

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 3 March 2025	Committee Clerk
Meeting time: 13.00	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.00 – 13.25)

1 Introduction, apologies, substitutions and declarations of interest

(13.00)

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

(13.00 – 13.05)

(Page 1)

Attached Documents:

LJC(6)-08-25 – Paper 1 – Draft report

Made Negative Resolution Instruments

2.1 SL(6)583 – The RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025

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

(13.05 – 13.10)

3.1 SL(6)584 – The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2025

(Pages 2 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–25 – Paper 2 – Draft report

3.2 SL(6)588 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025

(Pages 4 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–25 – Paper 3 – Draft report

Affirmative Resolution Instruments

3.3 SL(6)585 – The Food (Promotion and Presentation) (Wales) Regulations 2025

(Page 7)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–25 – Paper 4 – Draft report

LJC(6)–08–25 – Paper 5 – Written Statement by the Cabinet Secretary for Health and Social Care, 11 February 2025

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

(13.10 – 13.15)

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

(Pages 8 – 11)

Attached Documents:

LJC(6)-08-25 – Paper 6 – Letter from the Minister for Further and Higher Education, 21 February 2025

LJC(6)-08-25 – Paper 7 – Letter to the Minister for Further and Higher Education, 10 February 2025

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

(Pages 12 – 14)

Attached Documents:

LJC(6)-08-25 – Paper 8 – Report

LJC(6)-08-25 – Paper 9 – Welsh Government response

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

(Pages 15 – 21)

Attached Documents:

LJC(6)-08-25 – Paper 10 – Report

LJC(6)-08-25 – Paper 11 – Welsh Government response

5 Inter-Institutional Relations Agreement

(13.15 – 13.20)

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

(Pages 22 – 26)

Attached Documents:

LJC(6)-08-25 – Paper 12 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Inter-Ministerial Group for Business and Industry, 17 February 2025

LJC(6)-08-25 – Paper 13 – Letter from the Cabinet Secretary for Transport and North Wales: Transport Inter-Ministerial Standing Committee, 18 February 2025

LJC(6)-08-25 – Paper 14 – Letter from the Deputy First Minister and Cabinet

Secretary for Climate Change and Rural Affairs: The Interministerial Group on Net Zero, Energy and Climate Change, 27 February 2025

LJC(6)-08-25 – Paper 15 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Inter-Ministerial Standing Committee, 27 February 2025

6 Papers to note

(13.20 – 13.25)

6.1 Correspondence to the Business Committee: Supplementary Legislative Consent Memorandum (Memorandum No. 6) on the Water (Special Measures) Bill

(Pages 27 – 28)

Attached Documents:

LJC(6)-08-25 – Paper 16 – Letter to the Business Committee, 17 February 2025

6.2 Supplementary Legislative Consent Memorandum (Memorandum No. 7) on the Water (Special Measures) Bill

(Pages 29 – 31)

Attached Documents:

LJC(6)-08-25 – Paper 17 – Supplementary Legislative Consent Memorandum

6.3 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Great British Energy Bill

(Pages 32 – 34)

Attached Documents:

LJC(6)-08-25 – Paper 18 – Supplementary Legislative Consent Memorandum

6.4 Correspondence to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Disused Mine and Quarry Tips (Wales) Bill

(Pages 35 – 39)

Attached Documents:

LJC(6)-08-25 – Paper 19 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 February 2025

6.5 Correspondence between the Ministry of Justice and the Equality and Social Justice Committee: Invitation for joint-ministerial general scrutiny session on criminal justice

(Pages 40 – 42)

Attached Documents:

LJC(6)-08-25 – Paper 20 – Letter from the Ministry of Justice to the Equality and Social Justice Committee, 25 February 2025

LJC(6)-08-25 – Paper 21 – Letter from the Equality and Social Justice Committee to the Ministry of Justice, 23 December 2024

6.6 Correspondence from the Counsel General and Minister for Delivery: Legislation (Procedure, Publication and Repeals) (Wales) Bill

(Pages 43 – 47)

Attached Documents:

LJC(6)-08-25 – Paper 22 – Letter from the Counsel General and Minister for Delivery, 27 February 2025

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

(13.25)

Private meeting

(13.25 – 15.15)

8 Visitor Accommodation (Register and Levy) Etc. (Wales) Bill: Draft report

(13.25– 13.55)

(Pages 48 – 87)

Attached Documents:

LJC(6)-08-25 – Paper 23 – Draft report

LJC(6)-08-25 – Paper 24 – Letter from the Cabinet Secretary for Finance and Welsh Language, 17 February 2025

9 International Agreements: Draft report

(13.55 – 14.05)

(Pages 88 – 95)

Attached Documents:

LJC(6)-08-25 – Paper 25 – Draft report

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

(14.05 – 14.15)

(Pages 96 – 102)

Attached Documents:

LJC(6)-08-25 – Paper 26 – Draft report

11 Forward Work Programme

(14.15 – 14.45)

(Pages 103 – 106)

Attached Documents:

LJC(6)-08-25 – Paper 27 – Draft letter to the First Minister of Wales

LJC(6)-08-25 – Paper 28 – Draft letter to the Secretary of State for Wales

LJC(6)-08-25 – Paper 29 – Draft letter to the Chancellor of the Duchy of Lancaster

12 Briefing for Members on Senedd legislative processes

(14.45 – 15.15)

(To Follow)

Attached Documents:

LJC(6)-08-25 – Paper 30 – Briefing on evidence session

Statutory Instruments with Clear Reports 03 March 2025

SL(6)583 – The RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025

Procedure: Made Negative

The RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025 (“the Regulations”) amend the RTM Companies (Model Articles) (Wales) Regulations 2011 (“the 2011 Regulations”) to make changes to the prescribed model articles of association for Right to Manage (“RTM”) companies.

In particular, following a change made by the Leasehold and Freehold Reform Act 2024 to the Right to Manage qualification criteria, the Regulations amend the method by which voting rights are allocated in order to preserve the ability of tenant members of RTM companies to exercise a majority over landlord members.

In accordance with regulation 2(2) of the 2011 Regulations, the amended articles will have effect for an RTM company whether or not they are adopted by the company.

Parent Act: Commonhold and Leasehold Reform Act 2002

Date Made: 06 February 2025

Date Laid: 10 February 2025

Coming into force date: 03 March 2025



Agenda Item 3.1

SL(6)584 – The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 (“the Optical Regulations”) which provide for payments to be made by means of a voucher system in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances.

Regulation 2 and the Schedules to these Regulations amend Schedules 1, 2 and 3 to the Optical Regulations to change the value of vouchers issued in respect of the supply, replacement and repair of optical appliances.

Regulation 3 makes transitional provision in relation to vouchers issued or completed but not used or accepted before 21 October 2024.

Procedure

Negative

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

Technical Scrutiny

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

1. Standing Order 21.2(iv) – that it appears to have retrospective effect where the authorising enactment does not give express authority for this.

The Explanatory Memorandum provides the following information on page 2, under ‘Matters of special interest to the Legislation, Justice and Constitution Committee’:

“These Regulations will have retrospective effect back to 21 October 2024 so as to ensure that the voucher value increases take effect from that date as agreed during tripartite negotiations between the Welsh Government, NHS Wales and Optometry Wales. The reason for these Regulations requiring retrospective effect is due to the timing of the annual negotiations which take into consideration the outcome of the Doctors and



Dentists Remuneration Board, providing an equitable and fair approach across all primary care contractors.”

Whilst the Explanatory Memorandum explains the practical implications of the retrospectivity, it is noted that the enabling provisions cited do not appear to provide express authority for the Regulations to have retrospective effect.

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 not required.

Legal Advisers

Legislation, Justice and Constitution Committee

25 February 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 3

Agenda Item 3.2

SL(6)588 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025

Background and Purpose

These Regulations (“the 2025 Regulations”) amend the Care and Support (Charging) (Wales) Regulations 2015 (“the Charging Regulations”) and the Care and Support (Financial Assessment) (Wales) Regulations 2015 (“the Financial Assessment Regulations”).

The Charging Regulations govern local authorities in exercising their discretion to set a charge, contribution, or reimbursement for care and support services provided under Part 4 (meeting needs) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014.

The Financial Assessment Regulations set out the method by which local authorities must carry out an assessment of a person’s financial resources in order to determine a charge where appropriate.

The 2025 Regulations amend the Charging Regulations to apply an uplift to the minimum income amount which a person in a residential care home is entitled to keep of their net weekly income, applying an increase from £43.90 to £44.65 per week. The 2025 Regulations also amend the Financial Assessment Regulations to direct that payments made by the Ministry of Defence under the new Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme are disregarded for the calculation of capital for when determining a charge.

Procedure

Negative

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

Technical Scrutiny

The following 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**



Regulation 3 inserts a new paragraph 42 into Schedule 2 to the Financial Assessment Regulations, which refers to the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme. Can the Welsh Government confirm why a definition is not provided for this term, or a footnote with a hyperlink to the UK Government website which publishes information about the Scheme to aid the reader?

Merits Scrutiny

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

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

In footnote (1) on page 4 of the 2025 Regulations, the relevant amendment history is incomplete as it does not include “S.I. 2023/424” which amended Schedule 2 to the Financial Assessment Regulations. This is significant because it appears that UK S.I. 2023/424 only amended the English text of paragraph 40 of Schedule 2 to the Financial Assessment Regulations. Therefore, the bilingual text of that provision is no longer equivalent in meaning although both language texts have equal status in law.

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

These Regulations were not subject to any consultation. The Explanatory Memorandum states:

Consultation on amending the Charging Regulations is not required. A consultation on the principle of the changes being made by the amending regulations to the Charging Regulations was originally held between 21 December 2016 and 25 January 2017. Changes do not reflect a change in Welsh Government policy but instead act to update regulations to keep pace with the uplifts applied to state pension and benefits. As such consultation on an annual basis is not undertaken.

Consultation on amending the Financial Assessment Regulations is not required. Amendments in relation to the new disregards arising from changes in UK Government policy in non-devolved areas could affect a small number of individuals and does not reflect a change in Welsh Government policy (sic). Changes to the regulations are merely a technical adjustment to ensure the regulations accurately reflect the financial support schemes identified above to ensure any awards made to individuals are protected from care and support charging.

Welsh Government response

A Welsh Government response is required to reporting points 1 and 2.



Government Response:

Technical Scrutiny point 1: The Welsh Government notes the reporting point. The term used is the name given by the Ministry of Defence to the scheme. The Ministry of Defence has no other scheme which could be confused with the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme. We note that since the Regulations were drafted that UK Treasury has made a set of Regulations for income tax purposes which makes reference to the scheme – S.I. 2025/12. A definition is provided in the Treasury Regulations but the explanation in that definition says more or less the same as the definition itself so it could be argued that it doesn't offer much more information to the reader than the title of the scheme itself. Welsh Government's view is that as the scheme is unique further explanation is not needed even if it is true that a reader would have been assisted if the footnote had contained a link to the UK Government website which contains information on the scheme.

Merit Scrutiny point 2: The Welsh Government is grateful to the Committee for pointing out that the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport, and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424) made consequential amendments to the English text of the Financial Assessment Regulations but omitted to make the equivalent change to the Welsh text. Writing Laws for Wales recommends that only relevant amending instruments are cited in a footnote. It would not be usual to cite instruments making minor consequential amendments. In our view this is not changed by the equivalence issue which you have helpfully pointed out, however the Government intends to address this matter in the omnibus amending statutory instrument that will be laid before summer recess.

Legal Advisers

Legislation, Justice and Constitution Committee

20 February 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Pack Page 6

Legislation, Justice and Constitution Committee

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Food (Promotion and Presentation) (Wales) Regulations 2025
DATE	11 February 2025
BY	Jeremy Miles MS, Cabinet Secretary for Health and Social Care

I have today laid a draft of The Food (Promotion and Presentation) (Wales) Regulations 2025, which will restrict the promotion of high fat, sugar and salt products by location and price in medium and large businesses, which sell food or drink in Wales.

Specifically, the location restrictions will prevent high fat, sugar and salt products being promoted in key locations such as shop entrances, aisle ends checkouts and their online equivalents such as website entry pages. Promotional restrictions will prohibit retailers from offering multi-buy and 'extra for the same price' promotions on such products. Free refills of sugary drinks will also be restricted.

These regulations are a crucial step in delivering the ambitions in our [Healthy Weight: Healthy Wales strategy](#). They will help shift the balance of promotions away from less healthy foods, helping to make healthier products more available, accessible and visible. In making improvements to our food environments, our overall aim is to make it easier for people to make healthier food and drink choices, which contribute to healthier lives, free from diet-related health problems.

We consulted on these regulations last year and have made some amendments in response to the feedback received. However, the regulations remain largely aligned with those in place in England.

We will continue to support businesses and local authorities to implement and enforce the requirements introduced by these regulations. We will publish comprehensive supporting guidance there will be a 12-month implementation period before the regulations come into force, subject to Senedd approval, next month.

Agenda Item 4.1

Mike Howells MS / MS
Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref: VH/PO/86/25

Mike Hedges MS,
Chair
Legislation, Justice and Constitution Committee

21 February 2025

Dear Mike,

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025

Thank you for your letter of 10 February 2025. As the Committee will be aware, the development of subordinate legislation generally entails a long lead-in time. Work is often scheduled well in advance of the date of laying before Senedd Cymru, to ensure that the various teams involved in the legislative process have sufficient availability and time to carry out the necessary tasks. The drafting of legislation, in particular, is typically completed well in advance of making and laying, so that it can be subject to quality-assurance, translation, equivalence-checking, final legal checks and Ministerial approval. In the case of the annual suite of student finance legislation, the process leading to making that legislation also involves the need to factor in engagement with the body which administers and operates the student support system on behalf of the Welsh Ministers.

At the point of receiving the Committee's report on the 2024 Regulations, in August 2024, the time allocated for the drafting of these Regulations in the English language was about to come to an end in accordance with the agreed timetable. At the point that the Committee received the Welsh Government's response to that report, in September 2024, these Regulations were in the first step of the quality-assurance process in accordance with the timetable agreed between the various teams involved in the making of the Regulations. At that same point began the drafting window for the next set of student finance regulations, which were timetabled to be made in February 2025 – just over one month after these Regulations were due to be made.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Vikki.Howells@llyw.cymru
Correspondence.Vikki.Howells@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.

Between September 2024 and January 2025, these Regulations were scheduled for translation, review of Welsh language draft, equivalence-checking, final legal checks and Ministerial approval (in addition to various intermediary tasks), each at specific points in accordance with the agreed timetable.

Therefore, it was considered that there was insufficient time in which to include the necessary corrections relating to the 2024 Regulations in these Regulations, as to have done so would have increased the drafting window for these Regulations beyond that agreed in the timetable. This would have almost certainly derailed the subsequent stages of the legislative process and almost certainly resulted in missing the coming into force date of these Regulations with consequent operational delays to the administration of the student support system for the forthcoming academic year.

At the point of responding to the Committee's report on the 2024 Regulations, it was considered that there was another, more suitable in the circumstances, item of legislation in which to include the necessary corrections, the Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025. This was reflected in the response to the Committee's report on the 2024 Regulations and that legislation was made on 19 February 2025.

This approach was taken as the issues identified in need of correction were considered minor, and not urgent as they did not carry a realistic risk of having a detrimental impact operationally.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'V. Howells', with a long horizontal flourish underneath.

Vikki Howells AS/MS
Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education

Vikki Howells MS

Minister for Further and Higher Education

10 February 2025

Dear Vikki,

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025

At its meeting on 3 February 2025, the Committee considered the Welsh Government response to its report on The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025 (the 2025 Regulations).

You will be aware that these Regulations make technical corrections identified during our scrutiny of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (the 2023 Regulations). In our report on the 2025 Regulations, you will be aware that we noted the following paragraph in the Explanatory Memorandum:

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

You will also be aware that the Committee's report on The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2024 (the 2024 Regulations) raised similar issues arising from the historical error first identified in the Committee's scrutiny of the 2023 Regulations.

As such, we asked in our report on the 2025 Regulations if the Welsh Government could confirm whether the issues from the 2024 Regulations are being addressed in the 2025 Regulations and, if corrections are being made, why are they not referenced in the Explanatory Memorandum. We

asked, if no corrections are being made as a result of our consideration of the 2024 Regulations, that the reasons are provided.

In response, the Committee has been told:

"We note the Committee's report on the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2024. The issues arising from the 2024 Regulations have not been addressed in these Regulations as, at the point of receiving the Committee's report on the 2024 Regulations, there was insufficient time in which to include the necessary corrections without missing the coming into force date of these Regulations. The necessary corrections relating to the 2024 Regulations will be included in the next appropriate instrument, which is scheduled to be made in February 2025."

The Welsh Government responded to the Committee's report on the 2024 Regulations on 9 September 2024, in which it was confirmed that amendments would be made to address the issues caused by the historical error. The current 2025 Regulations were laid on 8 January this year, with coming into force dates of 3 February 2025 and 6 April 2025. As such, the Committee is unclear why the Welsh Government considers that it had insufficient time to make the corrections. The Committee agreed that we should seek clarity on what barriers there may have been during the four month period between last September and this January which prevented the 2025 Regulations from also rectifying the similar errors the Committee identified in the 2024 Regulations.

We would welcome a response by 24 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 4.2

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

Background and Purpose

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

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

Procedure

Affirmative.

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

Technical Scrutiny

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

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

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

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

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



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

Merits Scrutiny

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

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

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

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



Government Response: *The Regulated Services (Inspection Ratings) (Wales) Regulations 2025*

Technical Scrutiny point 1 and Merit Scrutiny point 3: The Welsh Government notes and agrees with the points raised and has decided to withdraw the Regulations. We intend to re-lay them in amended form to address these points on 4 March 2025.

A revised Explanatory Memorandum will be laid alongside the re-laid Regulations providing added information on the consultation.

Technical Scrutiny point 2: In relation to the second technical scrutiny point it may assist the Committee to note the following:

The time frame within which Care Inspectorate Wales (“CIW”) (who exercise the functions of regulator on behalf of the Welsh Ministers) provide the outcome of a review requested under regulation 4(2)(a) is set out in paragraph 6.9 of CIW’s [Responding to Inspection Reports Policy \(HTML document\) | Care Inspectorate Wales](#).

“6.9. We aim to respond within 5 working days of receiving a challenge. Where there is (or is likely to be) a delay the Registered Person, Responsible Individual or relevant person will be informed of the delay and advised of a revised timescale for our response.”

The policy is the means for setting the timescales for sharing the outcome of the Welsh Ministers’ review. Providing the time frame for response in the policy rather than legislation addresses the need for providers to have certainty and the need to avoid delay while affording greater flexibility at operational level where timings can be affected by several variable factors.

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.



Committee Consideration

The Committee considered the instrument at its meeting on 17 February 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 19

Government Response: The *Welsh Elections Information Platform Regulations 2025*

Technical Scrutiny point 1: The Welsh Government notes the reporting point. The drafting is in line with the language used in existing legislation, including the Government of Wales Act 2006 and the Senedd Cymru (Members and Elections) Act 2024. Both refer to ‘individual candidates’. Neither provide for a further definition of an individual candidate. The Welsh Government considers that the meaning behind “an individual who is a candidate to be a Member of the Senedd” is clear on the basis it is followed by the distinct concept of a party list candidate.

However, the Welsh Government accepts that there may be scope to clarify this further and is therefore minded to make an amendment to this effect, and to achieve consistency with the draft Conduct Order.

The committee is aware that the Welsh Government intends to amend this S.I., once the Conduct Order is made, to cross refer to that Order. The Welsh Government commit to taking that opportunity to make this amendment at the same time. This will be done before the end of 2025. There will be no ill effects suffered from waiting until then to amend the definition provision as the amendment will be made well in advance of the 2026 election and while the information platform is being established.

Technical Scrutiny point 2: The Welsh Government notes the reporting point. However, the drafting reflects the different voting systems in place at each election and avoids any scope for confusion as between them. Registered political parties do not ‘stand’ in principal council elections. The publishing of information about registered political parties in the context of ordinary elections to principal councils in Wales would fall under regulation 4(2)(b)(i) as information about a specified election.

Technical Scrutiny point 3: The Welsh Government notes the reporting point. The drafting reflects a non-government amendment made to the Elections and Elected Bodies (Wales) Act 2024 (then Bill) by Rhys ab Owen during stage 3 of the passage of that Bill. The regulation refers to accessibility arrangements at *polling stations*. It is anticipated this might include for example, the provision of wheelchair ramps, hearing loops, disabled parking and toilet facilities, rather than equipment to be provided to voters to assist them in casting a vote at the polling booth – these accessibility arrangements are dealt with in the draft Conduct Order. The duty placed on the Returning Officer by the draft Conduct Order relates to equipment that is provided to allow voters to vote independently and to allow for the assistance of a companion.

The feasibility of providing information on the platform about accessibility arrangements at the polling station has been tested in a Welsh Government funded pilot with The Democracy Club. The requirement to collect and publish this information

will be built into the specification to procure a third party to create and build an electronic facility.

Technical Scrutiny point 4: The arrangements for election addresses (for Senedd elections) uses a well-established, existing system (postal communication) that is provided for in existing legislation, namely the 2007 Conduct Order. The rules on producing postal communications are also outlined within the terms and conditions of the universal service provider, which is currently the Royal Mail. The Welsh Government has therefore adopted the least interventionist approach here as it did not feel it necessary or proportionate to interfere any further with the existing framework.

The provision of candidates' statements, however, is a new concept established by these Regulations, which necessitates in more prescriptive provisions being made.

These Regulations differentiate between Senedd elections and ordinary elections for principal councils throughout, to account for the different electoral systems and to guard against confusion.

Technical Scrutiny point 5: The Welsh Government did consider prescribing a deadline date for these purposes, however, the date by which the Electoral Management Board (EMB) will need to have candidate statements/election addresses submitted to them will depend on system design (yet to be determined), and the capacity of the EMB to administer the process. Welsh Government therefore feel that such a date should be left to the discretion of the platform operator (EMB) for each specified election. However, that date must be included in the notice of submission process.

Agenda Item 5.1

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



Llywodraeth Cymru
Welsh Government

Our ref: DC-RE-10655-24

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

SeneddLJC@senedd.wales

17 February 2025

Dear Mike,

Further to my letter of 16 January, I have issued a [Written Ministerial Statement](#) summarising discussions at the most recent meeting of the Inter-Ministerial Group for Business and Industry, held on 21 January 2025. A communique regarding this meeting will be published on the [UK Government website](#).

The Terms of Reference were agreed at the meeting and will be published on the [UK Government website](#).

I will be chairing the next Business and Industries IMG in line with rotating chair arrangements. I will write to the Committee confirming the date once it has been agreed.

I am copying this letter to the Chairs of the Finance Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

Rebecca Evans AS/MS

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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

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



Ein cyf/Our ref KS/PO/71/2025

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

SeneddLJC@senedd.wales

18 February 2025

Dear Mike

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

I am writing in accordance with the inter-institutional relations agreement to notify you of the next meeting of the Transport Inter-Ministerial Standing Committee, which will take place on 5th March 2025.

I will be chairing the meeting, and I anticipate the discussion will focus on Ports Resilience, Motoring Tax Reform and E-Scooters.

I have copied this letter to the Chair of Climate Change, Environment, and Infrastructure Committee.

I will provide an update after the meeting.

Yours sincerely

Ken Skates AS/MS
Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Ken.Skates@llyw.cymru
Correspondence.Ken.Skates@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.

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/HID/PO/0093/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

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

27 February 2025

Dear Mike, Llŷr,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place on the 6 March 2025 in Belfast. I anticipate the discussion will focus on biomethane, community energy and the UK Emissions Trading Scheme.

I will provide an update to you after the meeting.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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.

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/0094/25

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

26 February 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you of the seventh meeting of the Inter-Ministerial Standing Committee (IMSC), which will take place on 27 February 2025.

The Standing Committee will be co-chaired by the First Minister and Deputy First Minister of Northern Ireland. I will represent the Welsh Government at this virtual meeting. I anticipate the meeting will provide an opportunity to discuss the use of technology in public service reform as well as other key issues of mutual interest.

I have copied this letter to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Health and Social Care Committee.

I will provide an update after the meeting.

Yours sincerely,

Huw Irranca-Davies AS/MS

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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.

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

**Legislation, Justice and
Constitution Committee**

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN
SeneddLJC@senedd.wales
senedd.wales/SeneddLJC
0300 200 6565

The Rt Hon Elin Jones MS
Llywydd
Chair, Business Committee

17 February 2025

Dear Llywydd,

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

In our committee meeting this afternoon, we discussed a Supplementary Legislative Consent Memorandum ([Memorandum No. 6](#)) on The Water (Special Measures) Bill.

You will be aware that the Senedd agreed a legislative consent motion for the Bill on [21 January 2025](#).

Memorandum No. 6 was laid before the Senedd on 31 January 2025 by Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs (the Cabinet Secretary). At paragraph 13 the Cabinet Secretary states:

"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."

Paragraph 18 closes by saying:

"Therefore, I recommend that the Senedd supports the proposals and gives its consent."

However, in his [letter](#) to us of 11 February 2025, responding to our report on the previous five memoranda, the Cabinet Secretary said:

"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."

We note that Standing Order 29.2 states:

29.2 A member of the government must lay a memorandum ("a legislative consent memorandum") in relation to:

(...)

(iii) any Bill introduced into the UK Parliament that, by virtue of amendments:

(a) agreed to; or

(b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,

in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously given by the Senedd, normally no later than two weeks after the amendments are tabled or agreed to.

We believe that, having laid Memorandum No. 6, the Welsh Government should be tabling a motion to enable a debate on that Memorandum.

In our view, there are important matters of public policy that require clarification from the Welsh Government and a debate on the floor of the Senedd is the appropriate place for that clarification to be provided.

Moreover, there are matters of principle and constitutional propriety relating to the legislative consent process that are relevant, including matters of concern that we have following the Cabinet Secretary's letter of 11 February 2025.

Given the urgency in drawing this issue to the attention of the Business Committee, we apologise that our letter is being sent in English only.

I am copying this letter to the Cabinet Secretary.

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 stroke.

Mike Hedges

Chair

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO. 7)

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 and 31 January 2025.
3. The latest version of the Bill can be found at [Water \(Special Measures\) Bill \[HL\] - Parliamentary Bills - UK Parliament](#).

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 concessionary amendments at Commons Ping Pong stage to Clause 1 (Remuneration and governance). 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. Lords Amendment 1B affected Clause 1 of the Bill. The amendment removed Lords amendment 1B agreed at ping pong stage and replaced it with the insertion of a new section 35E (Authority to secure publication of financial overview) in the Water Industry Act 1991.
The purpose of the new provision is to require Ofwat to make water companies publish certain information on the financial position of the company not less than once every year, and for that information to be published in a way so as to make it intelligible to members of the public. This must be achieved either by the creation of new rules, or by the use of Ofwat's existing appointment powers.
10. Amendment Lords Reason 2A affected Clause 1 of the Bill. After line 32, the following was inserted:

“(5) The first rules under section 35B of the Water Industry Act 1991 (inserted by subsection (3)) may not be issued unless— (a) the rules have been provided in draft to the Secretary of State, and (b) the period of 7 days beginning with the day on which the draft was provided has elapsed.”
11. The purpose of this amendment is to replace a non-government amendment that was agreed at Lords Ping Pong Stage, and it has no material impact on the implementation of the provision. This form of amendment was needed to avoid double insistence in Parliament.

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 Clause 1 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, and further to the consent given by the Senedd on this Bill, it is appropriate to deal with these amendments to this Bill via a Legislative Consent Memorandum as they are wholly in line with Welsh Government policy, and the matter requires collaboration and coordination between our two Governments.

Huw Irranca-Davies MS
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs
February 2025

Agenda Item 6.3

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 3)

GREAT BRITISH ENERGY BILL

1. This legislative consent memorandum 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 Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The Great British Energy Bill (“the Bill”) was introduced in the House of Commons on 25 July 2024. The Cabinet Secretary for Economy, Transport and North Wales laid an LCM on 8 August 2024 on the Bill as introduced which includes a summary of the Bill. I laid a Supplementary LCM on 24 January 2025 covering UK Government amendments laid on 23 January 2025.
3. The Bill completed House of Lords Report Stage on 11 February 2025. This Supplementary LCM covers further UK Government amendments laid on 5 February 2025. The latest version of the Bill is available at: [Great British Energy Bill](#)

Policy Objective

4. The UK Government’s stated policy objectives are for the company Great British Energy to drive clean energy deployment, create jobs, boost energy independence, and provide value for the UK taxpayer. The Bill seeks to establish, Great British Energy to engage in all aspects of clean energy projects, including design, development, construction, commissioning and operation of projects. The policy intent covers supporting infrastructure across the clean energy supply chain, establishing the Local Power Plan, and measures that support the security of supply and energy efficiency.

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

5. The UK Government tabled two amendments to the Bill after House of Lords Committee Stage on 23 January 2025 which made relevant provision for Wales. Those tabled amendments were covered in the sLCM published on 24 January 2025. On the basis of those tabled amendments, I recommended the Senedd consent to the Bill. Senedd consent was provided in the debate on 4 February 2025.

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

Welsh Government position on the changes to the Great British Energy Bill following the government amendments tabled on 5 February 2025

6. Amendment 8 affects Clause 3 inserting: “(including through projects involving or benefiting local communities).” This amendment clarifies that Great British Energy may facilitate, encourage and participate in the things mentioned in subsection (2)(a) to (d) through projects involving or benefiting local communities. This amendment is unlikely to materially impact the effect of the provisions in the clause for which consent was previously sought.
7. Amendment 21 affects Clause 5 inserting: “(1A) The Secretary of State must comply with subsection (1) within the period of six months beginning with the day on which this Act comes into force.” This amendment requires the Secretary of State to prepare a statement of strategic priorities for Great British Energy within the period of six months beginning with the day on which this Act comes into force. During the debate in the Senedd on 4 February there was some concern regarding the potential overlap between functions of GBE and delivery bodies in Wales. The publication of strategic priorities within six months will help reduce uncertainty and will help clarify how GBE will function in Wales.
8. Amendment 38 introduces a new clause after Clause 7 inserting: “7A Sustainable development Great British Energy must keep under review the impact of its activities on the achievement of sustainable development in the United Kingdom.” This amendment requires Great British Energy to keep under review the impact of its activities on the achievement of sustainable development in the United Kingdom. The Welsh Government has set strong requirements on sustainable development and the Well-being of future Generations Act 2015 sets out our approach to improve the well-being of Wales. The amendment will support our aims to improve the well-being of Wales.

Welsh and UK Government views on the need for consent

9. The amendments would make relevant provision with regard to devolved matters to the same extent set out at paragraphs 13-24 of the LCM laid on 8 August 2024. Consequently, the Senedd’s consent should be sought for them. The UK Government agrees with this assessment.

Financial implications

10. There are no financial implications for Wales if the Senedd consents to the provisions applying in Wales.

Conclusion

11. The climate emergency is one of the greatest challenges we face, and Welsh Government is supportive of legislation to establish GBE to help facilitate and encourage the development of renewable energy projects.
12. I welcome the consent of the Senedd to the Great British Energy Bill following the debate on 4 February 2025. These further amendments to the Bill make minor supplementary provision to those clauses for which consent was previously sought. As a result, this SLCM remains in line with the consent previously given.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
19/02/2025

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

14 February 2025

Dear Huw,

Disused Mine and Quarry Tips (Wales) Bill

Thank you for attending the Legislation, Justice and Constitution Committee meeting on 10 February 2025 to discuss the Disused Mine and Quarry Tips (Wales) Bill.

At the close of the meeting, I said that the Committee would write to you with further questions that we were not able to reach during the meeting. The questions are enclosed in the Annex. During the meeting, you also offered to provide copies of draft guidance, to assist the Committee's scrutiny of the Bill.

We would be grateful to receive a response, and copies of the draft guidance, by 5 March 2025.

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

Yours sincerely,



Mike Hedges
Chair

Annex

Question 1: There are a number of provisions within the Bill which require the consent of the Secretary of State under Schedule 7B to the *Government of Wales Act 2006*. In a letter to the Llywydd dated 8 November 2024, the First Minister stated that engagement with the UK Government to seek Secretary of State consent for the provisions had begun. Can you provide an update as to when consent is expected to be received?

Question 2: The Explanatory Memorandum accompanying the Bill does not discuss human rights, although there is mention of human rights within the RIA. What account have you taken of human rights in preparing the Bill?

Question 3: What was the outcome of any assessments undertaken in relation to the human rights impacts of the Bill? What steps have you taken to limit the interference with human rights by the Bill?

Question 4: Please can you explain if the outcome of the justice impact assessment resulted in a change of approach in relation to the Bill and if so, what that change was?

Question 5: You have acknowledged that the Bill changes elements of your 2022 White Paper for reasons of flexibility, proportionality and reasonableness. Why did you not therefore consult on a draft Bill given the importance of the subject matter?

Question 6: What are the differences between the Bill as described in the White Paper and the Bill as introduced, and as part of that information can you identify every occasion where the White Paper suggested the use of primary or secondary legislation but guidance is to be used instead?

Question 7: The White Paper proposals focused on disused coal tips, but it suggested that the government would look to develop a framework, which can apply equally to both coal and non-coal tips, enabling the phasing in of other spoil tips into the new regime over time (paragraph 1.44).

- (i) Has the application of the Bill to non-coal tips led to a greater reliance on guidance to deliver its objectives rather than subordinate legislation? (For example, in relation to management plans – see paragraph 6.12 of the White Paper).
- (ii) If that is not considered to be the case, how has the decision to extend the Bill to include disused non-coal tips impacted on the level of detail included in the Bill, the powers to make regulations and the use of guidance?

Question 8: What is the relationship between the definition of “threat to human welfare” in section 82, and the Authority’s main objective in section 2(1) to ensure that disused tips do not threaten human welfare?

Question 9: Section 2(1) of the Bill sets out the Authority’s main objective. What are the Authority’s other objectives, and why aren’t they on the face of the Bill?

Question 10: Sections 12 to 19 concern assessments of the stability of a tip. The way assessments will be carried out is to be determined in guidance issued by the Welsh Ministers.

Why is there no detail about how assessments are to be carried out on the face of the Bill? Why did you not consider including a power for that information to be set out in regulations?

Question 11: The Law Commission recommended a right of appeal against an entry in the tip register on the grounds that there is no tip situated on the land. Rather than an appeals process, section 20 of the Bill enables the tip owner (and other persons) to make representations on the proposal to register a tip, which section 21 requires the Authority to have regard to when deciding whether to register it. To what extent do you consider that this approach captures the intent of the Law Commission's recommendation?

Question 12: Sections 20, 22 and 29 contain Henry VIII powers. Why are they subject to the negative procedure?

Question 13: Section 24 concerns the categories of tips. The White Paper (paragraph 7.7) says:

"We believe to provide clarity on roles and responsibilities, the legislation should clearly state who is responsible for which category of tip, providing parties with sufficient knowledge in advance of what responsibilities they will be required to meet."

Why have you not followed what the White Paper proposed?

Question 14: The Welsh Government's [letter](#) to the Law Commission in March 2023 said that the Authority will be under a duty to make arrangements for management plans to be prepared for Category 1 and 2 tips. However, the EM states (paragraph 3.73) that:

"Whilst the Bill does not require the production of management plans, these will be important to the application of the regime."

While management plans were discussed during the evidence session, it would be helpful if you could please explain what caused this position to change?

Question 15: If the preparation of management plans is only an expectation in guidance, does that mean some Category 1 and 2 tips could feasibly not have management plans and therefore undermine the effectiveness of the legislation?

Question 16: The White Paper proposed a range of enforcement powers and associated offences, and a range of civil sanctions like fixed monetary penalties, compliance notices, stop notices etc. These haven't been included in the Bill. The EM states (paragraph 4.30) during the course of policy development it was determined "their inclusion would make the regime overly bureaucratic and unwieldy".

Why would enforcement matters being placed on the face of the Bill be overly bureaucratic and unwieldy and is there a risk that this gap could reduce public confidence in the regime?

Question 17: Why is there no civil sanctions regime on the face of the Bill?

Question 18: Sections 33 and 34 enable property to be disposed of by the Authority and disused tip owners, including by sale. Why do you consider that this provision is necessary and could you provide details of what could be sold under this power?

Question 19: Given the amount of detail that will be left to guidance, why wasn't a duty placed on the Welsh Ministers to produce and update guidance and why are you relying on the executive ministerial functions in section 58A of the *Government of Wales Act 2006*? How is that consistent with the Welsh Government's accessibility agenda?

Question 20: Section 72 prevents proceedings being brought in respect of an offence in the Bill, or regulations made under it, other than by the Authority or with the consent of the Director of Public Prosecutions. Why is this provision necessary?

Question 21: Why do you consider that the Henry VIII power in section 73 is required?

Question 22: What is the purpose of section 79 of the Bill, which makes specific provision in respect of Church of England land?

Question 23: Section 80 enables the Welsh Ministers to make regulations which modify the application of this Act in relation to land in which the Authority has an estate or interest. Why is this power necessary?

Question 24: Specific reference is made to the Crown including the Senedd Commission in section 84(7) of the Bill. Why is this provision needed?

Question 25: Paragraph 3(g) of Schedule 1 to the Bill enables the Welsh Ministers to specify in regulations office holders, members and members of staff of bodies who are to be disqualified from being a non-executive member of the Authority. Why was this provision not included on the face of the Bill to provide clarity given that other disqualified persons are listed in paragraph 3(a) to (f)?

Question 26: Paragraph 19(1) of Schedule 1 includes a Henry VIII power to amend the planning period for the Authority. Why do you consider this power to be necessary?

Question 27: How will cross border tips be dealt with under the Bill?

Question 28: In your view, will further legislation be required in the near future in other areas of the law to accommodate the provision made by the Bill? For example, changes to planning or environmental legislation to assist with the implementation of the Bill?

Question 29: What would the timescales be for the preparation and introduction of the proposed legislation referred to in question 28?

Question 30: Section 87 provides that some provisions of the Bill will come into force on 1 April 2027. Why will there be such a delay between Royal Assent and the relevant provisions coming into force?

Question 31: Is there a risk that delay in commencement of the provisions of the Bill may carry a risk that the protections offered by the Bill provisions are delayed or not fully brought into force by a future Welsh Government?

Question 32: Should the Bill be passed and enacted, when do you envisage all provisions of the Bill and the accompanying subordinate legislation and guidance being fully in force?

Agenda Item 6.5

Ministry
of Justice

Lord Timpson
Minister of State for Justice

Jenny Rathbone MS
Chair of the Equality and Social Justice Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

MoJ ref: SUB121841

25 February 2024

Dear Jenny,

INVITATION FOR JOINT MINISTERIAL SESSION ON CRIMINAL JUSTICE

Thank you for your letter of 23 December inviting me to a joint-ministerial general scrutiny session on criminal justice.

I would be delighted to visit the Senedd to attend a session with the Equality and Social Justice Committee to discuss a range of Welsh justice challenges, including some of the specific matters referred to in your letter. However, I do not feel it would be appropriate for such a session to scrutinise, jointly with Welsh Government ministers, the criminal justice system in Wales.

I would like to propose instead, if you would find it helpful, that I attend a session focussed on matters within my ministerial responsibilities for prisons and probation, alongside officials from the Ministry of Justice and His Majesty's Prisons and Probation Service. I would be happy to consider a suggested agenda of the items you would like such a session to cover.

I am copying this letter to the Counsel General; the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip; to the Chairs of the Senedd's Legislation, Justice and Constitution Committee and Health and Social Care Committee; and also to the Chair of the Welsh Affairs Committee in the House of Commons.

Yours sincerely



Lord Timpson
Minister for Prisons, Probation and Reducing Reoffending

Jane Hutt MS

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

Julie James MS

Counsel General, Welsh Government

Lord Timpson OBE

Minister of State, Ministry of Justice

23 December 2024

Dear Ministers,

Invitation for joint-ministerial general scrutiny session on criminal justice

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

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

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

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

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

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

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

Yours sincerely,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Senedd Cymru

Eich cyf/Your ref
Ein cyf/Our ref

Llywodraeth Cymru
Welsh Government

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

26 February 2025

Annwyl Mike

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

I am grateful to the members of Legislation, Justice and Constitution Committee and your support staff, for their consideration of the Bill. The Government is also grateful to those stakeholders and other interested persons who took their time to help develop the Bill before introduction and those who gave evidence to the Senedd during Stage 1.

I am pleased to see that the proposals in the Bill are welcomed and that the Committee believes that the three main purposes of the Bill will have a positive impact on the accessibility of Welsh law. The Committee has concluded the Senedd should agree the general principles of the Bill, and I look forward to continuing to work constructively with the Committee and Members of the Senedd if this Bill proceeds.

The Committee made seven recommendations to the Government, and this letter provides my response to those.

Recommendation 2: The Welsh Government should give further consideration to undertaking a post-legislative review of the Bill, if enacted, at the midpoint of the Seventh Senedd, and as a consequence, to consider tabling an amendment to the Bill to include provision requiring such a review to be held.

Response: Accept in principle

This Bill is a vehicle to amend other legislation. It repeals provisions in other enactments that are no longer of practical utility or benefit. It makes minor amendments to existing provisions of the Legislation (Wales) Act 2019. Of course, it also makes more significant amendments to the 2019 Act to include the codification and modernisation of the procedural

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
correspondence.Counsel.General@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.

and publication arrangements for Welsh legislation. Once those changes are in force, the Bill (or Act as it would be then) will have done its work. There will be nothing left to be kept under review. The Government does not therefore support a review of this Bill itself.

We do however see value in understanding whether new Part 2A of the 2019 Act (in particular) is working as we all anticipate, including the operation of new Schedules 1A, 1B and 1C. We also note recommendations 5 and 6 of the Committee's report and depending on whether these are accepted by the Business Committee and when any consideration may be given, it may be that a future Senedd and Government consider further legislative change will be necessary.

We are also mindful that the Act on the interpretation and operation of legislation has itself already been subject to a number of amendments, and the Bill will significantly impact that further. It may be that a future Government could consider consolidation of the 2019 Act to be an appropriate project, capacity permitting, in a future programme to improve the accessibility of Welsh law.

Rather, therefore, than commit a future Government to reviewing an Act that will have no practical value after it makes the amendments set out, the next Government and Senedd may wish to consider whether a review of Part 2A of the 2019 Act would be helpful as part of any consideration of future legislative reform.

Recommendation 3: The Welsh Government should consider how legislative provision could be made in order to require the Welsh Ministers to make instruments in a timely manner to correct statutory instruments which it accepts to be defective, and should in response to the Committee, set out the detail and outcome of that consideration.

Response: Reject

The Government is fully committed to ensuring that legislation is easy to understand and certain in its effect. However, there are occasions when errors do occur in both primary and subordinate legislation. Whenever and however these are identified, the Government carefully considers the nature of the error and its likely impact. In some cases, these can be left alone, in other cases (and depending whether the legislation has been made or not) a correction slip may be an appropriate remedy or an amendment needs to be made.

In relation to statutory instruments¹ that have been made by the Welsh Ministers:

- where corrective action is to be taken through a correction slip that is a matter for the SI Registrar to take forward and, as the Committee will be aware, these are taken forward by the SI Registrar as time allows.
- where an amendment is to be made, a decision has to be taken as to the most appropriate and effective method of remedy. One factor is timeliness, but a range of other matters also need to be considered. These include the resource implications including the cost of preparing a stand-alone amending instruments or, if other changes are being considered, whether it would be more suitable to include the amendment with those.

Other statutory instruments that are laid before the Senedd may not be made solely by the Welsh Ministers (for example, joint instruments) or may be made, for example, by His Majesty in Council.

¹ recognising these are one form by which subordinate legislation is made

Given these significant variables the Government does not consider that legislative provision (either through this Bill or other legislative means) to either prescribe a timescale or place a general duty to amend an error in either primary or subordinate legislation “in a timely manner” to be appropriate.

Nonetheless, I wish to again reassure the Committee that I recognise the underlying concerns that have led to this recommendation, and the Committee will be aware that I am taking action to deal with outstanding commitments.

Recommendation 4: The Welsh Government should, every 12 months, lay a report before the Senedd setting out the progress it is making towards correcting statutory instruments which it accepts to be defective.

Response: Accept in principle

The Government provides a response to each Committee report setting out its views of the points raised, where requested. Those reports will include an indicative time frame for any agreed corrections, if it is possible to provide that information at that point. This may not always be possible if a future instrument is not already planned, for example. When an instrument is subsequently laid that makes amendments (including amongst other matters), the accompanying Explanatory Memorandum should make this clear. The Government is therefore satisfied that the Senedd receives timely information on the correction of statutory instruments.

I have spoken with the Committee about the “omnibus amending instrument” that the Government intends to bring forward, before summer recess, to address certain errors in statutory instruments. I will shortly be writing with more details about what that instrument is expected to contain.

Once that instrument has been made, I will consider whether this is an effective and efficient method of addressing corrections where an immediate alternative vehicle for remedy is not available. It may be a method the Government adopts periodically to avoid errors that we consider need to be rectified persisting without a clear timescale. However, until that consideration has concluded, it is not possible to say whether further omnibus instruments would be helpful.

It may be that we use the annual report on progress against the programme to improve the accessibility of Welsh law, to report on any significant developments in relation to correcting instruments.

Recommendation 7: The Welsh Government should explain why the Bill’s provisions in respect of the King’s Printer for Wales do not mirror the arrangements set out in the Scotland Act 1998 and the Interpretation and Legislative Reform (Scotland) Act 2010, whereby the King’s Printer for Scotland exists as a separate role to that of the King’s Printer for Acts of Parliament.

Response: Accept

The Committee has heard evidence from both the Government and the King’s Printer and his team on this matter, as noted in the Committee’s report. The Government has also explained that the intention with new Parts 2A and 2B is to codify and modernise existing legislative arrangements to reflect both the realities of devolution and of current practice.

When the UK Government brought forward the Government of Wales Act 1998 and subsequently the Government of Wales Act 2006, it did not make provision for a “King’s Printer for Wales”. Nor has there been changes to the Letters Patent by which the King’s Printer for Acts of Parliament is appointed to reflect “Welsh legislation”. In practice this has not affected the publication of statutory instruments, Measures and now Acts of Senedd Cymru. The constitutional arrangements for Scotland (and indeed for Northern Ireland) predate the devolution arrangements brought about for Scotland and Wales in 1998/1999, and therefore the 1998 Acts for Scotland and for Wales simply reflected those arrangements in relation to the publication of legislation.

The Committee heard clear evidence from the King’s Printer and the Digital Director of The National Archives that there are no practical differences in either the process of publishing legislation or for the user of accessing legislation between the arrangements for Scotland and the arrangements now being codified for Wales. As quoted in the Committee’s report at paragraph 138 *“the practical arrangements are equivalent”*.

I am therefore satisfied that the right approach is being taken in the Bill.

Recommendation 8: The Welsh Government should provide an assessment of any financial implications of mirroring the arrangements set out in the Scotland Act 1998 and the Interpretation and Legislative Reform (Scotland) Act 2010, whereby the King’s Printer for Scotland exists as a separate role to that of the King’s Printer for Acts of Parliament.

Response: Reject

Neither the Government nor the King’s Printer (or The National Archives) consider that the arrangements in the Bill need to “mirror” the arrangements for Scotland. In consequence the Government will not be undertaking work to develop a financial appraisal of a model that is not being pursued.

Recommendation 9: The Bill should be amended to replace its references to “Clerk of Senedd Cymru” with “Clerk of the Senedd”, in accordance with section 26(2) of the Government of Wales Act 2006.

Response: Accept

Although we do not consider these changes are necessary, I intend to bring forward amendments at Stage 2 for the responsible Committee’s consideration.

Recommendation 10: The Welsh Government should set out what assessment it has made of the impact of its proposed decision to move away from the dual-column format for Welsh statutory instruments on the Welsh language, and should confirm whether it has consulted the Welsh Language Commissioner on this proposal.

Response: Accept in principle

The Committee will recall my predecessor’s letter to the Llywydd that set out some of the format and design changes we are considering for Welsh legislation. Our starting point is to improve the accessibility of the legislation, in both languages, and not to the detriment of either. I would also remind the Committee that this Government is taking proactive steps to develop and expand Welsh as a language of the law.

The final decision on the format and design of Welsh statutory instruments will be taken by the Government in discussion with the publisher of legislation; in this case that means the

Legislation Team in The National Archives (who report to the King's Printer) who will also be working on these changes with the publication concessionaire (currently The Stationery Office).

Although the Government's preference at this time is to replace the dual column format with a format more like that of Acts of Senedd Cymru² (i.e. Welsh and English texts interleaved), we wish to take into account insights into how legislation (and particularly bilingual legislation) is being accessed and what users need. To that end we will very shortly be discussing with The National Archives their recent user research and what this may be able to tell us about user behaviours. The experience of how users access the pdf versions of Acts may be particularly helpful, given the interleaving of Welsh and English texts in use for bilingual primary legislation. We will consider the implications of those findings and will provide an update to the Senedd of likely next steps and (if known) likely timescales.

Until we have those next step discussions with The National Archives, the only formal assessment of impact undertaken to date has been to understand the costs of typesetting. As noted in paragraph 96 of the Explanatory Memorandum to the Bill, Governments and departments in the UK Government are charged fees under the publishing services contract awarded by The National Archives on behalf of the King's Printer. The Government's evidence to the Committee on this Bill included an explanation of the higher costs paid by the Welsh Government as a result of the typesetting charges currently associated with publishing 'Welsh statutory instruments' – see also paragraphs 124 to 127 of the Explanatory Memorandum³.

We do not consider we need to consult with the Welsh Language Commissioner on this matter, but as a matter of good practice we would always welcome her views and those of others on the modernisation of publication of bilingual legislation. And if Committee Members would like to share any thoughts on the format of statutory instruments or other subordinate legislation, I would be very happy to make the relevant officials available.

Yours sincerely,



Julie James AS/MS

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

² Mentioned at paragraph 127 of the Explanatory Memorandum

³ If the Bill proceeds past Stage 1, the Government intends to update Part 4 of the Explanatory Memorandum after Stage 2 so as to also provide information on the costs of publishing instruments for the financial year 2024-25. This will include updating Table 7 relating to typesetting.

Agenda Item 8

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

Document is Restricted

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



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee

17 February 2025

Dear Mike,

I offered to write to respond to a question raised during the Legislation, Justice and Constitution Committee meeting on 20th January 2025.

The Senedd Member from Carmarthen East and Dinefwr asked if a member of the public or local authority wished to report a visitor accommodation they believe has not registered, what would the procedure be for the WRA to manage these notifications and if the Cabinet Secretary intends outline those procedures or list any powers required in relation to that on the face of the Bill.

The mechanism for gathering public intelligence in relation to the national register of visitor accommodation will be part of the future development of the register. No powers are required to be on the face of the Bill to facilitate this.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

Agenda Item 9

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

Document is Restricted

Agenda Item 10

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

Document is Restricted

Document is Restricted

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

Document is Restricted

Document is Restricted