

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 17 February 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.55)

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

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

(13.30 – 13.35)

(Page 1)

Attached Documents:

LJC(6)-07-25 – Paper 1 – Draft report

Made Negative Resolution Instruments

**2.1 SL(6)581 – The Home Loss Payments (Prescribed Amounts) (Wales)
Regulations 2025**

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

(13.35 – 13.40)

3.1 SL(6)580 – The Bread and Flour (Wales) Regulations 2025

(Pages 2 – 4)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-25 – Paper 2 – Draft report

Affirmative Resolution Instruments

3.2 SL(6)582 – The Welsh Elections Information Platform Regulations 2025

(Pages 5 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-07-25 – Paper 3 – Draft report

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

(13.40 – 13.45)

Affirmative Resolution Instruments

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

(Pages 10 – 12)

Attached Documents:

LJC(6)-07-25 – Paper 4 – Report

LJC(6)-07-25 – Paper 5 – Welsh Government response

5 Inter-Institutional Relations Agreement

(13.45 – 13.50)

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

(Pages 13 – 19)

Attached Documents:

LJC(6)–07–25 – Paper 6 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Group for Environment, Food and Rural Affairs, 10 February 2025

LJC(6)–07–25 – Paper 7 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Elections and Registration, 11 February 2025

LJC(6)–07–25 – Paper 8 – Letter from the Cabinet Secretary for Transport and North Wales: Transport Inter-Ministerial Standing Committee, 13 February 2025

LJC(6)–07–25 – Paper 9 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 13 February 2025

6 Papers to note

(13.50 – 13.55)

6.1 Correspondence from Professor Colin Harvey, School of Law, Queen's University Belfast: Constitutional matters relating to Wales and the island of Ireland

(Page 20)

Attached Documents:

LJC(6)–07–25 – Paper 10 – Letter from Professor Colin Harvey, School of Law, Queen's University Belfast, 28 January 2025

6.2 Correspondence related to the Legislative Consent Memoranda on the Employment Rights Bill

(Pages 21 – 30)

Attached Documents:

LJC(6)-07-25 – Paper 11 – Letter from the Economy, Trade, and Rural Affairs Committee, 13 February 2025

LJC(6)-07-25 – Paper 12 – Letter from the Senedd Commission, 13 February 2025

LJC(6)-07-25 – Paper 13 – Letter to the Senedd Commission, 31 January 2025

LJC(6)-07-25 – Paper 14 – Letter from the Minister for Culture, Skills and Social Partnership, 7 February 2025

LJC(6)-07-25 – Paper 15 – Letter to the Minister for Culture, Skills and Social Partnership, 31 January 2025

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

(Pages 31 – 32)

Attached Documents:

LJC(6)-07-25 – Paper 16 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 10 February 2025

6.4 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The UK Emissions Trading Scheme Authority Consultation

(Pages 33 – 34)

Attached Documents:

LJC(6)-07-25 – Paper 17 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 12 February 2025

6.5 Correspondence with the Counsel General and Minister for Delivery: 'The future of Welsh law: A programme for 2021 to 2026' Annual Report 2023–24

(Pages 35 – 43)

Attached Documents:

LJC(6)-07-25 – Paper 18 – Letter from the Counsel General and Minister for Delivery, 11 February 2025

LJC(6)-07-25 – Paper 19 – Letter to the Counsel General and Minister for Delivery, 24 January 2025

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

(Pages 44 – 51)

Attached Documents:

LJC(6)-07-25 – Paper 20 – Supplementary Legislative Consent Memorandum (Memorandum No. 6)

LJC(6)-07-25 – Paper 21 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 February 2025

LJC(6)-07-25 – Paper 22 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 30 January 2025

7 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting
(13.55)

Private meeting

(13.55 – 15.05)

8 Legislative Consent Memorandum on the Data (Use and Access)

Bill: Draft report

(13.55 – 14.15)

(To Follow)

Attached Documents:

LJC(6)-07-25 – Paper 23 – Draft report

LJC(6)-07-25 – Paper 24 – Legal Advice Note

LJC(6)-07-25 – Paper 25 – Letter to the Cabinet Secretary for Economy, Energy and Planning, 14 January 2025

9 Supplementary Legislative Consent Memorandum (Memorandum No. 6) on the Water (Special Measures) Bill

(14.15 – 14.25)

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

(14.25 – 14.35)

(Pages 52 – 76)

Attached Documents:

LJC(6)-07-25 – Paper 26 – Draft report

11 International Agreements

(14.35 – 14.45)

(Pages 77 – 85)

Attached Documents:

LJC(6)-07-25 – Paper 27 – Research Service briefing

**12 The Review of the United Kingdom Internal Market Act 2020:
Consideration of key issues**

(14.45 – 14.50)

(To Follow)

Attached Documents:

LJC(6)-07-25 – Paper 28 – Key issues paper

13 Forward Work Planning

(14.50 – 15.05)

(Pages 86 – 92)

Attached Documents:

LJC(6)-07-25 – Paper 29 – Forward Work Programme

Statutory Instruments with Clear Reports 17 February 2025

SL(6)581 – The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2025

Procedure: Made Negative

These Regulations, which apply in relation to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 (“the Act”) to those occupying, or treated as occupying, a dwelling who have an owner’s interest. These Regulations also increase the amount of home loss payment payable under the Act in any other case.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment.

Section 30(1) of the Act provides that in cases where a person occupying, or treated as occupying, a dwelling on the date of displacement has an owner’s interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Section 30(2) of the Act specifies the amount of the home loss payment in any other case.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £62,000 to £82,000 and regulation 2(b) increases the minimum amount from £6,200 to £8,000.

Regulation 2(c) increases the home loss payment in any other case, under section 30(2) of the Act, from £6,200 to £8,000.

Regulation 3 revokes, with savings, the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2020.

Parent Act: Land Compensation Act 1973

Date Made: 30 January 2025

Date Laid: 03 February 2025

Coming into force date: 05 March 2025



Agenda Item 3.1

SL(6)580 – The Bread and Flour (Wales) Regulations 2025

Background and Purpose

These Regulations make provision in relation to bread and flour that is to be sold in, or imported or moved into, Wales. These Regulations revoke and replace (with amendments) the Bread and Flour Regulations 1998 (“the 1998 Regulations”) insofar as those regulations apply in relation to Wales.

The 1998 Regulations establish compositional and labelling requirements for bread and flour. These Regulations amend provisions on the mandatory fortification of non-wholemeal wheat flour by adding folic acid to the list of required substances and update existing requirements for the mandatory addition of calcium carbonate, iron, niacin, and thiamine.

These Regulations also include exemptions for flour produced by small mills, introduce an improvement notice approach to enforcement and contain transitional provision.

Procedure

Negative.

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

Technical Scrutiny

The following 5 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.

In regulation 2, in the definition of “flour”(“blawd”), the English text includes the words “*and includes meal*”. The corresponding Welsh language text reads “ac mae’n cynnwys **blawd**”.

The Welsh Government is asked to confirm whether it considered alternative wording for this provision, in order to distinguish “flour” from “meal” in the Welsh text of the definition.

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



Regulation 7(1) contains exemptions from regulations 3 to 5 for bread and flour produced for exempted uses which include bread for use in the production of food that is for export to a third country.

The Welsh Government is asked to explain whether this particular exempted use is consistent with equivalent exemptions applying in England and Scotland pursuant to regulation 3 of the 1998 Regulations (as amended), which appear to exempt only flour for that purpose (as opposed to both flour and bread).

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

In the Table in Schedule 2 to these Regulations, in the Welsh text, "*Cl Pigment White 18; Chalk*" appears in English.

The Welsh Government is asked to clarify whether this text was included intentionally.

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

In the first row of the Table in Schedule 3, the English text reads "*Iron powder **consisting essentially** of finely-divided metallic iron...*".

The Welsh Government is asked to explain:

- a) the meaning conveyed by "*consisting essentially*" in this context; and
- b) whether it considers that the corresponding Welsh language text ("*wedi ei gyfansoddi*") carries equivalent meaning.

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

The English text of the entry against 'Solubility' in the Table in Schedule 3 to these Regulations contains the wording "***weight in weight** hydrochloric acid...*".

The Welsh Government is asked to confirm whether the words "weight in weight" have been included in error, given that the Welsh text suggests that the phrase "***by weight of** hydrochloric acid*" should appear in this provision.

Merits Scrutiny

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

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



The Explanatory Memorandum to these Regulations notes that:

“The Food Standards Agency in Wales (FSA) alongside the Department for Environment, Food and Rural Affairs (Defra), the Food Standards Agency in Northern Ireland and Food Standards Scotland (FSS) worked together on a review of policy relating to bread and flour, this review being conducted under the Food Compositional Standards and Labelling provisional common framework in efforts to align UK policy as far as possible. This work was also undertaken in conjunction with Welsh Government, the Department of Health and Social Care (DHSC), Scottish Government and Department of Health Northern Ireland who have responsibility for matters of public health. The addition of folic acid to flour was also considered by officials from across the UK under the Nutrition Labelling and Composition Standards (NLCS) framework as the addition of vitamins and minerals to food fall in scope of this framework.”

Welsh Government response

A Welsh Government response to technical reporting points 1 – 5 is required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 February 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)582 – The Welsh Elections Information Platform Regulations 2025

Background and Purpose

These Regulations make provision for a Welsh elections information platform, as required by section 26 of the *Elections and Elected Bodies (Wales) Act 2024*.

The platform is intended to provide up-to-date information to electors to support their participation in Senedd elections and ordinary elections to principal councils in Wales. The platform will be operated by the Electoral Management Board, which will be established as part of the Democracy and Boundary Commission Cymru.

The Explanatory Memorandum to these Regulations state that:

"The overarching policy intention of the Welsh elections information platform is to improve the availability and accessibility of voter information for Welsh Citizens to increase their understanding, awareness and confidence to take part in the democratic process. The platform may contain information to help electors understand the devolution of Welsh elections including the difference between devolved and reserved elections."

The Regulations set out what information must be placed on the platform (such as information about candidates, political parties and accessibility arrangements), and the relevant requirements in respect of such information.

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

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

Regulation 2 is an interpretation provision. It provides three separate definitions for "candidate" in the Regulations, depending on the context.

The first two definitions encompass (a) individual candidates (i.e. independent candidates) for Senedd elections, and (b) party list candidates for Senedd elections.



However, the drafting for (a) is imprecise as it states “an individual who is a candidate to be a Member of the Senedd”. In our view, a party list candidate could also conceivably fall under this definition as they will also be, according to the natural and ordinary meaning of the words, individuals standing as candidates for Senedd elections.

We note that the interpretation provision in the *Senedd Cymru (Representation of the People) Order 2025* (the “**Draft Conduct Order**”) which was recently [consulted upon](#) by the Welsh Government defines ‘individual candidates’ as “a candidate at a Senedd election other than a party list candidate”.

Consideration should be given to amending the definition of ‘candidate’ in the Regulations to more clearly differentiate between individual and party list candidates.

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

Regulation 4(2)(b) provides that the Electoral Management Board (in their capacity as platform operator) must ensure the platform provides, hosts and publishes information in a politically neutral manner about—

- i. specified elections (i.e. Senedd and ordinary elections to principal councils in Wales),
- ii. candidates, and
- iii. registered political parties standing ***in elections to Senedd Cymru***; [emphasis added]

It is unclear why this duty does not extend to publishing information about registered political parties in the context of ordinary elections to principal councils in Wales.

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

Regulation 6(1)(g) provides that the platform operator must publish, or arrange to be published, the “accessibility arrangements in place at polling stations” for each specified election.

The scope of this obligation is unclear. In this context, it may extend to accessibility arrangements for entering polling stations, arrangements for assisting persons to vote, or both.

In respect of the latter potential meaning, we note that the Draft Conduct Order proposes to broaden the duties in respect of equipment at polling stations by placing a duty on the Returning Officer to provide “such equipment as is reasonably necessary” to allow persons to vote independently.

We ask the Welsh Government to confirm what regulation 6(1)(g) is intended to encompass. We also ask whether a requirement obliging the platform operator to publish the accessibility arrangements in place at polling stations is practicable, feasible and sufficiently



certain given the proposed broader duty in rule 37(7)(b) of Schedule 5 to the Draft Conduct Order.

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

Part 4 of the Regulations deals with election addresses and candidate statements. It is unclear why there is a discrepancy in the relevant requirements for these matters as between regulations 9 and 11(3), respectively. Both regulations 9 and 11(3) are consistent that neither must contain any material that:

- (a) is obscene, offensive, or indecent, or
- (b) the publication of which would likely amount to the commission of an offence.

However, in respect of candidate statements, regulation 11(3) further provides that they must not contain any material:

- (c) that amounts to advertising or could result in commercial gain; or
- (d) that could mislead or confuse electors as to the electoral system in use at the election or the effect of giving their vote.

It is unclear why (c) and (d) do not also apply to election addresses under regulation 9.

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

Regulation 13(3)(a) provides that the platform operator must publish a notice of the submission process for election addresses or candidate statements including, inter alia, the date which is the last day on which those documents may be submitted for publication.

Did the Welsh Government consider prescribing a deadline date for these purposes, or will it be left to the discretion of the platform operator for each specified election?

Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

6. 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;

There are numerous cross-references in these Regulations to provisions in the *National Assembly for Wales (Representation of the People Order) 2007* (SI.2007/236) (the "**2007 Conduct Order**").

The Welsh Government's stated intention is to replace the 2007 Conduct Order with a finalised version of the Draft Conduct Order in time for the next Senedd ordinary general



election in 2026. After it has been superceded, the references to the 2007 Conduct Order in these Regulations will become redundant.

We note the paragraph in the Explanatory Memorandum to these Regulations which confirms the Welsh Government's stated intention to "*amend these Regulations once the new Order has been made to reference the precise provisions of that revised order*".

7. 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;

Regulation 8 provides that individual candidates or registered political parties may provide an election address to the platform operator for publication on the platform for Senedd elections. An election address means a copy of the free postal communication document as approved by the Royal Mail.

For principal local authority elections, regulation 10 provides that candidates or a candidate's election agent may submit a candidate statement to be published on the platform. These are short statements about the candidate detailing the reasons why they are seeking election.

Regulations 16 provides that no person is to incur any civil or criminal liability in respect of the publication of the content of an election address or candidate statement on the platform, other than:

- (a) the candidates or candidate to whom the election address or candidate statement relates, and
- (b) the election agent for the candidate or for the registered political party, which has submitted a list of candidates for a constituency, to which the election address or candidate statement relates.

8. 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;

Part 2 of the Explanatory Memorandum contains a Regulatory Impact Assessment (**RIA**) for these Regulations. Paragraphs 22 and 23 deal with estimated costs. It states that these are likely to fall into two categories: (1) resource within the EMB, and (2) costs of a 3rd party service provider to design and build the platform.

In respect of the latter, the RIA estimates initial set up costs of £750,000 - £1m incurred in 2025-26, with annual maintenance estimated at £80,000-110,000 starting from 2026-27.

It further states that additional costs may be incurred as the platform develops, but that the actual costs are "*unknown at this stage and cannot be estimated due to the specialist nature of this work and commercial sensitivity*".

Welsh Government response

A Welsh Government response is required for technical points 1-5 only.



Legal Advisers
Legislation, Justice and Constitution Committee
11 February 2025



Agenda Item 4.1

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.



Committee Consideration

The Committee considered the instrument at its meeting on 10 February 2025 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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Government Response: *The Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025*

Technical Scrutiny point 1: The Regulations will remove the 16-week derogation which currently applies to the marketing of free-range eggs. This will enable free-range eggs to be marketed even when, for the protection of animal and public health, mandatory housing measures are imposed for a period longer than 16 weeks.

Housing measures are only imposed to mitigate and reduce the risk of transmission of Avian Influenza. Housing measures, alongside other disease mitigation measures, have varied in duration but are normally lifted when the risk of transmission is reduced or there is no longer a risk presented by Avian Influenza.

These provisions are conceived as being temporary, emergency measures to prevent the spread of disease. The reference to 'temporarily' links the amendments being made to the exercise of these emergency disease prevention steps which, by their nature, are not permanent.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE 27 January 2025 Inter-Ministerial Group for Environment, Food and Rural Affairs

DATE 10 February 2025

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

In accordance with the inter-institutional relations agreement, I can report to Members I chaired the latest meeting of the Inter-Ministerial Group for Environment, Food and Rural Affairs on 27 January 2025.

The meeting was attended by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands, Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy, Jim Fairlie MSP, Minister of Agriculture, Environment and Rural Affairs, Andrew Muir MLA, Minister for Agriculture and Connectivity, and Steve Reed MP, Secretary of State for Environment Food and Rural Affairs.

The Group discussed the work of the UK Government Circular Economy Taskforce. I emphasised the importance of a clear mechanism for UK-wide issues and for governments to work more in partnership with one another.

We held our first deep dive of the year, which focused on environmental land management. This was a useful opportunity to consider respective environmental land management plans and take a holistic view of the common opportunities for improving environmental and economic outcomes across the UK.

The agenda item on Bovine Electronic Identification and the different technologies' advantages and challenges highlighted agreement that electronic identification was important for farm safety and traceability of livestock.

The Group then discussed the role and importance of devolved nations in potential negotiations on developing a UK-EU sanitary and phytosanitary agreement. I stressed the

importance of agreeing how devolved nations would engage in negotiations, stating my preference for real and meaningful engagement.

We discussed the proposed UK Government National Food Strategy, its interaction with devolved responsibilities, and opportunities for collaboration. I emphasised the importance of developing governance structures on how decisions will be taken where there is devolved involvement or interest. I also highlighted that it should be made clear to stakeholders what policy is for England (under UK Government) and what is policy devolved to Wales.

I am pleased that this Inter-Ministerial Group is taking a positive approach to work collaboratively across a range of topics respecting the different policy contexts and priorities within our nations.

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

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref PO/JB/55/2025
Ein cyf/Our ref DC/JB/00133/25

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

SeneddLJC@senedd.wales

11 February 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I will be representing the Welsh Government at an Inter-Ministerial Group for Elections and Registration on the 12th of February. I will give an update on our work on reforming elections, as will the Scottish and UK Governments. Further discussion is likely to focus on extending online absent voting applications to devolved elections in Wales and Scotland and looking at the progress of legislation in this area.

The meeting will be held virtually and, on this occasion, will be chaired by Rushanara Ali MP, Parliamentary Under Secretary of State, Ministry of Housing, Communities and Local Government. Jamie Hepburn MSP, Minister for Parliamentary Business, Scottish Government and Fleur Anderson MP, Parliamentary Under Secretary of State, Northern Ireland Office will also be in attendance.

I will write again following the meeting with an update.

Yours sincerely,

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

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

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



Our Ref – KS/PO/57/2025

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

SeneddLJC@senedd.wales

13 February 2025

Inter-Institutional Relations Agreement: Transport Inter-Ministerial Standing Committee

I am writing in accordance with the inter-institutional relations agreement to notify you that I represented Welsh Government at the Transport Inter-Ministerial Group held on 19 November 2024.

This meeting was chaired by the Minister for Infrastructure, Northern Ireland Executive, John O'Dowd MLA. A joint communique was published following the meeting, which contains full details of other attendees and can be found at: [Communiqué from the Interministerial Group for Transport Matters: 19 November 2024 - GOV.UK.](#)

Discussion focused on bus reform and the motor insurance taskforce. I raised the significant changes to the way that bus services in Wales will be planned at a regional level following the Bus Bill, and the potential impacts of 20 mph speed limits on collisions and car insurance.

I will be chairing the next meeting of the Transport Inter-Ministerial Group scheduled for March 2025.

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

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

I am copying this letter to the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely

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

Ken Skates AS/MS

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

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: PO/HIDCC/0058/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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13 February 2025

Dear Mike,

Further to my letter of 2 December 2024, I represented the Welsh Government at the seventh meeting of the Inter-Ministerial Standing Committee on 3 December 2024. A communique regarding this meeting is expected to be published on the [UK Government website](#) in the normal way.

The meeting was chaired by the Chancellor of the Duchy of Lancaster and Minister for Intergovernmental Relations, the Rt Hon Pat McFadden MP.

The other attending ministers were:

From the UK Government: Minister of State for Trade Policy and Economic Security, the Rt Hon Douglas Alexander MP; Secretary of State for Wales, the Rt Hon Jo Stevens MP; and Secretary of State for Scotland, the Rt Hon Ian Murray MP.

From the Scottish Government: Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP.

From the Northern Ireland Executive: First Minister Michelle O'Neill MLA; and deputy First Minister Emma Little-Pengelly MLA.

The agenda enabled discussion of a range of issues including: resilience and the responses from each government to the Module 1 report of the UK Covid-19 Inquiry which focused on pre-pandemic planning; and the Common Frameworks Programme and the UK Internal Market Act (2020).

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

In relation to the discussion on resilience and each government's response to the first report of the UK Covid-19, I highlighted that it is important for this report and also future reports that we work together as governments across the UK. Whilst the Welsh Government broadly supports the recommendations in principle, I raised the importance of responses to the recommendations taking into account differences in the devolution settlements across our nations. In addition, the absence of Barnett consequential funding for civil contingency matters is a constraint on investment in this important agenda. I also outlined that the Welsh Government would like there to be strengthened cross-UK engagement on resilience at Ministerial level.

As part of the discussion relating to the Common Frameworks Programme, I highlighted that, where currently embedded, Common Frameworks are a positive example of effective intergovernmental working and have created space for innovation within devolved competencies. Regrettably, however, over recent years the Welsh Government's experience of the UK Internal Market Act (2020) is that it has undermined the purpose of Common Frameworks. Therefore, the interplay between the two must be placed at the centre of discussions on these issues.

In this context, the Committee also discussed the UK Internal Market Act (2020) and the plans for the statutory review in 2025. I emphasised our hope that this work will provide a platform for reform to address the serious constitutional issues with the Act. I highlighted the Welsh Government's focus on growth and the important role a well-functioning internal market can play, but made clear that the Act as it stands is not the right approach. I offered to work with the UK Government and other devolved governments on an approach to reforming governance of the UK internal market in a way which embraced devolution. I looked forward to working together on these issues as the Act undergoes statutory review in 2025.

An agenda item on the Sewel Convention and UK legislation was not discussed due to time constraints, and I therefore expect these issues to feature in future meetings.

The next Inter-Ministerial Standing Committee is expected to take place in early spring 2025, with chairing arrangements to be determined.

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

Agenda Item 6.1



**QUEEN'S
UNIVERSITY
BELFAST**

By email only

28 January 2025

Dear Mr Hedges MS,

I am writing to you in your capacity as Chair of the Legislation, Justice and Constitution Committee of Senedd Cymru/Welsh Parliament. As you will be aware, there is intensifying debate in Ireland about the prospects for a “border poll” – as provided for in the Northern Ireland Act 1998 s 1 and sch 1 – read with the relevant provisions of the Belfast/Good Friday Agreement.

These discussions involve much more, of course, than the mechanics of concurrent referendums on the island of Ireland. Given the level of engagement on this aspect of the Belfast/Good Friday Agreement, and the practical significance for everyone across these islands, I write to ask if your Committee might consider an evidence session to explore the subject. Whatever view is taken on the future of Northern Ireland, there is merit in the current focus on responsible preparatory work for all possible outcomes. However, it remains underexplored, and it is my view that this gap must be addressed. In particular, what are the implications for Wales of the accelerating constitutional conversations about a united Ireland? What are the lessons from the Welsh experience for Ireland? What might Wales learn from the Belfast/Good Friday Agreement? These are only some of the questions that may be of interest to your Committee.

You will know, for example, that in Ireland in July 2024 the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement recommended that preparation commence immediately, among other suggestions. My own view, as an academic working in this area of constitutional law, is that your Committee could offer a forum for serious consideration of the matter in Wales and make a valuable contribution to these deliberations. My primary concern, as indicated above, is that this has not had the detailed attention it merits beyond the island of Ireland, including in Senedd Cymru/Welsh Parliament. That is surprising given the implications for these islands. With increasing public debate in Ireland on the potential for a “border poll” this decade, it may well be an appropriate time for your Committee to explore the topic.

Thank you for taking the time to consider my request and please let me know if any additional clarification would be helpful.

Yours faithfully,

Professor Colin Harvey
School of Law
Queen's University Belfast

Mike Hedges

Chair

Legislation, Justice and Constitution Committee

13 February 2025

Dear Mike,

Legislative Consent: Employment Rights Bill

The Business Committee has referred the Employment Rights Bill LCM to our Committee, and we intend to publish a report on the policy matters in due course. However, during our consideration of the LCM, we were so concerned by Clause 26 of the Bill, as referenced in the LCM, that the Committee felt it appropriate for me to write to you and raise our views.

As you will be aware Clause 26 inserts a new section 78A into the Equality Act 2010 which enables the making of regulations requiring certain employers and public bodies to prepare and publish an "equality action plan". We note that, whilst most devolved Welsh public bodies are excluded, the Senedd Commission is covered by this provision. We were also particularly surprised to see that, while Clause 26 states that a Minister of the Crown must consult the Welsh Ministers before making regulations that apply to certain non-devolved public bodies operating in Wales, there is no such requirement when making regulations that apply to the Senedd Commission.

We feel it is entirely inappropriate for the UK Government to take powers that allows it to impose requirements on the Senedd Commission on how it operates, particularly in light of the fact that such requirements will not apply to other devolved Welsh authorities. In our opinion, the Senedd Commission should be answerable and accountable to the Senedd not to UK Government Ministers.

We will be including some detail on this within our report. However, as the Committee that leads on constitutional issues, we felt it was also appropriate to raise these concerns with you.

I have copied this letter to Joyce Watson MS, in her role as Senedd Commissioner for Equalities, Jack Sargeant MS, as the Minister responsible for the LCM, and the Chair of the Equality and Social Justice Committee, who are also considering this LCM.

Kind regards,

Andrew RT Davies

Andrew RT Davies MS

Chair: Economy, Trade and Rural Affairs Committee

We welcome correspondence in Welsh or English

CC: Joyce Watson MS, Senedd Commissioner for Equalities

Jack Sargeant MS, Minister for Culture, Skills and Social Partnership, Welsh Government

Jenny Rathbone MS, Chair, Equality and Social Justice Committee

Mike Hedges MS
Chair of the Legislation, Justice and Constitution Committee
Welsh Parliament
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13 February 2025

Dear Mike,

Employment Rights Bill

Thank you for your letter of 31 January on behalf of the Legislation, Justice and Constitution Committee in relation to the Employment Rights Bill and legislative consent.

Having reviewed clause 26 of this Bill which inserts a new section 78A into the Equality Act 2010 we note that the Senedd Commission will be caught within the scope of this new section. The new section 78A, if enacted, will enable the making of regulations requiring certain employers and public bodies to prepare and publish an “equality action plan” dealing with matters of gender equality.

We confirm that we have not been consulted or had any engagement with the UK Government in relation to this provision. Due to the limited nature of the information available, we are unclear as to what any future regulations would contain. We would therefore like to see the Bill amended so that the Commission is included as a statutory consultee to allow us the opportunity to comment on any proposals for any subsequent regulations.



Please let us know if we can be of any further assistance to the committee.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Elin Jones'.

Elin Jones MS/AS

Llywydd and Chair of the Senedd Commission

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



Rt Hon Elin Jones MS

Llywydd and Chair of the Senedd Commission

31 January 2025

Dear Elin

Legislative consent memoranda on the Employment Rights Bill

At its meeting on 27 January 2025, the Legislation, Justice and Constitution Committee considered the legislative consent memorandum and supplementary legislative consent memorandum laid by the Welsh Government in respect of the Employment Rights Bill on 5 December and 19 December 2024, respectively.

As part of our consideration, we considered a provision identified by the Welsh Government within clause 26 of the Bill. In the legislative consent memorandum, the Minister for Culture, Skills and Social Partnership, Jack Sargeant MS, states that clause 26 inserts a new section 78A into the *Equality Act 2010* which enables the making of regulations requiring certain employers and public bodies to prepare and publish an "equality action plan" dealing with matters of gender equality. The Minister also states that most devolved Welsh public bodies are excluded from this provision, but the Senedd Commission (under its previous name of the National Assembly for Wales Commission) is within the scope of the Bill.

We have written separately to the Minister to seek further information in respect of this provision, but we would also be grateful if you could set out any engagement you have had with the UK Government or the Welsh Government on this clause, and outline any views you may have on its inclusion.

I would be grateful for a response to these questions by Thursday 13 February 2025. You will be aware that the Business Committee has set a reporting deadline of 7 March 2025 for the memoranda.

I am copying this letter to the Minister for Culture, Skills and Social Partnership, the Chair of the Economy, Trade and Rural Affairs Committee and the Chair of the Equality and Social Justice 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



Eich cyf/Your ref
Ein cyf/Our ref JS/10689-24

7 February 2025

Dear Mike,

Thank you for your letter of 31 January on behalf of the Legislation, Justice and Constitution Committee on the Employment Rights Bill and legislative consent.

I am pleased to provide further information on the Bill to inform the Committee's consideration of the legislative consent memorandum and supplementary legislative consent memorandum I laid on 5 and 19 December respectively.

The Senedd Commission's inclusion in the scope of clause 26 results from its listing in Part 1 of Schedule 19 to the Equality Act 2010 (under the heading of "Parliamentary and Devolved Bodies"). The Scottish Parliamentary Corporate Body is similarly within scope. For the purposes of the 2010 Act and connected legislation, these parliamentary bodies are distinct from other devolved Welsh and Scottish public authorities.

The requirement that a Minister of the Crown consult the Welsh Ministers before making regulations under the new section 78A applies only where the regulations apply to a body listed in Part 4 of Schedule 19 to the 2010 Act. The requirement to consult does not apply in respect of regulations that apply to the Senedd Commission because it is listed in Part 1 of the Schedule, not Part 4.

Concerning clauses 49, 52 and 54, these provisions have regard to devolved matters in accordance with Standing Order 29. We therefore assessed that the consent of the Senedd was required.

Regarding clause 25, regulations made by the Welsh Ministers under the new section 83C of the Procurement Act 2023 will be subject to the affirmative procedure in the Senedd (as per the amendments to section 122(10) of the 2023 Act).

Please note the numbering of clauses used above is that of the Bill at introduction, for consistency with your letter and with the legislative consent memorandum and supplementary

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

legislative consent memorandum. The version of the Bill published on 27 January following amendment in Committee stage uses an updated numbering.

I am copying this letter to the Llywydd and Chair of the Senedd Commission, the Chair of the Economy, Trade and Rural Affairs Committee and the Chair of the Equality and Social Justice Committee.

Your sincerely,

A handwritten signature in black ink that reads "JACK SARGEANT". The signature is written in a cursive style with a long horizontal line underneath the name.

Jack Sargeant AS/MS

Minister for Culture, Skills and Social Partnership

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

Jack Sargeant MS
Minister for Culture, Skills and Social Partnership

31 January 2025

Dear Jack

Legislative consent memoranda on the Employment Rights Bill

At its meeting on 27 January 2025, the Legislation, Justice and Constitution Committee considered the legislative consent memorandum and supplementary legislative consent memorandum which you laid in respect of the Employment Rights Bill on 5 December and 19 December 2024, respectively.

To inform our consideration of the memoranda, we would be grateful if you could provide further information in relation to some of the clauses of the Bill which you believe require consent, as set out below.

As you state in the legislative consent memorandum in respect of clause 26, the Senedd Commission is within the scope of this provision. Could you please provide further information as to why it is appropriate that the Senedd Commission is within its scope, while most devolved Welsh public bodies are excluded?

Clause 26 also provides that a Minister of the Crown must consult the Welsh Ministers before making regulations that apply to a number of bodies under this provision; however there is no similar requirement to consult the Welsh Ministers when making regulations that apply to the Senedd Commission. Could you please explain why this is the case?

Clauses 49, 52 and 54 remove or amend various provisions of the *Trade Union and Labour Relations (Consolidation) Act 1992*, as amended by *Trade Union Act 2016*; provisions which have been disapplied as regards devolved Welsh authorities by the *Trade Union (Wales) Act 2017*. Clause 71 accordingly repeals section 1 of the 2017 Act given it will become redundant and no longer have legal effect. Given that the subject matter of the 1992 Act is now expressly reserved under paragraph 141(d) of

Schedule 7A to the *Government of Wales Act 2006*, could you please clarify why you believe the provisions within clauses 49, 52, 54 and 71 require the consent of the Senedd?

As you state in the supplementary legislative consent memorandum, the Government amendments to clause 25 will result in powers being conferred on the Welsh Ministers in respect of devolved Welsh authorities. Please could you clarify, as per the requirement in Standing Order 29.3(iv), which Senedd procedure will be applicable to subordinate legislation made in exercise of these powers?

I would be grateful for a response to these questions by Thursday 13 February 2025. You will be aware that the Business Committee has set a reporting deadline of 7 March 2025 for the memoranda.

I am copying this letter to the Chair of the Economy, Trade and Rural Affairs Committee and the Chair of the Equality and Social Justice 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

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

Our ref: PO/HIDCC/0039/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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10 February 2025

Dear Mike,

I am writing to you to correct my letter of 7 February, where I outlined changes to the UK Emissions Trading Scheme.

On 30 January 2025, the UK Emissions Trading Scheme (UK ETS) Authority (comprising of the Welsh Government, the UK Government, the Scottish Government, and the Northern Ireland Executive), published a Response to the [UK ETS Authority Technical consultation September 2024](#) (*Hereinafter: Technical and Operational*). Additionally, on 12 February 2025, not 5 February as previously indicated, “*The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2025*” (*hereinafter: the Order*) will be presented to the Senedd, which will allow for these changes. The Order also implements the changes confirmed in the Authority Response to the [Moving the UK ETS Second Free Allocation Period Consultation](#), published in December 2024.

In September 2024, the ETS Authority published the targeted Technical and Operational consultation that proposed three technical amendments to the scheme. The amendments suggested encompassed various suggested changes, including updating requirements for publication of UK ETS Registry Data as well as improving sharing of UK ETS data between government departments and the CCC possible for the purposes of policy development. In addition, an amendment was suggested for the ultra-small emitters (USE) scheme to allow operators who began operations between 2 January 2021 and 1 January 2024 to apply for USE status for the 2026-2030 period.

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

Stakeholder responses were mostly in favour, with some disagreement towards specific aspects due to concerns over commercial data sensitivity. The Response recognises these concerns and amends the changes in line with them. It will also be ensured that a high bar will be in place for any data sharing before UK ETS data is used in policy development. These proposals pose positive changes to the scheme, as they will overall contribute to improved policy development across Government and will reduce administrative burden on (those which are likely to be) small businesses. The Response therefore confirms the Authority's intention to move forward with the changes.

The Order also implements changes relating to allocation periods for free allocations of allowances in the scheme. As I notified you in December 2024, the UK ETS Authority has confirmed the intention to delay making changes to free allocation policy from the initial target year of 2026, to 2027. Free allocations are UK ETS allowances that are provided for free to industries who face competition globally from competitors based in countries with weaker climate change mitigation policy (carbon leakage). Free allocations are currently the primary policy lever in mitigating carbon leakage, and the changes are being made to make allocations better targeted within the UK context.

The delay to making the changes was recommended as it would provide additional time for careful consideration of stakeholder views and policy development in what is a complex and challenging area, as well as align any changes with the UK Government's plans to introduce a UK Carbon Border Adjustment Mechanism (CBAM) in 2027. The amendment Order presented today will allow for this delay in the legislation.

Through the UK ETS, we must encourage decarbonisation in a way that does not risk disadvantaging Welsh industry and supports their decarbonisation pathways to a net zero world. This publication and amendment Order represent a crucial next step in improving policy making through better data sharing and a more considered approach to free allocations within the UK ETS.

I am also copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

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

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

Ein cyf/Our ref: PO/HIDCC/0040/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
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12 February 2025

Dear Mike,

I am writing to inform you the UK Emissions Trading Scheme (UK ETS) Authority (comprising of the Welsh Government, the UK Government, the Scottish Government, and the Northern Ireland Executive), has today published a consultation on extending the UK ETS beyond 2030.

The “*Consultation to extend the UK ETS beyond 2030*” proposes to extend the UK ETS into a second phase from 1st January 2031. A phase is a period of time defined in the legislation, over which the cap on emissions is set and the overall framework of the Scheme stays broadly the same. Currently, the Scheme is legislated for Phase I, which runs from 1 January 2021 to 31 December 2030 and without further action, the scheme will come to an end on 31 December 2030. Therefore, to ensure that the UK ETS continues to operate after 2030, a post-2030 Phase II would need to be established in legislation.

The consultation also seeks views on the proposed length of a second phase. When considering phase length options, it is important to balance providing participants with clarity on the ETS emissions cap whilst ensuring reliable emissions trajectories for cap setting. The current phase – Phase I - spans 10 years, and the consultation considers if a shorter or longer phase may be preferable. Moreover, it asks whether to allow banking of emissions allowances between Phase I and Phase II. Banking refers to the practice of retaining allowances purchased during one phase of the UK ETS to be used or traded in a later phase.

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This consultation represents the first step in the UK ETS Authority's consideration of extending the Scheme, with the next step involving assessing the number of allowances that would be available Phase II. This will be subject to further consultation, which I will provide an update for in due course.

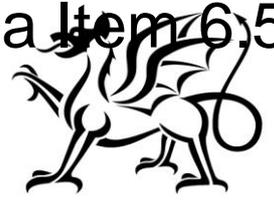
The UK ETS is a key policy lever, driving decarbonisation across Wales and the UK, encouraging investment, reducing emissions, and helping to secure a resilient, sustainable future for Wales. Extending the scheme will enable it to continue playing a critical role in achieving economically efficient decarbonisation and meeting our legally binding net zero target, interim goals, and future carbon budgets – both within Wales and across the UK. I expect to write again regarding the outcome of further consultations and policy proposals in the coming months. I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,

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

Huw Irranca-Davies AS/MS

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



Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

11 February 2025

Annwyl Mike

'The future of Welsh law: A programme for 2021 to 2026' Annual Report 2023-24

Thank you for your letter of 24 January seeking further information on matters relating to my recent annual report on the programme to improve the accessibility of Welsh law. My responses are as follows.

Classification of Welsh law

Question 1: Was the Welsh Government consulted before the National Archives revised its intentions as regards a single classification structure for Welsh law, and have you expressed or do you have any concerns with the National Archives' new plans to develop a subject classification system for all legislation rather than for Welsh law alone

The Committee will be aware that when we established the current programme, the commitment was to “*work with The National Archives team responsible for legislation.gov.uk to provide additional functionality on that site so that users may access Welsh law by subject.*” Ultimately it is a matter for The National Archives, but as always we seek to work collaboratively with them recognising that they need to provide publishing solutions that work across the UK.

We were advised of their plans in late 2023/early 2024 and await their further thoughts on the most appropriate way to develop functionality that supports subject by subject classification. We continue to hold the view that this is a useful way for users to access legislation, particularly if they are not sure of the title or detail of individual enactments. Indeed, The National Archives have advised us in discussions that this is something that their own user research identifies as helpful.

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

We are therefore keen to see progress on developing a classification system for legislation that supports improved accessibility to the law, and that takes account of the subjects for which the Senedd has responsibility.

Communication of Welsh law

Question 2: Has consideration been given to focusing on prioritising the updating of all the most frequently accessed instruments rather than following the year-by-year approach?

As set out in the report, in general our approach is to bring a year's worth of instruments up to date before progressing to the next year. However as also explained, we have prioritised some of the more frequently accessed instruments as well.

Given that the most frequently accessed enactments vary from time to time, we consider the approach we have adopted to be the most thorough for working our way through the backlog of effects to be applied. But this is something that we are discussing with The National Archives and may revisit in the future.

Question 3: Please would you provide details of the most frequently accessed instruments which have yet to be updated.

The data available to us covers all Welsh Acts and Measures as well as those instruments currently designated as "Welsh statutory instruments" on the legislation.gov.uk site. You will appreciate from your work on the Legislation (Procedure, Publication and Repeals) (Wales) Bill that these are of course "Statutory Instruments" that form part of the UK SI series but also attract the "W/Cy" subsidiary number. Rather therefore than list all of those enactments and their current rank by number of views, Annex A provides a summary of the 50 most viewed enactments (as of 6 January) and whether these are up to date (as of 29 January) – the most recent dates for which data is available.

Incidentally, there are a number of stages to updating the legislation.gov.uk website, so it may be the case that the Legislative Codes Office have applied all the effects available to be applied, but the enactment is not showing as "up to date" because application of the effects is awaiting review, or for other technical reasons associated with the functionality of the editing system.

Question 4: Please would you explain how statutory instruments for Wales made by UK Ministers are being dealt with as part of this project.

These are generally a matter for the editing team within The National Archives.

Question 5: Please would you provide further information about the discussions held with the National Archives on the subject of dual-column format bilingual statutory instruments.

I will update the Committee on this matter in due course, but to date conversations have focussed on the most appropriate way to present bilingual statutory instruments in both a printed and electronic format. The National Archives have recently undertaken user research and that has included considering publishing Welsh legislation; we will be discussing their proposals for future developments with them in due course.

There are implications of moving to a new format for the preparation of statutory instruments (and the software in which these are prepared) and given that other changes to the templates will be needed to take account of the Legislation (Procedure, Publication and

Repeals) (Wales) Bill, I am keen to avoid duplication of effort for us, The National Archives and the publication concessionaire. It is my hope that the move away from dual column format will coincide with the establishment of the new “Welsh Statutory Instrument” but this is yet to be confirmed.

Question 6: Please would you provide clarification on the timetable for updating the internal Welsh Government guidance that supports the development of primary and secondary legislation, and commit to share the updated guidance with the Committee for information.

My recent annual report noted that minor amendments were made to the Legislation Handbook on Senedd Bills in June 2024 and a fuller review is planned. No timetable for this has currently been set, but it is likely that this will be done ahead of the next Senedd term.

The Legislation Handbook on Subordinate Legislation will need to be reviewed and updated ahead of Part 1 (and to an extent Part 2) of the Legislation (Procedure, Publication and Repeals) (Wales) Bill coming into force, if enacted. This means work will be undertaken over the summer (depending on the Bill’s progress) and I would anticipate the new guidance being published late autumn 2025.

Consideration is being given to updating the guidance relating to Parts 2 and 3 of the Legislation (Wales) Act 2019, in light of the amendments being proposed to that Act by the Legislation (Procedure, Publication and Repeals) (Wales) Bill. If the decision is taken to publish revised guidance, that would also be published in late autumn 2025.

Work on preparing a Legislation Handbook for Consolidation Bills has begun but is on hold pending completion of the consolidation of planning law project and any review of the Senedd’s consideration of such Bills (this is expected to take place after the Planning Bills are considered by the Senedd). I therefore see this element of our ongoing work to keep guidance up to date and relevant continuing into the next programme, but that is of course a matter for the next Government.

Writing Laws for Wales is kept under ongoing consideration by the Office of the Legislative Counsel, together with *Common Legislative Solutions*. At present there are no immediate plans to republish these.

As always, any guidance documents that are published relating to the preparation of primary or secondary legislation will be brought to the attention of the Committee.

Other projects and matters of note

Question 7: Are you able to share with the Committee the proposals put forward to the Heads of the Drafting Offices by the time-limited group, and provide information on what proposals have since been adopted by the Drafting Offices?

The Cross-Border Drafting Group considered the implications of having three legal jurisdictions (and, therefore, three bodies of law) in the United Kingdom on the clarity of the statute book. They looked also at the particularly confusing concept of different law applying to two different countries within the anomalous England and Wales jurisdiction. Following this, The National Archives have been looking at ways to better reflect this constitutional context on legislation.gov.uk. The Heads of the Drafting Offices then discussed these matters with the team at legislation.gov.uk, and I understand this also formed part of user research undertaken for The National Archives. The National Archives are now identifying ways to improve the explanatory information and signposts on their site, to make it clear

whether legislation extends to a given jurisdiction as well as to make it clear whether legislation applies in relation to Wales, applies in relation to England, or applies in relation to England and Wales. The latter is, however, problematic as the data held in that regard is not complete.

Question 8: Please would you provide further detail on what research was shared with the Welsh Government by the National Archives on the technical possibilities for presenting legislation.

I understand that The National Archives are still evaluating and considering the implications of the recent user research they have undertaken on this matter. The Committee may wish to invite the King's Printer or his team to present information to you on this matter, building on the interesting discussions you have already had with them on the Legislation (Procedure, Publication and Repeals) (Wales) Bill.

Yn gywir,



Julie James AS/MS

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

Annex A – Top 50 viewed items of Welsh legislation on legislation.gov.uk website

The list below is the 50 most viewed items of Welsh legislation in the three months to 6 January 2025.

The number of views combines views to the English language text and the Welsh language texts of the legislation. The most viewed item (Social Services and Well-being (Wales) Act 2014) has received nearly 187,000 page views in over 146,000 sessions by over 99,000 users; the 50th most viewed item (The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020) has received just over 8,600 page views in approximately 5,000 sessions by 685 users.

The list also shows which of the top 50 most viewed items are 'up to date' in terms of effects applied and published to legislation.gov.uk, by language. This reflects the position on 29 January 2025.

Rank (by total views)	Title of enactment	Welsh text up to date	English text up to date
1	Social Services and Well-being (Wales) Act 2014	Yes	Yes
2	Renting Homes (Wales) Act 2016	Yes	Yes
3	Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017	Yes	Yes
4	Regulation and Inspection of Social Care (Wales) Act 2016	Yes	Yes
5	Housing (Wales) Act 2014	Yes	Yes
6	Tax Collection and Management (Wales) Act 2016	Yes	Yes
7	School Standards and Organisation (Wales) Act 2013	Yes	Yes
8	Local Government and Elections (Wales) Act 2021	Yes	Yes
9	Additional Learning Needs and Education Tribunal (Wales) Act 2018	Yes	Yes
10	Historic Environment (Wales) Act 2023	Yes	Yes
11	Well-being of Future Generations (Wales) Act 2015	Yes	Yes
12	Planning (Wales) Act 2015	Yes	Yes
13	Welsh Language (Wales) Measure 2011	Yes	Yes
14	Environment (Wales) Act 2016	Yes	Yes
15	Local Government (Wales) Measure 2011	Yes	Yes
16	Tertiary Education and Research (Wales) Act 2022	Yes	Yes
17	The Natural Resources Body for Wales (Functions) Order 2013 (SI 2013/755)	Yes	Yes
18	Landfill Disposals Tax (Wales) Act 2017	Yes	Yes
19	Democracy and Boundary Commission Cymru etc. Act 2013	No ⁱ	Yes
20	Mobile Homes (Wales) Act 2013	Yes	Yes
21	Public Audit (Wales) Act 2013	Yes	Yes
22	Public Health (Wales) Act 2017	Yes	Yes
23	Public Services Ombudsman (Wales) Act 2019	No ⁱⁱ	Yes
24	Qualifications Wales Act 2015	Yes	Yes
25	Higher Education (Wales) Act 2015	Yes	Yes
26	Infrastructure (Wales) Act 2024	Yes	Yes
27	Education (Wales) Act 2014	Yes	Yes
28	Elections and Elected Bodies (Wales) Act 2024	Yes	Yes
29	Curriculum and Assessment (Wales) Act 2021	Yes	Yes
30	The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (SI 2016/413)	Yes	Yes
31	Historic Environment (Wales) Act 2016 (repealed)	Yes	Yes
32	Legislation (Wales) Act 2019	Yes	Yes
33	The Food Information (Wales) Regulations 2014 (SI 2014/2303)	Yes	Yes
34	The Education (Student Support) (Wales) Regulations 2018 (SI 2018/191)	No ⁱⁱⁱ	Yes
35	Senedd and Elections (Wales) Act 2020	Yes	Yes
36	The Plant Health (Wales) Order 2018 (revoked) (SI 2018/1064)	Yes	Yes
37	Children and Families (Wales) Measure 2010	Yes	Yes
38	Local Government Byelaws (Wales) Act 2012	Yes	Yes

Rank (by total views)	Title of enactment	Welsh text up to date	English text up to date
39	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (SI 2020/1609)	No ^{iv}	Yes
40	Senedd Cymru (Members and Elections) Act 2024	Yes	Yes
41	Health and Social Care (Quality and Engagement) (Wales) Act 2020	Yes	Yes
42	Agriculture (Wales) Act 2023	Yes	Yes
43	Learner Travel (Wales) Measure 2008	Yes	Yes
44	Rights of Children and Young Persons (Wales) Measure 2011	Yes	Yes
45	Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015	Yes	Yes
46	Renting Homes (Fees etc.) (Wales) Act 2019	Yes	Yes
47	The Monmouthshire (Communities) Order 2021 (SI 2021/1227)	Yes	Yes
48	The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (SI 2017/1264)	Yes	Yes
49	Housing (Wales) Measure 2011	Yes	Yes
50	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked) (SI 2020/725)	No ^v	Yes

ⁱ Outstanding effects came into force on 1 January 2025

ⁱⁱ Outstanding effect came into force on 23 January 2025

ⁱⁱⁱ Outstanding effects are more than three months old

^{iv} As above, however this is of historic relevance only and updated versions were provided by the Welsh Government when they were made

^v As above, however this is of historic relevance only and updated versions were provided by the Welsh Government when they were made

Julie James MS

Counsel General and Minister for Delivery

24 January 2025

Dear Julie

The Welsh Government's 'The future of Welsh law: A programme for 2021 to 2026' Annual Report 2023-24

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.

The Committee would welcome further information and clarity as regards a number of matters, as set out in the questions below.

Classification of Welsh law

In the Annual Report you note that, while the National Archives had previously intended to develop a single classification structure for Welsh law, it now intends to develop a subject classification system for all legislation published on the legislation.gov.uk website.

Question 1: Was the Welsh Government consulted before the National Archives revised its intentions as regards a single classification structure for Welsh law, and have you expressed or do you have any concerns with the National Archives' new plans to develop a subject classification system for all legislation rather than for Welsh law alone?

Communication of Welsh law

In the Annual Report you note that the Legislative Codes Office in the Welsh Government has continued to work on a project to ensure that Welsh law is available in up-to-date form on the legislation.gov.uk website. As regards statutory instruments, you state that the intention is to complete the task of bringing a year's worth of statutory instruments up-to-date before beginning on the next year (going backwards). You acknowledge that this means that instruments most frequently viewed by

users may be out of date for longer and, as such, priority has been given to some of the most frequently accessed instruments.

Question 2: Has consideration been given to focusing on prioritising the updating of all the most frequently accessed instruments rather than following the year by year approach?

Question 3: Please would you provide details of the most frequently accessed instruments which have yet to be updated.

Question 4: Please would you explain how statutory instruments for Wales made by UK Ministers are being dealt with as part of this project.

In the Annual Report you note that discussions have been held with the National Archives about moving away from the dual-column format in which bilingual statutory instruments are prepared and published. The First Welsh Legislative Counsel, Mr Dylan Hughes, briefly commented on this issue when giving evidence alongside yourself on 4 November 2024 on the Legislation (Procedure, Publication and Repeals) (Wales) Bill.

Question 5: Please would you provide further information about the discussions held with the National Archives on the subject of dual-column format bilingual statutory instruments.

In the Annual Report you note that work is ongoing to fully review and update internal Welsh Government guidance that supports the development of primary and secondary legislation.

Question 6: Please would you provide clarification on the timetable for updating the internal Welsh Government guidance that supports the development of primary and secondary legislation, and commit to share the updated guidance with the Committee for information.

Other projects and matters to note

In the Annual Report you state that a time-limited group was established in February 2023 which submitted a proposals paper to the Heads of the Drafting Offices in January 2024. You also state that the time-limited group asked the National Archives to look more closely at the technical possibilities for presenting legislation and asked it to share its research on the subject.

Question 7: Are you able to share with the Committee the proposals put forward to the Heads of the Drafting Offices by the time-limited group, and provide information on what proposals have since been adopted by the Drafting Offices?

Question 8: Please would you provide further detail on what research was shared with the Welsh Government by the National Archives on the technical possibilities for presenting legislation.

We would welcome a response by 13 February 2025.

Yours sincerely,

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

Mike Hedges

Chair

Agenda Item 6.6

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO. 6)

The Water (Special Measures Bill)

1. This Legislative Consent Memorandum (LCM) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The Water (Special Measures) Bill (“the Bill”) was introduced in the UK Parliament, the House of Lords on 4 September 2024. I laid an LCM on 18 September 2024 and Supplementary LCMs on 4 and 27 November, 4 December 2024 and, 10 January 2025.
3. The latest version of the Bill can be found at [Water \(Special Measures\) Bill \[HL\]](#).

Policy Objective(s)

4. The UK government introduced the Water (Special Measures) Bill to strengthen the powers of the regulator and address water pollution issues. The Bill was announced in the King’s Speech on 17 July and reflects the Labour Government’s manifesto commitment on cleaning up our waterways. The Bill is a response to the perceived widespread failures by the water sector in addressing pollution caused by sewage discharges and aging infrastructure. I have agreed that the provisions which relate to the regulation of the water industry should apply to Wales.

Summary of the Bill

5. The Bill is sponsored by the Department for the Environment, Food and Rural Affairs. The key provisions of the Bill cover measures which designed to strengthen the powers of water industry regulators, including Ofwat, Natural Resources Wales (NRW) and the Drinking Water Inspectorate (DWI). The changes implemented by the Bill are made by a combination of freestanding provisions and amendments to the Water Industry Act 1991 and the Water Resources Act 1991, which between them comprise a significant proportion of the existing legislation in respect of water.
6. I agreed, in principle, to extend the provision to Wales and sought powers equivalent to those of the Secretary of State for the Welsh Ministers through the Bill.

Update on position since the publication of the first Legislative Consent Memorandum

7. Regular engagement between the UK and the Welsh Government has been continuing throughout the Parliamentary passage of the Bill.
8. The UK Government has tabled further technical amendments at Commons Report stage to Clauses 10 (Charges in respect of Environment Agency and NRW functions) and 15 (Extent, commencement, transitional provision and short title). This SLCM addresses these UK Government amendments.

Provisions tabled by the UK Government for consideration at House of Commons Report Stage for which consent is required

9. Amendment Gov 4 affects Clause 10 (page 15, leaving out lines 6 and 7 and inserting— “(a) sections 205A and 205B of the Water Industry Act 1991 (pollution incident reduction plans and implementation reports). This amendment updates clause 10 to reflect amendments made to Clause 2 in the House of Lords. This will ensure that the cost recovery powers for NRW under this Clause also cover enforcement of the new implementation reports and plans entirely or mainly in Wales in relation to pollution incident reduction plans.
10. Amendment Gov 5 affects Clause 15, in relation to the commencement of Clause 1 on Rules about remuneration and governance. This amendment brings Clause 1 into force on Royal Assent.
11. Amendments Gov 6 and Gov 7 are consequential to the above amendment.

Welsh and UK Government views on the need for consent

12. The UK Government amendments do not change my view of the requirement for consent for those clauses they amend. This is due to those clauses relating to a devolved matter, namely the water industry.
13. The UK’s Government’s view is that amendments to Clauses 10 and 15 require legislative consent from the Senedd. I agree with this assessment.

Reasons for making these provisions for Wales in the Water (Special Measures) Bill

14. The reasoning set out in the previous LCM on this Bill as to why it is appropriate for UK legislation to make provision for Wales in this Bill still stands.
15. The Bill will bring positive changes and support our overall aim to reduce water pollution in Wales. The Bill legislates on a range of issues and policy matters on which the UK Government and Welsh Government

share clear aims and objectives.

16. In response to the report of the Legislation, Justice and Constitution Committee, this LCM replaces the reference to 'water as an inherently cross-border issue' in previous LCMs. It is the case that some of our iconic rivers, such as the Severn, the Dee and the Wye, cross national borders. What happens upstream in England impacts downstream in Wales and vice versa and so cooperation is key. In addition, regulators such as Ofwat, the DWI and the Consumer Council for Water the organisation which champions the interests of consumers, operate with both Wales and England remits. A coordinated approach across is essential to ensure regulatory consistency. Some elements of the Bill relate to reserved matters and therefore any legislation brought forward by the Senedd would not be as comprehensive as the current proposals.

Financial implications

17. The amendments do not introduce any additional financial obligations for the Welsh Government.

Conclusion

18. In my view it is appropriate to deal with these amendments to this UK Bill via a Legislative Consent Memorandum as the Bill's aims are wholly in line with Welsh Government policy, the matter requires collaboration and coordination between our two Governments. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

Huw Irranca-Davies MS

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

January 2025

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/0015/25 & PO/HIDCC/0032/25

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

11 February 2025

Dear Mike,

I would like to express my sincere gratitude to the Legislation, Justice and Constitution Committee for considering the Water (Special Measures) Bill and producing a comprehensive report in advance of the debate in the Senedd on the Legislative Consent Motion. I would like to thank you specifically for your contribution during the debate on 21 January 2025.

I am taking this opportunity to address the recommendations in your report along with points raised during the debate which I could not respond to at the time due to the time constraints:

Recommendation 1. The Cabinet Secretary should consider laying a supplementary legislative consent memorandum to make it clear that the Senedd's consent is being sought for clause 2 of the UK Government's Water (Special Measures) Bill.

I addressed this point in my letter of 20 January in a response to your correspondence dated 14 January 2025. I trust that my response was satisfactory. I do not believe that an additional supplementary legislative consent memorandum is needed for clarifying the position on Clause 2.

Recommendation 2. The Cabinet Secretary should lay a supplementary legislative consent memorandum, in which he withdraws the statement that "Water is an inherently cross border issue" and instead provides a more accurate narrative of the Welsh Government's position as regards its 2015 water strategy.

This point was also covered in my reply to you of 20 January. I have clarified the position in Supplementary Legislative Consent Memorandum (No. 6), which was laid in the Senedd on 31 January 2025.

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

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CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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

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

Recommendation 3. The Cabinet Secretary should explain in more detail why section 48(1) of the Government of Wales Act 2006 has not yet been commenced and provide a timetable for commencing that section.

As the Committee notes, the Welsh Government's position is that the establishment of Hafren Dyfrdwy in 2018 addressed the main objective of Section 48(1) of the Wales Act 2017. Section 48(1) is commenceable by the Secretary of State and there is currently no date set for this in Parliament. Progressing the wider work post commencement would require legislative time in the Senedd which is limited and there are multiple priorities we need to deliver before the end of the current term. The ongoing jointly commissioned independent review of the water sector which covers England and Wales is considering the regulation and management of the industry holistically and its findings will likely influence our future policy direction.

Recommendation 4. The Cabinet Secretary should write to the Business Committee, and to this Committee, setting out firm proposals as to how Committees of the Senedd can engage with the Welsh Ministers in respect of proposing amendments to UK Bills that make provision in devolved areas.

I am keen to ensure the Senedd is involved and kept informed as early as possible on these issues and will continue to engage proactively with Committees. The Trefnydd and Business Committee will continue to engage with relevant Committees on any proposed revisions to Standing Orders.

Recommendation 5. The Cabinet Secretary should explain further his comments regarding amendments to the Bill that are the subject of Memorandum No. 4, in particular the reasons why the amendments go against the Welsh Government's principles for using UK Bills to legislate for Wales.

Memorandum No 4 was laid in relation to non-government amendments which were accepted in the House of Lords at Report Stage. These amendments did not receive government support and were subsequently removed in the House of Commons at Committee Stage. This was addressed in Memorandum No.5. Therefore, the version of the Bill voted upon by the Senedd did not include the amendments referred to in Memorandum No.4.

Recommendation 6. Any primary legislation in the future on water policy within the legislative competence of the Senedd should be in the form of Welsh Government Bills and the Welsh Government should not 'piggy-back' on, or rely on, UK Bills to deliver policy outcomes that it considers to be desirable.

The Welsh Government's Principles on UK Legislation in devolved areas states that primary legislation in devolved areas should be enacted by the Senedd. However, they also appreciate that there may be instances where it is in the best interests of Wales for provisions within the Senedd's legislative competence to be included in UK Parliament Bills, with the consent of the Senedd. In respect of water quality, we face similar challenges across England and Wales, and working collaboratively with the UK Government in addressing these and identifying legislative solutions is an effective and practical option. The Water (Special Measures) Bill is an example of how we can work together towards a shared goal whilst respecting the principles of devolution. As I have outlined above, I will await the outcome of the independent review into the water sector I have jointly commissioned with the UK Government to inform future direction of policy in this area.

Letter from the committee dated January 30, 2025

Further to your letter seeking clarification on the clauses of the Bill the Legislative Consent Motion referred to, I am happy to confirm again that the Motion the Senedd voted upon referred to the clause numbers as they were correct and up to date at the time of the debate. While I understand that clause numbers have changed throughout the Parliamentary progress of the Bill, each supplementary legislative consent memorandum reflected the latest version of the Bill.

I laid a further supplementary legislative consent memorandum on 31 January in relation to amendments made by the UK Government at Report Stage in the House of Commons. Regrettably, given the scheduling of the Bill we do not expect there to have time to hold a further Senedd debate ahead of the anticipated Royal Assent date. This is due to the pace at which the Bill is being progressed through Parliament to ensure some of the new regulatory rules in Clause 1, relating to governance and remuneration for water companies, can be in place by the start of the next financial year. I recognise that this places the Senedd in an unwelcome position, and we will continue to highlight to the UK Government the importance of affording sufficient time for the legislative competence process as part of their scheduling considerations.

I trust this letter addresses yours and the committee's concerns. Once again, I would like to thank you for your engagement and input during the passage of this Bill.

I am also copying this letter to the Llywydd.

Yours sincerely,



Huw Irranca-Davies AS/MS

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

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

30 January 2025

Dear Huw,

Legislative Consent Motion: The Water (Special Measures) Bill (21 January 2025)

During the Senedd debate on the above motion, I raised two important points of principle that were relevant to the matter the Senedd was being asked to vote on.

I noted that the motion referred to clause numbers in the Bill. I therefore asked you to confirm which version of the Bill in the UK Parliament the clause numbers referred to, as some of the clause numbers referred to in the relevant legislative consent memoranda have changed as a result of amendments made to the Bill during the amending stages. The purpose of the request was therefore to obtain clarity about what the Senedd was specifically being asked to consent to and, in light of the vote to agree the motion, to understand clearly what it has now consented to.

I also noted that you would be laying a further supplementary legislative consent memorandum in relation to Report Stage amendments in the UK Parliament and sought an explanation on what that would mean in terms of the consent the Senedd was being asked to provide.

In closing the debate, you did not address these important points. As such, the Committee would be grateful to receive this information by 13 February 2025.

I am copying this letter to the Rt Hon Elin Jones MS, 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

Agenda Item 10

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

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Agenda Item 13

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

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