to the court to either vary or cancel the demand.

The Authority will be able to charge for information, advice and assistance, and for administrative, technical, and professional services.

Welsh Ministers intend to develop guidance for the Authority on cost recovery and charging. The Authority will be subject to public law principles, meaning it will need to be reasonable and proportionate in its activities to recover costs and charging for advice and services and the guidance will reflect this. The guidance will provide a description of the powers. The guidance is intended to set out suggested approaches for the Authority on cost recovery, including cost recovery where there are disused tips with multiple owners and on how best to reach an amicable agreement on repayment terms with owners. It will also provide advice for situations where the Authority and owner cannot agree, e.g. what approaches the Authority can take to recover appropriate costs, such as repayment schedules. The guidance will include a suggested approach on what happens in circumstances when a person says they are not able to afford operations.

### Management plans

It is also proposed that Welsh Ministers will develop guidance for the Authority on management plans. Whilst the Bill does not require the production of management plans, these will be important to the application of the regime. The purpose of a management plan will be to detail tip specific information, and to provide a proactive, proportionate management strategy for a tip. This will include information and the details necessary to monitor and maintain tip safety, alongside specific information on identifying and managing risks and the development of tip specific contingency plans. Management plans will be informed by the tip assessments and categorisation undertaken by the Authority.

The guidance will make it clear that the Welsh Ministers expect the Authority to produce management plans for the highest risk category of tips (categories 1 and 2) and to consider on a case-by-case basis whether a management plan is considered appropriate for the lower rated category tips (category 3 and 4). The intention is for the guidance to cover scenarios such as emergency preparedness and incident response. The guidance will clarify that every tip location is unique, and each management plan is expected to detail the hazard potential, receptors at risk, emergency scenarios and response strategies. The guidance will set out an expectation that the plans crucially consider the site-specific constraints which may dictate emergency preparedness, incident response and remedial strategy. Such constraints will include the proximity of ecologically designated sites, location of adjacent critical infrastructure or interactions with designated water courses.

The guidance will set out that the Authority will be expected to work with other bodies to develop management plans for tips within their ownership, and the Authority itself will be expected to produce management plans for private tip owners, who for whatever reason are unable to or refuse to produce a management plan. The expectation is that all management plans are signed off by the Authority.

### Appeals

The Bill requires Welsh Ministers to make regulations regarding the determination of appeals by an appointed person. The regulations will be developed in consultation with key stakeholders and it is anticipated that they will include (but will not be limited to) provisions about the attendance and examination of parties or witnesses, the production and inspection of documents, powers to enter land and offences in connection with failures to comply with requirements imposed by the regulations.

To accompany the regulations, Welsh Ministers intend to develop guidance for the appointed person regarding the appeals process. The appointed person must have regard to this guidance when exercising its functions and determining an application under section 36 or 41.

The guidance from Welsh Ministers will include guidance on the roles and responsibilities of the appointed person and of landowners in the appeals process. Once the Authority is established one of the key responsibilities will be to build relationships with stakeholders, and in particular with owners of disused tips. A focus on building relationships will help to reduce the need for appeals and notices, as the Authority will have established routes for dialogue and engagement with stakeholders.



## **SL(6)575 – The Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations amend the Local Government Finance Act 1988 in relation to Wales to withdraw eligibility for non-domestic rating charitable relief from independent schools with charitable status, bringing them in line with independent schools which do not have charitable status (for the purposes of non-domestic rates).

These Regulations come into force on 1 April 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 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**

An exception from the withdrawal of charitable rates relief is provided in respect of independent schools which are wholly or mainly concerned with providing full-time education to pupils with an Individual Development Plan.

### **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**30 January 2025**





Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE** Charitable non-domestic rates relief for private schools in Wales

**DATE** 28 January 2025

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

On 23 September, I launched a [consultation](#) on the Welsh Government's proposal to withdraw charitable non-domestic rates relief from private schools, from 1 April 2025. In Wales, private schools are registered as 'independent schools'.

This proposal seeks to bring independent schools with charitable status in line with other independent schools in Wales, for the purposes of non-domestic rates. The aim is to make additional funding available for local services in Wales, by withdrawing a government funded tax reduction for independent schools.

The consultation received 109 responses from a wide range of stakeholders. I am grateful to those who took the time to submit their views and recognise that the responses received from affected schools and the parents of their pupils did not support the proposal. There was broad support for the proposals from other members of the public who responded.

The matters raised by those opposed to a policy change were considered during the development of the proposal. The Welsh Government's position on these matters was set out in the consultation and impact assessments.

The consultation sought to identify whether any of the independent schools affected by the proposal are specially organised to make additional learning provision (informally referred to as 'independent special schools'). Following careful consideration of the responses, the Welsh Government has refined our proposed approach to ensure the continued eligibility for charitable rates relief of any independent school which is wholly or mainly concerned with providing full-time

education to pupils with an Individual Development Plan (IDP). This approach was suggested by some consultation respondents, to provide an exception equivalent to that adopted for England. The exception from the withdrawal of relief will apply to 'independent special schools' at which most or all of their pupils have been placed by the local authority as part of their IDP, in order to meet their additional learning needs.

Subject to the inclusion of the exception set out above, I can confirm that the Welsh Government will proceed with the withdrawal of charitable rates relief from independent schools.

I have today laid the draft Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025 before the Senedd. Subject to approval by the Senedd, these regulations will come into force on 1 April 2025.

The summary of responses to the consultation is available at: [Charitable non-domestic rates relief for private schools](#)

# Agenda Item 3.2

## **SL(6)576 – The Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations amend Commission Regulation (EC) No. 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs marketed in Wales (“Regulation 589/2008”).

Regulation 2 amends Annex 2 to Regulation 589/2008 to remove the limit on the length of time that laying hens can have their access to open-air runs restricted and still have their eggs marketed as free-range in Wales (where measures have been put in place to protect public or animal health).

### **Procedure**

Draft Affirmative

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

### **Technical Scrutiny**

The following 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.**

Paragraph 4.1 of the Explanatory Memorandum provides that *“The purpose of this statutory instrument is to enable free range eggs to be marketed as such when mandatory housing measures are imposed, **regardless of the duration they would be restricted access to open air runs.**”*

Regulation 2(2)(a) states *“before “restricted”, in the first place it occurs, insert, **“temporarily”**,”*.

The reason for inserting “temporarily” is unclear. Could clarification be provided as to why this addition is deemed necessary?

### **Merits Scrutiny**

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

### **Welsh Government response**

A Welsh Government response is required.



**Legal Advisers**  
**Legislation, Justice and Constitution Committee**  
**4 February 2025**





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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Laying of the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025</b>
<b>DATE</b>	<b>28 January 2025</b>
<b>BY</b>	<b>Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change &amp; Rural Affairs</b>

Today, I have laid a draft of the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025 before the Senedd.

Subject to the approval of the Senedd, these Regulations will amend Commission Regulation (EC) 589/2008 to remove the current 16-week derogation which applies to the marketing of free-range eggs in Wales.

Under the current regulations, if the Chief Veterinary Officer for Wales implements mandatory housing measures, then free-range eggs may be marketed and sold for up to 16 weeks without changes to labels on the egg products or packaging. After this period has lapsed, any eggs produced cannot be marketed as 'free-range'.

The amending regulation will remove the current timings to allow eggs to continue to be marketed as 'free range' for the duration of any mandatory housing period. These measures are implemented to protect public or animal health are imposed. This will ensure that Welsh egg producers are at a level trading position to their UK and EU counterparts when complying with mandatory housing measures mandated by the Chief Veterinary Officers guidance.

I look forward to the debate on the Regulations in February.

## **SL(6)578 – The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2025**

### **Background and Purpose**

Schedule 6 to the Welsh Language (Wales) Measure 2011 sets out the bodies that are liable to comply with Welsh language standards. This Order inserts the following additional bodies into Schedule 6:

- Adjudication Panel for Wales
- Boundary Commission for Wales
- Future Generations Commissioner for Wales.

This Order does not itself place any Welsh language duties on those bodies, but it allows the Welsh Ministers, by regulations,<sup>1</sup> to make the following Welsh language standards specifically applicable to those bodies:

- Service delivery standards
- Policy making standards
- Operational standards
- Record keeping standards.

### **Procedure**

Draft Affirmative

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

### **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**

This Order is subject to the draft affirmative procedure. As we set out above, this means that a draft of the Order must be laid before the Senedd, and the Order can only be made if the Senedd approves the draft Order.

However, the preamble to this draft Order includes the following text (our emphasis):

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<sup>1</sup> In this case, the relevant regulations are the Welsh Language Standards (No. 1, No. 2, No. 4, No. 6 and No. 7) Regulations (Amendment) Regulations 2025.



*The Welsh Ministers, in exercise of the powers conferred on them by sections 35 and 38 of the Welsh Language (Wales) Measure 2011, **having received the approval of Senedd Cymru** in accordance with section 150(2) of that Measure, make the following Order.*

This wording suggests it is the Welsh Ministers or the enabling powers that receive the approval of the Senedd. However, it is the **draft Order** that receives the approval of the Senedd.

It is unclear why the Welsh Government chose this wording in the preamble and not the standard, recognised wording found in other draft affirmative instruments that makes it clear that it is the draft instrument that requires the approval of the Senedd. For example, the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025<sup>2</sup> includes the following clear wording:

*In accordance with section 50(6) of the Act, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.*

## 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 to the reporting point is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**4 February 2025**

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<sup>2</sup> Laid on 28 January 2025.



## **SL(6)577 – The Welsh Language Standards (No. 1, No. 2, No. 4, No. 6 and No. 7) Regulations (Amendment) Regulations 2025**

### **Background and Purpose**

These Regulations amend five sets of existing Welsh language standards Regulations so that additional bodies are liable to be required to comply with Welsh language standards. This will enable the Welsh Language Commissioner to give a compliance notice to those bodies.

The Regulations make service delivery standards, policy making standards, operational standards and record keeping standards specifically applicable to the following:

- Welsh Revenue Authority
- Boundary Commission for Wales
- Future Generations Commissioner for Wales
- Trustees of the National Heritage Memorial Fund
- Qualifications Wales
- Adjudication Panel for Wales
- Special Health Authorities.

### **Procedure**

Draft Affirmative

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

### **Technical Scrutiny**

The following 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**

These Regulations are subject to the draft affirmative procedure. As we set out above, this means that a draft of the Regulations must be laid before the Senedd, and the Regulations can only be made if the Senedd approves the draft Regulations.

However, the preamble to these draft Regulations includes the following text (our emphasis):

*The Welsh Ministers in exercise of the powers conferred on them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011, **having received the***



*approval of Senedd Cymru in accordance with section 150(2) of that Measure, make the following Regulations.*

This wording suggests it is the Welsh Ministers or the enabling powers that receive the approval of the Senedd. However, it is the **draft Regulations** that receive the approval of the Senedd.

It is unclear why the Welsh Government chose this wording in the preamble and not the standard, recognised wording found in other draft affirmative instruments that makes it clear that it is the draft instrument that requires the approval of the Senedd. For example, the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025<sup>1</sup> includes the following clear wording:

*In accordance with section 50(6) of the Act, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.*

## 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 to the reporting point is required.

### Legal Advisers

### Legislation, Justice and Constitution Committee

4 February 2025

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<sup>1</sup> Laid on 28 January 2025.



## **SL(6)579 – The Regulated Services (Inspection Ratings) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations make provision about ratings given by the Welsh Ministers in relation to the quality of care and support provided by a service provider following an inspection under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”). They are due to come into force on 31 March 2025.

The Regulations impose requirements on certain service providers in relation to ratings given by the Welsh Ministers, to display such ratings in a specified manner and place and making it an offence to fail to do so; and to provide for an appeal procedure against such ratings in certain circumstances.

### **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 two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 3 requires service providers to make available or display inspection ratings at or for each place at, from or in relation to which it provides a service. “Service provider” is defined in regulation 1 as (in summary) a provider of a relevant regulated service. However, regulation 3 does not limit the requirements in relation to displaying or making available inspection reports to places where a “relevant regulated service” is provided, it simply refers to “service” which is not defined in the Regulations. This may cause confusion if more than one type of service is provided at any place operated by a service provider, or if a service provider operates different services from different places. Clarification is therefore requested as to why regulation 3 refers to “service” rather than “relevant regulated service”.

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

Under regulation 4(2)(b), a service provider is prevented from submitting an appeal against the rating that has been applied to them until the service provider has received the outcome



of the Welsh Ministers' review of the inspection ratings. There is no time frame set within which the Welsh Ministers must provide such outcome, which may create uncertainty and delay for service providers in submitting an appeal. The Welsh Government is therefore asked to explain why it did not decide to set a time frame for the outcome of any review to be provided to a service provider.

## Merits Scrutiny

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

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

Paragraph 5 of the Explanatory Memorandum notes that a 12 week public consultation was carried out in relation to these Regulations between 29 July and 14 October 2024. No detail is provided in relation to this consultation, and the paragraph ends with a colon, as if further detail should have been added. It is therefore not clear whether the consultation section of the Explanatory Memorandum is complete.

## Welsh Government response

A Welsh Government response is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**5 February 2025**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament **Pack Page 40**

**Legislation, Justice and Constitution Committee**

## **SL(6)573 – The Non-Domestic Rating (Multiplier) (Wales) Regulations 2025**

### **Background and Purpose**

These Regulations set the non-domestic rating (“NDR”) multiplier for Wales for the financial year 2025-26. They reflect the decision announced on 10 December 2024 to increase the multiplier by 1%, rather than using growth in the Consumer Price Index (“CPI”) of 1.7%. As a result, the Explanatory Memorandum states that this *“results in a lower increase in ratepayers NDR bills for 2025-26 than the 1.7% that would otherwise occur.”*

Schedule 7 to the Local Government Finance Act 1988 (“the 1988 Act”) prescribes the default approach to annual increases in the multiplier, taking account of CPI. The multiplier is applied to the rateable value of each non-domestic property to calculate its NDR bill. Under Schedule 7 to the 1988 Act, the Welsh Ministers have the power via regulations to either use a different index from CPI, or to set alternative figures.

### **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 5 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

In relation to the default increase in the NDR multiplier in the absence of these Regulations, the Explanatory Note states that *“the default increase would be 6.7% in line with the change in the consumer prices index.”* However, the Explanatory Memorandum explains that the default increase would be 1.7% for the financial year 2025-26, rather than 6.7%. The figure of 6.7% appears to have been carried over from the Explanatory Note to the Non-Domestic Rating (Multiplier) (Wales) Regulations 2024 in error, for which the default increase of 6.7% was correct at that time.



Whilst we acknowledge that the Explanatory Note does not form part of the Regulations, the explanation provided has the potential to cause confusion as to the reasons for seeking to make these Regulations, and the difference between the default increase to the multiplier and the increase prescribed by these Regulations.

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

It is noted that the enabling power in paragraph 5(13A) of Schedule 7 to the 1988 Act will be repealed and re-enacted in paragraph A18 of Part A2 of that Schedule, on 1 April 2025, following the coming into force of provisions in the Local Government Finance (Wales) Act 2024.

The Explanatory Memorandum explains as follows:

*“Section 35(3) of the Legislation (Wales) Act 2019 provides that where subordinate legislation made under a repealed provision could have been made under a re-enacted provision, that legislation will have effect as if made under the re-enacted provision. Given the substance of the 2025 Regulations would be the same if made under the re-enacted provision in paragraph A18 of Part A2 of Schedule 7, the 2025 Regulations will be treated as having been made under that power from 1 April 2025, notwithstanding the repeal of the current enabling power in paragraph 5(13A) of Schedule 7.”*

**3. 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**

The Explanatory Memorandum states that:

*“13. All the non-domestic rates collected in Wales are pooled centrally and distributed to local authorities and to police and crime commissioners as part of the annual local government settlements. The total amount to be distributed in this way is known as the “Distributable Amount”. It is calculated by applying the multiplier to the estimated national total of rateable value, taking account of any surplus or deficit carried forward from previous years.*

*14. The Distributable Amount is a key component of the annual local government revenue settlements and the 1988 Act requires that it is approved by the Senedd as part of the annual Local Government Finance Reports. The multiplier, therefore, needs to be determined before the annual settlements can be finalised.”*

**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**



We note the importance of these Regulations and their effect on the annual local government revenue settlements. We note the decision by the Welsh Government to limit the increase in the multiplier to 1% for the financial year beginning on 1 April 2025, rather than increasing the multiplier by reference to the CPI (which would occur without legislation).

In particular, we note the following paragraphs in the Explanatory Memorandum:

*“12. All owners or occupiers of non-domestic properties who pay rates will benefit from the change. Even properties which receive significant amounts of rates relief will benefit, as the residual liability will be calculated using a lower multiplier.”*

...

*“15. Limiting the increase in the multiplier will reduce the income into the non-domestic rates pool in 2025-26. The reduction will be fully funded by the Welsh Government and will be reflected in the calculations for the local government settlements, so that there is no financial impact on local authorities or police budgets.”*

#### **5. 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 there has been no consultation in relation to these Regulations. The Explanatory Memorandum states that:

*“16. No consultation has been undertaken on the policy behind the 2025 Regulations. The proposals benefit all ratepayers in Wales and there is no impact on the resources available to local authorities and police services.”*

### **Welsh Government response**

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

### **Committee Consideration**

The Committee considered the instrument at its meeting on 3 February 2025 and reports to the Senedd in line with the reporting points above.



**Government Response: The Non-Domestic Rating (Multiplier) (Wales) Regulations 2025**

Merit Scrutiny point 1: The point is agreed. We will ensure that the Regulations are corrected as set out below prior to making.

Drafting corrections to be made prior to the making of the Regulations

<b>CORRECTION MADE TO THE WELSH TEXT PRIOR TO MAKING</b>	<b>CORRECTION MADE TO THE ENGLISH TEXT PRIOR TO MAKING</b>
<b>Rheoliadau Ardrethu Annomestig (Lluosydd) (Cymru) 2025</b>	<b>The Non-Domestic Rating (Multiplier) (Wales) Regulations 2025</b>
In the Explanatory Note, in the last sentence of the third paragraph, the figure “6.7%” will be substituted with “1.7%”.	In the Explanatory Note, in the last sentence of the third paragraph, the figure “6.7%” will be substituted with “1.7%”.

Sarah Murphy AS/MS  
Minister for Mental Health and Wellbeing  
Y Gweinidog Iechyd Meddwl a Llesiant

Agenda Item 5.1

Llywodraeth Cymru  
Welsh Government

Our ref: MA/SM/10886/24

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

3 February 2025

Dear Mike,

**The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025**

I refer to my letter to you of 14 January 2025. I am writing to inform the Committee that I have given my consent to Andrew Gwynne MP, the Parliamentary Under-Secretary of State for Public Health and Prevention, to lay the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025. I have laid a Written Statement which can be found at:  
<https://senedd.wales/media/gvvhkkep/gen-ld16953-e.pdf>

The Regulations relate to an area of devolved policy and apply to Wales. The Regulations also apply to England and Scotland. The Regulations are subject to the affirmative procedure and were laid before Parliament on 29 January 2025 with a commencement date of 1 April 2025.

Yours sincerely,



**Sarah Murphy AS/MS**  
Minister for Mental Health and Wellbeing  
Y Gweinidog Iechyd Meddwl a Llesiant

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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.



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025</b>
<b>DATE</b>	<b>30 January 2025</b>
<b>BY</b>	<b>Sarah Murphy MS, Minister for Mental Health and Wellbeing</b>

Members of the Senedd will wish to be aware that I have given consent to the Secretary of State to exercise a subordinate legislation making power in a devolved area in relation to Wales.

Consent was sought by Andrew Gwynne MP, the Parliamentary Under-Secretary of State for Public Health and Prevention, to make the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 (“the Regulations”). The Regulations apply across GB.

The purpose of the Regulations is to make substantive reforms, on a GB-wide basis, to the pre-market authorisation processes within certain regulated food and feed product legislative regimes. The Regulations aim to reduce the regulatory burden of the approval process for relevant regulated food and feed products that are subsequently placed on the market in GB.

The Regulations will deliver two main policy proposals:

- the removal of the fixed 10-year authorisation period (and associated renewal processes) from three regulated product regimes
- enable regulated product authorisations to be made by Ministerial decision, rather than being prescribed in regulations by way of statutory instrument. Details of the authorisations will be made available to the public within an official register or list published and maintained by the Food Standards Agency (FSA).

All statutory legislation containing the existing authorisations will be revoked. Existing authorisations will remain valid and continue to have effect by virtue of the transitional

and savings provisions in the Regulations. Publicly accessible details of the existing authorisations will be made available in the FSA's published and maintained lists.

The Regulations will make necessary consequential amendments to certain domestic and assimilated legislation. Existing Welsh subordinate legislation that reference amended legislation will require minor consequential amendments to remain operable. All changes to bilingual Welsh subordinate legislation will be made bilingually.

The Regulations were laid before the UK Parliament by the Secretary of State on 29 January 2025 in exercise of concurrent powers of the Secretary of State in sections 14(1), (3), (4)(a) and (b) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 (the "REUL Act". If approved by Parliament, the Regulations will be made, and will come in to force on 1 April 2025

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

The Regulations do not make any provision that affects the legislative competence of the Senedd.

The Regulations make changes to the executive competence of the Welsh Ministers.

- a) The regulations alter/confer executive functions on the Welsh Ministers (as the "appropriate authority" for Wales) in relation to the granting pre-market authorisations for certain regulated food/feed products/processes, and the modification, suspension or revocation of those authorisations;
- b) The regulations remove or amend various subordinate-legislation functions of the Welsh Ministers (as the "appropriate authority" for Wales).
- c) Provision made by virtue of section 14 REUL Act is not "assimilated law". The making of the Regulations has potential implications for any future use of the powers under the REUL Act in relation to the provisions amended by the Regulations.

The FSA and FSS are charged with protecting public health and risk assess individual authorisations and provide a safety opinion from which risk management advice and recommendations are formed. This process aligns with internationally recognised risk analysis principles and ensures that decisions on a food or feed authorisation are based on the assessment of its safety. Oversight and final decision-making rests with Welsh Ministers in Wales.

Removing the need for SIs would therefore result in a level of scrutiny that is proportionate to the regulation of these products, as the terms of authorisations for regulated products are essentially administrative and purely scientific and technical in nature and do not intrinsically need to be set out in legislation.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in areas of devolved competence. 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, providing consent is deemed appropriate. To keep pace with innovation, and in preparation for receiving future applications for innovative products, the FSA wants to ensure the system works efficiently and effectively for applicants.

It is my view that working collaboratively with UK Government on a GB statutory instrument provides a more efficient means of introducing these amendments that have a consistent application across each nation.

On this occasion, I have given my consent to these Regulations for reasons of efficiency, cross-government coordination and consistency.

The Regulations are available here:

<https://www.legislation.gov.uk/ukdsi/2025/9780348268386>

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



Eich cyf/Your ref  
Ein cyf/Our ref: C&GDMOU25

Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Legislation, Justice and Constitution Committee  
Senedd Cymru

05 February 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I am writing to notify you that a Memorandum of Understanding between the UK Government and Welsh Government was published on 28 January 2025. It can be found [here](#).

This Memorandum of Understanding summarises and formalises the overarching principles and approach to the use of UK Government funding for city and regional growth deals agreed between the UK Government and the Welsh Government and local authority regional partnerships.

I have also copied this letter to the Economy, Trade, and Rural Affairs Committee; Local Government and Housing Committee and the Finance Committee.

Yours sincerely,

A handwritten signature in black ink that reads 'Rebecca Evans'.

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

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# Agenda Item 5.3

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: DC/RE/10486/24

Mike Hedges MS  
Chair of Legislation, Justice and Constitution  
Committee

[SeneddLJC@assembly.wales](mailto:SeneddLJC@assembly.wales)

5 February 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 took place on 22 January 2025 .

The meeting discussed engagement between the UK government and the devolved governments, the UK trade strategy, and provided updates on several active trade negotiations.

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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Mike Hedges MS  
Chair of Legislation, Justice and Constitution Committee  
Welsh Parliament  
Tŷ Hywel  
Cardiff  
CF99 1NA

30 January 2025

Dear Mike,

I am writing to thank you and members of the Legislation, Justice and Constitution Committee and Economy, Trade and Rural Affairs Committee for meeting with members of the International Agreements Committee in Cardiff Bay on Monday 27 January. The members found the visit very useful to learn about the views of the Welsh Parliament in relation to scrutiny of international agreements and interparliamentary relations. Please also thank your officials for organising this visit.

I am sorry to have had to miss the meeting but its contents have been relayed to me.

We very much hope we can keep in touch on matters of mutual interest, and thank you again for the welcome received.

Yours sincerely,



**The Rt Hon. Lord Goldsmith KC**

Chair of the House of Lords International Agreements Committee

# Agenda Item 6.2

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Mike Hedges MS, Chair  
Legislation, Justice and Constitution Committee

4<sup>th</sup> February 2025

Annwyl Mike

## Consolidation of planning law

Thank you for your letter of 23 January seeking further information about the consolidation of planning law. As you know I consider this an extremely significant project and one that I look forward to bringing forward to the Senedd.

**Question 1: Have you discussed with the Business Committee (or have Welsh Government officials discussed with Senedd Commission officials) your proposal that the consolidation of planning law should be dealt with over two Bills – a ‘main’ Bill and a second ‘consequential provisions’ Bill? If so, what were the outcome of those discussions?**

Formal engagement with the Business Committee is expected to take place, in the usual way, much nearer to the time of likely introduction. Discussions with Senedd Commission officials about the overall legislative programme and timetables to facilitate effective working are ongoing. Now we have formally set out our intention to split the consolidation project into two Bills, for reasons of accessibility of the law, those discussions will include the implications of doing this.

**Question 2: Please would you confirm the current thinking as regards the timing of when both Bills will be laid before the Senedd for initial consideration.**

As I set out in my recent evidence to the Committee, our current intention is that the Bills will be introduced in September 2025.

**Question 3: Please would you confirm the approximate length (in pages and/or provision numbers) of the ‘main’ Bill and the ‘consequential provisions’ Bill.**

The main Bill, which has a working title of “Planning (Wales) Bill” is expected to contain approximately 410 sections and 20 Schedules and run to approximately 420 pages. The

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second Bill, which has a working title of “Planning (Consequential Provisions) (Wales) Bill” is likely to be about 80 pages, although this is subject to more change than the main Bill at the moment.

In case it is also helpful to the Committee, the Bills will be accompanied by a single Explanatory Memorandum (of approximately 25 pages), but this will have a number of annexes. For example, there will be a lengthy annex of Explanatory Notes for the main Bill and separately a much shorter set of Notes for the consequential provisions Bill, together with separate tables of origins and destinations (as relevant). There will also be annexes containing the Drafters’ Notes for each Bill. Having annexes will ultimately facilitate Explanatory Notes, tables of origins and destinations and the Drafters’ Notes to be published alongside each Act, but I think having one Explanatory Memorandum will help provide clearer information and explanation to the Senedd as it considers the Bills.

Finally, I have been giving some thought to how we might assist the Committee prepare for consideration of these Bills. I am also aware that the Committee felt unable to respond to the Government’s assertion the Legislation (Procedure, Publication and Repeals) (Wales) Bill was a technical Bill as it had not seen the Bill at that time. Therefore in order that you might effectively comment on the proposed timetable for scrutiny of the Bills and, perhaps more importantly, start to become familiar with the Bills ahead of formal consideration, it is my intention to make available to Senedd Members a draft of the main Bill, and hopefully also the consequential provisions Bill, in June. If possible, we will also make available a working draft of the Explanatory Notes (at least for the main Bill) at the same time. Although the Government will still be finalising the formatting of the Bills and finalising the drafting of the supporting documents, I think the documents we make available will be sufficiently settled to still be useful to the Committee and other Members.

I can also confirm that I would be happy to attend a scrutiny session of the Committee on the day the Bill is introduced, ahead of any legislative statement the Government might make in Plenary later the same week.

I am copying this letter to the Rt Hon Elin Jones MS, the Llywydd and Chair of the Business Committee.

Yn gywir,



**Julie James AS/MS**

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

Julie James MS  
Counsel General and Minister for Delivery

23 January 2025

Dear Julie

### Consolidation of planning law

At our meeting on 20 January 2025, we considered, in detail, the Welsh Government's 'The future of Welsh law: A programme for 2021 to 2026 Annual Report for 2023-24.

Specifically as regards the proposed consolidation of planning law, the Committee would welcome further information and clarity as regards a number of matters as set out in the questions below.

In the Annual Report, you state that progress has continued on consolidating the main Acts that provide the legislative framework for the planning system in Wales, as well as certain provisions closely linked to planning currently found in other Acts. You go on to state that the consolidation "is expected to result in a very large Bill (around 450 pages in each language)". However, you then go on to state that work is also underway to prepare a second "consequential provisions" Bill, which will make a series of consequential amendments and repeals to other enactments as well as providing for transitional and savings provisions.

The possibility of a consolidation exercise involving two or more 'cognate' bills was raised by the Welsh Government in the Fifth Senedd during the development of the new Standing Orders to enable the laying and scrutiny of Consolidation Bills. The Committee's predecessor submitted views to the Business Committee on the draft Standing Order. In response, the Business Committee said:

*"We would anticipate discussions between government and Senedd officials in the lead-up to the introduction of any Consolidation Bill(s) to consider the desirability and practicability of using 'cognate' bills in each case, and ultimately the decision would rest with Business Committee as to whether it agrees to more than one Bill being subject to the same timetable."*

We understand that it is your intention to introduce both Bills into the Senedd at the same time. During the general scrutiny session the Committee held with yourself and the Deputy First Minister on 9 December 2024, you said you believed that the current intention is for the Bills to be introduced in September 2025.

**Question 1:** Have you discussed with the Business Committee (or have Welsh Government officials discussed with Senedd Commission officials) your proposal that the consolidation of planning law should be dealt with over two Bills – a ‘main’ Bill and a second ‘consequential provisions’ Bill? If so, what were the outcome of those discussions?

**Question 2:** Please would you confirm the current thinking as regards the timing of when both Bills will be laid before the Senedd for initial consideration.

**Question 3:** Please would you confirm the approximate length (in pages and/or provision numbers) of the ‘main’ Bill and the ‘consequential provisions’ Bill.

We would welcome a response by 6 February 2025.

I am copying this letter to the Rt Hon Elin Jones MS, the Llywydd and Chair of the Business Committee.

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



Mike Hedges MS

Chair, Legislation, Justice and Constitution Committee

5 February 2025

Dear Mike,

Thank you for your letter of 23 January 2025 following the Legislation, Justice and Constitution Committee's scrutiny session of the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill on 20 January. I am writing to provide you with the further information requested by the Committee.

I would also like to note for clarification an issue raised during the committee discussion on 20 January regarding the regulation making power in the Bill under section 9 (5). In the committee discussion, I noted that the power is intended to be used in unforeseen circumstances, and I provided an example related to an emergency situation. It is important to highlight that while the power is intended to future-proof situations that we have not been able to account for at this point, which would be unforeseen, it is not limited to emergency situations.

**Question 1: In the discussion on 20 January 2025, it was explained to the Committee that, should a visitor accommodation provider exclusively offer stays of more than 31 nights in duration, such a provider would not be subject to the mandatory registration requirement in section 5(1) of the Bill in respect of that accommodation. The Committee would be grateful if you could consider and explain whether and how section 5(1) of the Bill, when read with section 2(1), adequately captures this policy intention, given that the types of visitor accommodation listed in paragraphs (a)-(d) in the definition of "visitor accommodation" in section 2(1) do not explicitly reference being made available for stays of 31 nights or less.**

The visitor accommodation listed in sections (a)-(d) are 'typical' visitor accommodation. They have the typical characteristics of visitor accommodation and are generally provided to visitors. We recognise that these visitor accommodation types are unlikely to provide stays longer than 31 nights (and if they do it would often be by exception), and therefore it was not necessary to apply the 'short-term basis' criteria to (a)-(d).

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The categories listed under (e)-(g) are likely to offer longer-term accommodation and may only provide this type of longer-term accommodation. For example, visitor accommodation in a room share provided to someone who is working in an area for a prolonged period. This may be the only type of accommodation which is being provided and without application of the short-term basis criteria there would be a requirement to register, even though the visitor in this sense is occupying the accommodation on a more permanent basis.

**Question 2: In relation to the steps a principal council must take before introducing or changing the levy, section 25(9) provides that steps taken before those provisions come into force may satisfy the requirements of the section. Section 25 comes into force on the day after Royal Assent. Does that mean that principal councils could be taking those steps now on the assumed basis that these provisions will become law?**

Undoubtedly principal councils would want certainty that any spend they undertake is not wasted effort nor money. Therefore, we would anticipate principal councils waiting until conclusion of the Bill process before undertaking or preparing to undertake any formal consultation, ultimately though it is a decision for each council to take based on their own advice.

**Question 3: Section 37 contains an extensive power for the Welsh Ministers to impose requirements on accommodation providers in relation to advertising and billing, including the ability to impose civil sanctions and appeal provisions. In the Statement of Policy Intent you describe the power as “intentionally wide”. Why didn’t the Government develop policy on these matters and include it on the face of the Bill, rather than seeking an ‘intentionally wide’ power?**

We recognise that it is highly likely that visitor accommodation providers would pass on the levy to visitors. This is an intended effect as an indirect tax on overnight visitor stays. Often indirect taxes like VAT or Air Passenger Duty do not have provisions that require a tax to be passed through but they are passed on to consumers nonetheless. We anticipate that should providers pass on the levy, they would do so in a clear manner and provide any necessary receipt or information requested by a visitor.

However, we note the risk for discrepancies in practice by providers which could lead to confusion. We have included this regulation making power should any confusion, misinformation or inaccuracies occur when providers charge the levy to visitors. We have no current intention to exercise this power, but it may be necessary in the future.

**Question 4: Section 39 contains a power for the Welsh Ministers to issue statutory guidance on the levy or registration scheme. There is no Senedd procedure attached to this proposed power. Why would it be appropriate for the Government to issue statutory guidance without Senedd scrutiny?**

The power to issue guidance is intended to facilitate the operation of the primary legislation. The guidance will largely be concerned with operational process and as such, Senedd scrutiny will have already taken place. It will clarify aspects of the law, not replace them. Guidance generally is not required to be subject to Senedd scrutiny. We will also be consulting before issuing guidance to ensure the views of stakeholders are reflected which ensures sufficient scrutiny.

**Question 5: The Committee has previously expressed concerns over the extent of subordinate legislation powers used by the Government in relation to devolved taxation.**

**(a) Why has the Government chosen to seek a Henry VIII power in section 40 to extend the provisions in this Bill to berths and moorings?**

We have consulted with the marine sector during the development of the policy. It became apparent that this sector operates in a different manner to other visitor accommodation types. Therefore, we will look to continue our discussions to consider how the levy may work in the context of moorings and berths.

**(b) Why do you consider this approach more appropriate than bringing forward future proposals in a draft Bill?**

This approach will provide an opportunity to continue to discuss the proposal with the sector. Should a levy apply to the sector, we would like it to be consistent with our proposals set out in the Bill. Therefore, regulation making powers to extend the act to moorings and berthing allows for such an approach.

**(c) In written evidence to the committee, British Marine Wales has expressed concern over the potential future extension of the levy, stating that the Bill “shows little understanding of the leisure marine industry and the challenges and absurdities that will arise if the levy is applied to recreational boating”. Would you consider excluding recreational craft from the scope of the proposed power in section 40?**

We must consider the matter from a point of fairness. Is it fair for someone on a yacht moored up in a marina overnight to not pay a levy but someone staying in a nearby hotel to be subject to the levy? We recognise there would be some practical challenges in applying the levy to moorings and berths. The inclusion of regulation making powers allows for further consultation to consider these practicalities.

**Question 6: Have you considered whether the Welsh Government should be under a statutory duty to consult before using any of the proposed powers in the Bill?**

Where appropriate, we would intend to consult on use of regulations. However, this would be considered on a case-by-case basis, therefore we do not think it necessary to be under a statutory duty.

**Question 7: Paragraph 5 of Schedule 1 includes a new permitted disclosure of protected taxpayer information for the purposes of the Welsh Revenue Authority’s functions. This is wider than disclosure in relation to the levy. Can you explain why this is necessary?**

The proposed change will widen the WRA’s permitted ways they can disclose Protected Taxpayer Information (PTI) to instances where this information can be shared in accordance with the WRA’s general functions, namely the collection and management of devolved taxes and the visitor levy. This amendment to the TCMA is necessary to effectively administer the visitor levy as well as the collection and management of the devolved taxes.

It has been identified over the WRA’s 8 years of operation that there are certain scenarios where they are unable to communicate effectively with taxpayers about their cases due to restrictions on sharing PTI.

Being able to make disclosures of this nature will assist the WRA in its day-to-day operation of the levy and its existing taxes. This brings WRA in line with HMRC. The Information Commissioner's Office have been consulted on the proposed change and are content with the rationale for this change to be made to TCMA as a whole rather than just for the visitor levy. The full explanations and rationale for this change are stated in the Data Protection Impact Assessment that has been published alongside the Bill.

**Question 8: Paragraph 17 of Schedule 1 removes an existing requirement for the Welsh Revenue Authority to seek the approval of the tribunal before issuing a taxpayer notice requiring taxpayers to provide information or documents. Why have you chosen to remove that element of taxpayer protection in this Bill?**

This Bill will remove the requirement for the WRA to seek tribunal approval before issuing a taxpayer notice in relation to the devolved taxes and the visitor levy. This will improve the efficiency of administration of all taxes the WRA collects and manages. The decision to issue an information notice will still be an appealable decision to ensure appropriate checks and balances are still in place. This brings the WRA's powers in line with HMRC's.

**Question 9: Does the Government consider that any of the provisions of the Bill require the consent of HM The King or the Prince of Wales? If so, when do you anticipate that any required consents will be received?**

Officials are of the view that given the property interests of the Duchy of Cornwall in Wales (which revert to the Crown when there is no Duke of Cornwall) that the consent of the Duke of Cornwall and the King will be required in relation to all the provisions in the Bill which deal with registration of visitor accommodation and the creation of a levy on overnight stays in visitor accommodation.

Consent is generally sought following the completion of stage 2 and must be obtained and signified to the Senedd prior to the commencement of stage 4.

**Question 10: In its latest annual report, the Office for the Internal Market (OIM) identified visitor levies as an area of regulatory development that is affecting, or had the potential to affect, the UK internal market. Have you had any discussions with the OIM on this issue or, if not, what are your views on the OIM's comments?**

We have not had any discussions with the Office for the Internal Market specifically about the visitor levy. We are proposing is a local discretionary tax power for principal councils to use or not use. Local taxes are a devolved matter where we can legislate.

**Question 11: Have any concerns been drawn to your attention that any provisions in this Bill could be impacted by the operation of the UK Internal Market Act?**

No concerns have been drawn to my attention.

**Question 12: Should the Bill be passed and enacted, when do you envisage the registration provisions in Part 2 of the Bill and the accompanying subordinate legislation being fully in force?**

Provisions in Part 1 (provisions relating to the definitions of visitor accommodation, Part 3 (the visitor levy, including amendments to TCMA 2016) and Part 4 (miscellaneous provisions) come into force when the Bill receives Royal Assent.

Part 2 of the Bill shall come into force via orders made by statutory instrument. We intend to commence Part 2 by principal council area so that we can phase the introduction of registration across Wales, prioritising those areas that intend to use a visitor levy first and then areas which have a higher proportion of visitor accommodation. We aim to have completed the registration roll out by 2028.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

**Mark Drakeford AS/MS**

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

Mark Drakeford MS  
Cabinet Secretary for Finance and Welsh Language

23 January 2025

Dear Mark

Visitor Accommodation (Register and Levy) Etc. (Wales) Bill – follow-up to evidence session on 20 January 2025

Thank you again for attending the Committee's meeting on 20 January 2025 to discuss the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill.

At the close of the meeting I said that the Committee would write to you with further questions that we were not able to reach during the meeting. There is also one matter that was discussed during the meeting on which we would welcome clarity. The questions are enclosed in the Annex.

We would be grateful to receive a response by 6 February 2025.

Yours sincerely,



Mike Hedges  
Chair

## Annex

**Question 1:** In the discussion on 20 January 2025 it was explained to the Committee that, should a visitor accommodation provider exclusively offer stays of more than 31 nights in duration, such a provider would not be subject to the mandatory registration requirement in section 5(1) of the Bill in respect of that accommodation. The Committee would be grateful if you could consider and explain whether and how section 5(1) of the Bill, when read with section 2(1), adequately captures this policy intention, given that the types of visitor accommodation listed in paragraphs (a)-(d) in the definition of "visitor accommodation" in section 2(1) do not explicitly reference being made available for stays of 31 nights or less.

**Question 2:** In relation to the steps a principal council must take before introducing or changing the levy, section 25(9) provides that steps taken before those provisions come into force may satisfy the requirements of the section. Section 25 comes into force on the day after Royal Assent. Does that mean that principal councils could be taking those steps now on the assumed basis that these provisions will become law?

**Question 3:** Section 37 contains an extensive power for the Welsh Ministers to impose requirements on accommodation providers in relation to advertising and billing, including the ability to impose civil sanctions and appeal provisions. In the Statement of Policy Intent you describe the power as "intentionally wide". Why didn't the Government develop policy on these matters and include it on the face of the Bill, rather than seeking an 'intentionally wide' power?

**Question 4:** Section 39 contains a power for the Welsh Ministers to issue statutory guidance on the levy or registration scheme. There is no Senedd procedure attached to this proposed power. Why would it be appropriate for the Government to issue statutory guidance without Senedd scrutiny?

**Question 5:** The Committee has previously expressed concerns over the extent of subordinate legislation powers used by the Government in relation to devolved taxation.

- (a) Why has the Government chosen to seek a Henry VIII power in section 40 to extend the provisions in this Bill to berths and moorings?
- (b) Why do you consider this approach more appropriate than bringing forward future proposals in a draft Bill?
- (c) In written evidence to the committee, British Marine Wales has expressed concern over the potential future extension of the levy, stating that the Bill "*shows little understanding of the leisure marine industry and the challenges and absurdities that will arise if the levy is applied to recreational boating.*" Would you consider excluding recreational craft from the scope of the proposed power in section 40?

**Question 6:** Have you considered whether the Welsh Government should be under a statutory duty to consult before using any of the proposed powers in the Bill?

**Question 7:** Paragraph 5 of Schedule 1 includes a new permitted disclosure of protected taxpayer information for the purposes of the Welsh Revenue Authority's functions. This is wider than disclosure in relation to the levy. Can you explain why this is necessary?

**Question 8:** Paragraph 17 of Schedule 1 removes an existing requirement for the Welsh Revenue Authority to seek the approval of the tribunal before issuing a taxpayer notice requiring taxpayers to provide information or documents. Why have you chosen to remove that element of taxpayer protection in this Bill?

**Question 9:** Does the Government consider that any of the provisions of the Bill require the consent of HM The King or the Prince of Wales? If so, when do you anticipate that any required consents will be received?

**Question 10:** In its latest annual report, the Office for the Internal Market (OIM) identified visitor levies as an area of regulatory development that is affecting, or had the potential to affect, the UK internal market. Have you had any discussions with the OIM on this issue or, if not, what are your views on the OIM's comments?

**Question 11:** Have any concerns been drawn to your attention that any provisions in this Bill could be impacted by the operation of the UK Internal Market Act?

**Question 12:** Should the Bill be passed and enacted, when do you envisage the registration provisions in Part 2 of the Bill and the accompanying subordinate legislation being fully in force?

# Agenda Item 6.4

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Delyth Jewell MS  
Chair Culture, Communication, Welsh Language, Sport  
and International Relations Committee  
Senedd Cymru

05 February 2025

Dear Delyth,

Further to the laying of a Legislative Consent Memorandum (LCM) on the Data (Use and Access) Bill ('the Bill') on 2 January, I attach a copy of our updated assessment in relation to any potential impact of the Bill on the Trade and Co-operation Agreement (TCA). I am copying this letter to each of the Committees to which the LCM has been referred.

The previous First Minister made a commitment regarding the sharing of assessments of the impact of UK Government Bills on the TCA in January 2024, when responding to the Committee's recommendations relating to the International Relations Annual Report 2022-23. The commitment stated that *'the Welsh Government LCMs on Bills that impact on the UK-EU Trade and Cooperation Agreement should set out our assessment of such an impact'*.

I would like to clarify how I intend to fulfil the commitment. The TCA is the UK's most important trade deal and as such, the Welsh Government always considers how draft legislation could impact on our existing international obligations. Many UK Government Bills will have no identifiable impact on the TCA, or on any of our international obligations. In these cases, we would not provide an assessment to the Senedd. Where a Bill has a clear impact on the obligations made in the TCA, an assessment will be provided to the Committee only in relation to the provisions which the Senedd is asked to consent to. Including the provisions that do not engage devolved matters within technical assessments of Bills would place an unreasonable burden on Welsh Government teams and duplicate work that the UK Government will have already carried out. Assessments will continue to be provided in writing, as a separate document to the LCM itself.

In cases where my officials are concerned that UK government policy is incompatible with the TCA, we will continue to raise these concerns directly with the UK government.

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[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@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.

However, it is ultimately for the UK government to ensure it has carried out its own due diligence and is compliant with any international obligations.

I trust that this approach will provide the Committee with the information required.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

**Rebecca Evans AS/MS**

Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

cc. Chair, Economy, Trade and Rural Affairs Committee  
Chair, Climate Change, Environment and Infrastructure Committee  
Chair, Equality and Social Justice Committee  
Chair, Legislation, Justice and Constitution Committee

## **Annex 1 - Trade and Co-Operation Agreement and the Data (Use and Access) Bill – Analysis**

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

1. Our view is that the UK Data (Use and Access) Bill ('the Bill'), will not have a direct or immediate impact on the UK's compliance with the Trade and Co-Operation Agreement (TCA), which is a Free Trade Agreement (FTA) between the UK and the EU.
2. Our view is that the changes to the UK data protection framework proposed by the Bill as drafted are unlikely to impact on the UK's compliance with the TCA, as its data protection provisions are generally broad and high level, except rules on data transfer relating to law and enforcement matters, which are more specific.
3. However, as with the previous UK Government's Data Protection and Digital Information (DPDI) Bill (which fell following the dissolution of Parliament), we are concerned that this Bill could signal the beginning of the UK's divergence from the data protection regime currently in place across the EU by diluting the protections provided by UK legislation set out in the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Regulatory divergence over the medium-to-long-term has the potential to undermine the data protection provisions in the TCA across a broad range of policy areas, including digital trade which is essential for public services and private businesses, and law and enforcement.

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

4. Data adequacy decisions<sup>1</sup> made by the EU about the UK confirm that the UK is recognised as having an equivalent level of protection for personal data as the EU, enabling personal data to flow freely between the EU and the UK, supporting public services and private businesses. The UK adequacy decisions also help to facilitate implementation of the TCA which includes a commitment by the EU and UK to uphold high levels of data protection standards.
5. Our view is that there a number of provisions within this Bill that potentially undermine the current data protection framework, and therefore may threaten relevant adequacy decisions.
6. The key concerns relate to:
  - provisions which will dilute a data subjects' rights, such as the dilution of protections around automated decision-making;
  - the addition of duties for the Information Commissioner which may impact upon the requirement for the Commissioner's complete independence, free of direct or indirect external influence;
  - the different standard of treatment of international data transfers compared to the EU, which may be an impediment to adequacy should this matter be litigated; and,
  - The totality of the Secretary of State's regulation-making powers result in a high degree of control around data protection with limited safeguards.

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<sup>1</sup> [Adequacy | ICO](#) – UK Information Commissioner's Office website

7. The potential loss of EU data adequacy is a key concern from a trade perspective. This would be a major threat for Welsh exporting businesses whose main overseas market continues to be the EU, and which rely on smooth data transfers with the EU, particularly multinationals with parent or sister companies based in EU countries. If the UK were to lose its data adequacy status, implementation of the safeguards required by the EU would mean additional administrative and reporting requirements for businesses, as they would be required to undertake additional, potentially costly, compliance activities.
8. From a broader perspective, the loss of data adequacy could also impact the delivery of those public services which rely on the flow of personal data from the EU, for example in education and local government. From a Health perspective the risks are even more significant, with the loss of data adequacy potentially affecting the Welsh NHS and impacting aspects of our cooperation with the EU on health.
9. The UK government has provided assurances that it sees no threat to the adequacy agreement by the Bill. However, we have no evidence to prove or disprove this. Welsh Ministers have requested that the UK government shares a copy of its risk assessment on this matter, but we have not had it. Officials also will continue to seek assurances from the UK government on this matter.
10. Officials will continue to monitor the potential impact of the Bill on EU data adequacy and the TCA as it continues its passage through Parliament.



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/SM/0151/25

Russell George MS, Chair of the Health and Social Care Committee  
Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)  
[SeneddHealth@senedd.wales](mailto:SeneddHealth@senedd.wales)

4 February 2025

Dear Russell and Mike,

I am writing to you regarding the Tobacco and Vapes Bill (“the Bill”) which was laid before the UK Parliament on 5 November 2024. As you are aware, the laying of the Bill triggered the requirement for consent under Standing Order 29.1. As such, a Legislative Consent Memorandum (LCM) was tabled by the Welsh Government on 20 November 2024. I am aware the Business Committee referred the LCM to the Health and Social Care Committee and the Legislation, Justice and Constitution Committee and have set a reporting deadline of 28 February 2025.

As both the Health and Social Care Committee and the Legislation, Justice and Constitution Committee are currently considering the Bill, I wanted to update you on the tabling of two amendments by the UK Government in relation to Wales. Both amendments were requested by the Welsh Government to rectify issues in the drafting and are minor and technical in nature. The details of the amendments are:

*Amendment number 15*

Amendment text

**Clause 168, page 121, line 1**

after “force” insert “(so far as not in force by virtue of subsection (2))”

Member's explanatory statement

Clause 168(2) brings the regulation making powers under Part 1 into force on royal assent. This amendment indicates that the Welsh Ministers’ power to bring certain provisions into force is subject to that and is intended to ensure consistency with the drafting in clause 168(4).

*Amendment number 16*

Amendment text

Clause 170, page 122, line 2

at end insert—

“(za) sections 19 to 22 and Schedule 3 and 4 (licensing of retail sales of tobacco products etc in Wales);”

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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.

Member's explanatory statement

This amendment confers power on the Welsh Ministers to make transitional or saving provision in connection with the commencement of certain provisions that they have power to bring into force by order under clause 168(5).

I am also undertaking discussions with the UK Government regarding clauses 34 (as indicated in paragraph 63 of the LCM) and 150 and 151 (as indicated in paragraph 162 of the LCM). At paragraph 201 of the LCM, I also said I would seek further engagement with the UK Government in relation to clauses 45, 95, 100 and 123 to seek the necessary constitutional assurances to ensure these provisions align with our Cabinet Principles on UK Legislation. Discussions on the matters are ongoing, and I will update the Committees on the outcome, as soon as possible.

I am due to attend the Health and Social care Committee on 6 February and look forward to discussing the Bill with the Committee during the session.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Murphy'.

**Sarah Murphy AS/MS**

Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing

# Agenda Item 11

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

Document is Restricted