

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 10 March 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.55)

1 Motion to elect a temporary Chair under Standing Order 17.22 for the Committee meeting

(13.30 – 13.35)

2 Introduction, apologies, substitutions and declarations of interest

(13.35)

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

(13.35 – 13.40)

Made Negative Resolution Instruments

**3.1 SL(6)586 – The Greenhouse Gas Emissions Trading Scheme (Amendment)
(No. 2) Order 2025**

(Pages 1 – 2)

[Order](#)

[Explanatory Memorandum](#)



Attached Documents:

LJC(6)-09-25 – Paper 1 – Draft report

Made Affirmative Resolution Instruments

3.2 SL(6)587 – The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2025

(Pages 3 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-25 – Paper 2 – Draft report

LJC(6)-09-25 – Paper 3 – Letter from the Cabinet Secretary for Finance and Welsh Language to the Llywydd, 11 February 2025

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered
(13.40 – 13.45)

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

(Pages 6 – 8)

Attached Documents:

LJC(6)-09-25 – Paper 4 – Report

LJC(6)-09-25 – Paper 5 – Welsh Government response

5 Inter-Institutional Relations Agreement

(13.45 – 13.50)

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

(Pages 9 – 11)

Attached Documents:

LJC(6)-09-25 – Paper 6 – Letter from the Deputy First Minister and Cabinet

Secretary for Climate Change and Rural Affairs: Inter-Ministerial Group for Environment, Food and Rural Affairs, 3 March 2025

LJC(6)-09-25 – Paper 7 – Letter from the Cabinet Secretary for Finance and Welsh Language: Finance: Interministerial Standing Committee, 5 March 2025

6 Papers to note

(13.50 – 13.55)

6.1 Correspondence from the House of Lords International Agreements Committee to the Secretary of State for Foreign, Commonwealth and Development Affairs

(Pages 12 – 18)

Attached Documents:

LJC(6)-09-25 – Paper 8 – Letter from the House of Lords International Agreements Committee to the Secretary of State for Foreign, Commonwealth and Development Affairs, 27 February 2025

6.2 Correspondence from the Cabinet Secretary for Transport and North Wales to the Llywydd: Bus Services (No 2) Bill

(Pages 19 – 20)

Attached Documents:

LJC(6)-09-25 – Paper 9 – Letter from the Cabinet Secretary for Transport and North Wales to the Llywydd, 5 March 2025

6.3 General correspondence to note

(Pages 21 – 28)

Attached Documents:

LJC(6)-09-25 – Paper 10 – Letter to the First Minister, 4 March 2025

LJC(6)-09-25 – Paper 11 – Letter to the Secretary of State for Wales, 4 March 2025

LJC(6)-09-25 – Paper 12 – Letter to the Chancellor of the Duchy of Lancaster and Minister for Intergovernmental Relations, 4 March 2025

LJC(6)-09-25 – Paper 13 – Letter to the Counsel General and Minister for

Delivery: Consolidation of planning law, 19 February 2025

LJC(6)-09-25 – Paper 14 – Letter to the Chairs’ Forum: Representation on interparliamentary bodies, 30 January 2025

6.4 Correspondence from the Independent Water Commission: Call for Evidence

(Pages 29 – 33)

Attached Documents:

LJC(6)-09-25 – Paper 15 – Letter from the Independent Water Commission, 5 March 2025

6.5 Correspondence with the Business Committee: Report on the Legislation (Procedure, Publication and Repeals) (Wales) Bill

(Pages 34 – 37)

Attached Documents:

LJC(6)-09-25 – Paper 16 – Letter from the Business Committee, 6 March 2025

LJC(6)-09-25 – Paper 17 – Letter to the Business Committee, 28 February 2025

6.6 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Great British Energy Bill

(Pages 38 – 40)

Attached Documents:

LJC(6)-09-25 – Paper 18 – Supplementary Legislative Consent Memorandum

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

(13.55)

Private meeting

(13.55 – 14.00)

8 Forward Work Programme

(13.55 – 14.00)

SL(6)586 – The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2025

Background and Purpose

The UK Emissions Trading Scheme (“**ETS**”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry, and aviation sectors.

It was designed jointly by the four governments in the United Kingdom who jointly operate the ETS as the UK ETS Authority (“**the Authority**”), replacing the UK’s participation in the EU ETS. It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway in Wales.

The ETS incentivises decarbonisation by requiring operators to purchase allowances, which they must monitor, report on and surrender. The ETS runs for 10 years and is split across two allocation periods, being 2021-2025 and 2026-2030. During those periods, some operators are eligible for free allocation of allowances for greenhouse gas emissions (“**FA**”).

In December 2023, the Authority opened a 12-week consultation entitled “*UK Emissions Trading Scheme: free allocation review*”, which explored options to better target those most at risk of carbon leakage and to ensure that FA is fairly distributed. The sectors deemed at risk of carbon leakage and impact levels of FA are set out in the Carbon Leakage List (“**CLL**”). Changes to the CLL and associated mechanisms following the consultation have been delayed. Therefore, the primary function of this Order is to move the start of the second allocation period from 2026 to 2027, making 2026 a standalone year; and provide for the calculation of FA for 2026 as a standalone year.

This Order also makes miscellaneous changes to transfers of allowances between accounts in the UK ETS Registry, disclosure of information under ETS legislation and qualification criteria for installations with low level emissions.

Procedure

Negative.

This Order in Council was made by His Majesty before being laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly.

The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd. The other three legislatures can also annul the Order, in accordance with the rules for annulment that apply to each of those legislatures.



Technical Scrutiny

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

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

We note that paragraph 2.2 of the Explanatory Memorandum states:

As the Order in Council will be subject to Parliamentary scrutiny across the UK, it is not considered reasonably practicable for this Instrument to be made or laid bilingually.

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

26 February 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Pack Page 2

Legislation, Justice and Constitution Committee

SL(6)587 – The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2025

Background and Purpose

The Landfill Disposals Tax (Wales) Act 2017 (the “**LDT Act**”) establishes and sets out the framework and operational arrangements for landfill disposals tax (“**LDT**”), which replaced UK landfill tax in Wales.

These Regulations prescribe the standard rate, lower rate and unauthorised disposals rate for LDT, which will apply to taxable disposals made on or after 1 April 2025.

The rates from 1 April 2025 are as follows:

- The standard rate is **£126.15** per tonne (increased from £103.70 per tonne),
- The lower rate is **£6.30** per tonne (increased from £3.30 per tonne), and
- The unauthorised disposals rate is **£189.25** per tonne (increased from £155.55 per tonne).

Taxable disposals made on or after 1 April 2024 but before 1 April 2025 will remain subject to rates set by the Landfill Disposals Tax (Tax Rates) (Amendment) and Tax Collection and Management (Wales) Act 2016 (Miscellaneous Amendments) (Wales) Regulations 2024.

Procedure

Made Affirmative.

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

Technical Scrutiny

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

Merits Scrutiny

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

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



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

The WRA is responsible for the collection and management of LDT. These Regulations prescribe the three rates of LDT in Wales.

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

The Explanatory Memorandum¹ to these Regulations notes the following:

“To date, LDT rates in Wales have matched those of the Landfill Tax (Lft) in England and Northern Ireland ...The Regulations propose to maintain the existing approach in relation to the standard rate of LDT, which will continue to align with the standard rate of Lft... Following the conclusion of the independent review of the LDT Act², and a public consultation on the lower rate of LDT, the Regulations propose an increase to the lower rate above that for Lft.

...Raising the lower rate to £6.30 represents a significant increase, and despite the fact that the lower rate is relatively price inelastic, is likely to reduce the amount of lower rate waste going to landfill. This option increase revenues in 2025-26 by £1m as the additional revenue from the higher tax rate is expected to more than offset the impact of the reduction in waste landfilled.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

26 February 2025

¹ Explanatory Memorandum, paragraphs 4.6, 4.8, 4.10 and 8.3

² [Independent review: Land Disposals Tax \(Wales\) Act 2017 | GOV.WALES](#)



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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/MDFWL/0367/25

Elin Jones MS
Llywydd
Senedd Cymru

Llywydd@senedd.wales

11 February 2025

Dear Llywydd,

The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2025

I have today made the Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2025 under sections 14(3) and (6), 46(4), 93 and 94(1) of the Landfill Disposals Tax Act 2017 which comes into force on 1 April 2025. I attach a copy of the statutory instrument and the accompanying Explanatory Memorandum which I intend to lay once the statutory instrument has been registered.

In accordance with the procedure set out in section 95 of the Landfill Disposals Tax (Wales) Act 2017 this instrument must be approved by the Senedd by 17 March 2025 in order for it to remain in effect. In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to hold the plenary debate for this item of subordinate legislation on 11 March 2025.

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

Yours sincerely,

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

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

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

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

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

Agenda Item 4.1

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

Background and Purpose

The Food (Promotion and Presentation) (Wales) Regulations (“these Regulations”) restrict the promotion by location and volume price of high fat, sugar and salt (HFSS) products in Wales.

The restrictions will prevent medium and large retailers (with 50 or more employees) that sell food or drink in Wales from displaying HFSS products at key locations in store or online, and from offering those products as part of a volume price promotion. The 13 categories of specified food are listed in Schedule 1 to these Regulations.

Qualifying businesses in the retail and out of home sector will also be prohibited from offering a free refill promotion on sugar-sweetened drinks.

The Welsh Government consulted on these regulations last year, and state that these regulations are a crucial step in delivering the ambitions in the Healthy Weight: Healthy Wales strategy. The Welsh Government’s Explanatory Memorandum to these Regulations provides that these restrictions aim to reduce the overconsumption of HFSS products that can contribute towards children being overweight or living with obesity.

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

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

In regulation 15 of the English text, the correct title of the legislation referred to should be the Regulatory Enforcement and Sanctions Act 2008. The title used in the Welsh text is correct.

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

Paragraph 13 of Schedule 2 to these Regulations provides that a food authority may withdraw a notice imposing a fixed monetary penalty. Schedule 2 defines two types of notices, a “notice of intent” which is when a food authority proposes to impose a fixed



monetary penalty on a person (paragraph 2(1)), and a notice imposing a fixed monetary penalty, defined as a “final notice” (paragraph 5(1)).

The Welsh Government is asked to explain which of these notices are intended to be within the scope of paragraph 13. If the intention is to provide a power for the food authority to withdraw a “final notice” only, it is unclear why the term “final notice” is not used in paragraph 13 as it referred to elsewhere in Schedule 2 (see paragraphs 6 to 10).

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.

These Regulations are set to come into force on 26 March 2026, subject to Senedd approval. These Regulations are largely aligned with those in place in England. The Food (Promotion and Placement) (England) Regulations 2021 came into force on 1 October 2022, with some provisions relating to volume price promotions (including free drink refills) due to come into force on 1 October 2025. The Scottish Government has recently consulted to seek views on the detail of proposed regulations to restrict the promotion of HFSS foods, but such regulations have not yet been introduced.

Welsh Government response

A Welsh Government response is required in relation to both technical reporting points only.

Committee Consideration

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



Government Response: The Food (Promotion and Presentation) (Wales) Regulations 2025

Technical Scrutiny point 1: The Welsh Government is grateful to the Committee for identifying this minor point in the English text. We accept the point raised and will be making the correction identified in the table annexed to this response prior to the making of the Regulations.

Technical Scrutiny point 2: The point is gratefully noted. The Welsh Government considers it is clear from the reading of paragraphs 2(1) and 5(1) of Schedule 2 to the Regulations that the final notice is a notice imposing a fixed monetary penalty. The Welsh Government therefore considers that, in respect of paragraph 13 of Schedule 2, it is clear from the text 'a notice imposing a fixed monetary penalty' that this relates to the final notice. This approach has been used in other SIs made under the Regulatory Enforcement and Sanctions Act 2008. The Welsh Government does not consider an amendment is required, as, in the circumstances, the legal meaning is clear.

Technical drafting corrections to be made prior to the making of the Regulations

<i>CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING</i>	<i>CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING</i>
<i>Rheoliadau Bwyd (Hyrwyddo a Chyflwyno) (Cymru) 2025</i>	<i>The Food (Promotion and Presentation) (Wales) Regulations 2025</i>
N/A	In regulation 15, the title of the legislation ' <i>the Regulatory Sanctions and Enforcement Act 2008</i> ' will be changed to ' <i>the Regulatory Enforcement and Sanctions Act 2008</i> '.

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0073/25

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

3 March 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the Inter-Ministerial Group for Environment, Food and Rural Affairs will be held on 10 March. I will be representing the Welsh Government.

The meeting is expected to focus on the circular economy, animal diseases, discussion on a potential UK-EU sanitary and phytosanitary agreement, the Border Target Operating Model, and the impact of the Internal Market Act on the EFRA sector. I will update you on discussions, and a communique will be issued, after the meeting.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

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

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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
Senedd Cymru
Cardiff Bay
CF99 1NA

5 March 2025

Dear Mike,

I can confirm that the Finance: Interministerial Standing Committee (F:ISC) meeting was held in Cardiff on 27 February. A communique has been published following the meeting: [Finance: Interministerial Standing Committee - 27 February 2025 - GOV.UK](#).

I chaired the meeting and joining me were the Rt Hon Darren Jones MP, Chief Secretary to the Treasury (UK Government), Cabinet Secretary for Finance and Local Government, Shona Robison MSP (Scottish Government) and John O'Dowd MLA, Minister of Finance (Northern Ireland Executive).

The meeting was productive with a focus on collaboration to address the current fiscal challenges. The Chief Secretary confirmed that the Spring Forecast on 26 March will present the Office for Budget Responsibility (OBR) forecast. We also explored how we can engage to ensure our key priorities are reflected in the UK Government's Spending Review, which will conclude on 11 June. We agreed to work together to look at opportunities to align our priorities for investment and maximise available resources, including in respect of our infrastructure investments.

During discussions on fiscal plans, I explained the impact of the UK Government's National Insurance Contributions changes in Wales and the importance of the UK Government funding Welsh public sector employers' National Insurance contributions, in the same way as English public services.

Improvements in communication, including earlier notification of changes to devolved settlements from the UK Government was acknowledged and welcomed, and agreement was reached to codify these so that they are set out formally.

We discussed the importance of increased budgetary flexibilities, such as additional borrowing and reserve flexibilities to allow the devolved governments to maximise resources and adapt to unforeseen financial pressures. It was agreed that a detailed options paper will be prepared for discussion at our next meeting.

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

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

The next in person meeting will be held in London in May, with the intention to also meet virtually in April.

Yours sincerely,

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

Mark Drakeford AS/MS

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

Agenda Item 6.1



HOUSE OF LORDS

International Agreements Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 4840
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hlintlagreements@parliament.uk
www.parliament.uk/lords

The Rt Hon David Lammy MP
Secretary of State
Foreign, Commonwealth and Development Office
London
SW1A 2AH

27 February 2025

Dear David

REVIEW OF TREATY SCRUTINY

1. The House of Lords International Agreements Committee (IAC) was established in January 2020 with a remit to “consider and where appropriate report on (a) matters relating to the negotiation, conclusion and implementation of international agreements, and (b) treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010” (CRAG). It remains the only body in Parliament dedicated to treaty scrutiny. In its five years of operation the IAC has gained significant experience of the operation of CRAG and has decided to open an inquiry into the treaty scrutiny process and consider whether, in light of that experience, legislative or other reforms are required to make it more effective. On behalf of the Committee I would like to invite you to give oral evidence towards the end of the inquiry.

2. As a first step to help the Committee focus its inquiry, I invite the Government to respond in writing to some questions about its approach to the operation of CRAG and treaty scrutiny more generally. These questions would have been put to a Minister during the scheduled evidence session in June last year which had to be cancelled due to the dissolution of Parliament. The purpose in putting them to you now in writing is to clarify prior Government statements to Parliament in response to earlier Parliamentary inquiries by the IAC, the House of Lords Constitution Committee and the House of Commons Public Administration and Constitutional Affairs Committee (PACAC). We would also welcome confirmation that the Government intends to adhere to the commitments to enhanced scrutiny of free trade agreements made by the previous Government. Your answers will help us assess the Government’s current view on the effectiveness of the treaty scrutiny process and allow us to follow up, if necessary, at a later stage.

The importance of treaty scrutiny

3. We welcome that in past statements to Parliament, the previous Government underlined the importance of Parliamentary scrutiny as a fundamental check on the prerogative power of treaty-making. Most recently in its 2024 response to PACAC, the previous Government said: “*Parliament has an essential role in the scrutiny of treaties, in the scrutiny of implementing legislation and in holding the Government to account for its policy decisions. The Government remains aware of this essential point in all*

its treaty negotiations".¹ We trust that you stand by this assessment.

4. Our Committee recognises that treaty-making is a matter for the Government under the Royal prerogative. We understand that the conduct of foreign relations, including treaty-making, requires a degree of confidentiality and that the Government needs to retain flexibility in negotiating treaties to allow it to reach agreements on the international plane in the national interest. Nevertheless, to enable Parliament to exercise its role of holding the executive to account in relation to the decisions it takes on treaties, which the Government has recognised is a fundamental constitutional check, the procedures governing Parliament's role must be fit for that purpose. The purpose of this inquiry is to review whether that is the case in light of the IAC's experience.

The Government's view of the role of the IAC

5. The IAC plays a unique role in Parliament in relation to the scrutiny of treaties. No other Parliamentary committee reviews treaties systematically and therefore the reports of the IAC are currently the principal means through which Parliament is able to hold the Government to account in this area. We were therefore struck by the comment in the Government's response to the 2024 PACAC Report that the IAC exercises "a valuable scanning function" in relation to treaties². This is a curious turn of phrase which conveys a cursory review. The use of this phraseology perhaps indicates that the Government clearly understands that the limits of the current CRAG framework make it impossible for Parliament in general, and the IAC in particular, to do more than undertake a fairly superficial degree of scrutiny in most cases.

(i) Does the Government stand by the previous Government's comment that the IAC exercises a "valuable scanning function" in relation to treaties? If so, please explain what is meant by a "scanning function" in this context.

(ii) Please explain how you consider that Parliament is able to hold the Government to account on treaties within the current CRAG framework.

Sufficiency of the 21-day scrutiny period under CRAG

6. Section 20 CRAG provides that the Government may not ratify a treaty before the expiry of 21 sitting days after the treaty has been laid before Parliament. If Parliament wishes to express its opposition to ratification in a particular case, a debate and vote must be held in the relevant House or Houses before the end of that period.

7. The House of Commons has no select committee focused on treaty scrutiny. In the House of Lords, it is the role of the IAC to scrutinise treaties presented to Parliament by the Government and to report the most significant of them to the House. IAC reports therefore play a crucial role in informing members of Parliament about the significance of new treaties, enabling them to form a view on whether the powers under CRAG should be exercised. In practice, the 21-day limit means that the IAC has very limited time to produce a report on a significant treaty, and there is little or no time for a debate.

8. The 21-day timescale also rules out in most cases the possibility of taking evidence about a treaty to inform the scrutiny process. In the IAC's experience, taking evidence has only been possible on

¹ [Government response to the PACAC report](#) at page 2

² [Government response to the PACAC report](#) at pages 7 and 12

a few occasions when either the treaty has been laid before a recess (thus giving extra time) or occasionally when the treaty text is available before it is laid, either because it is a multilateral treaty in the public domain or because the lead Department has supplied a copy of the treaty. However, there is no consistency in the approach across Government to providing Parliament with advance information.³

9. A further issue is that the allocation of time for a debate on a treaty is within the gift of the Government and is not always granted on request. In the House of Lords, the Government has generally been willing to accommodate a treaty debate within the CRAG period when requested by the IAC. However, there have been recent occasions in the House of Commons when a request for a debate on a treaty has been refused.⁴ In 1924, in the debate which established the so-called “Ponsonby rule” (the precursor of the current CRAG process), Sir Arthur Ponsonby, then an FCO Minister, stated that *“In the case of important treaties, the Government will, of course, take an opportunity of submitting them to the House for discussion within [the 21 day] period. But, as the Government cannot take upon itself to decide what may be considered important or unimportant, if there is a formal demand for discussion forwarded through the usual channels from the Opposition or any other party, time will be found for the discussion of the Treaty in question.”* It is striking that this commitment goes beyond what Governments have been prepared to concede in more recent times when the nature and subject matter of many treaties means that the case for scrutiny is more powerful than it was in 1924.

(iii) The origins of the current 21-day treaty scrutiny period date back 100 years and the process has changed little since. Paragraphs 6-9 above highlight some of the specific ways in which the current CRAG framework limits Parliament’s ability to scrutinise treaties effectively. Does the Government agree?

Extension of the CRAG scrutiny period

10. Section 21 CRAG enables the Government to extend the 21-day scrutiny period by laying a Ministerial statement. In response to previous inquiries the Government has expressed a willingness to consider extending the period⁵ but its response on the few occasions when an extension has been requested has not been positive. The IAC recently submitted a request for a 21-day extension for the expected treaty on the sovereignty of the Chagos archipelago. This request was made because of the evident political and legal significance of the treaty and the fact that ratification would not take place for several months after laying in Parliament due to the need for primary legislation. Despite acknowledging the importance of the treaty, the Government did not consider the treaty an appropriate case for any extension.

11. In response to the PACAC in 2024 the Government said: *“In relation to the duration of the scrutiny period, the Government believes that 21 joint sitting days, which in parliamentary terms is likely to be a minimum of five weeks (often somewhat longer), is sufficient for Parliament to scrutinise a treaty **in most cases.**”* (emphasis added)⁶. A similar statement was made in response to the IAC’s Chagos extension

³ The position is different for new free trade agreements where the previous Government committed to giving more time for scrutiny. This has enabled an evidence-taking process in those cases.

⁴ The Home Affairs Committee requested a debate on the Rwanda treaty. The Business and Trade Committee requested a debate on CPTPP.

⁵ See for example the [Government response to the Constitution Committee](#) in 2019 at page 8: “The Government will consider any request from a scrutiny committee to extend the sitting day period where there are compelling reasons, and sufficient time, to do so”.

⁶ [Government Response to PACAC](#) at page 6.

request: “The Government continues to be of the opinion that twenty-one sitting days is sufficient for Parliament to scrutinise **most treaties laid under CRAG**, including the BIOT Treaty.”⁷

(iv) We welcome the recognition that in some cases the 21-day CRAG limit may not be sufficient and that some treaties merit an extended scrutiny period. Please explain the factors which the Government takes into account when assessing whether to grant an extension to the CRAG period.

Advance sight of treaty texts

12. One of the main barriers to effective scrutiny of treaties is that in most cases the treaty text is not available to Parliament until the treaty is laid under CRAG. The text of multilateral treaties may be available from the website of the depositary (but the Government does not usually notify the IAC when the Government has signed a multilateral agreement). Bilateral treaties are rarely shared before laying.

13. In its response to the IAC’s first Working Practices Report the previous Government said it “believes the best way to ensure treaty scrutiny can take place within 21 sitting days is through engagement and information sharing. In this regard, the Government commits to continuing the regular constructive meetings between our officials. In addition, it may be appropriate in certain cases for the Government to share an initialled, or signed, treaty text with a relevant Select Committee and/or the IAC in advance of laying formally under CRAG, to help a Committee manage its scrutiny workload”.

14. That commitment has never been implemented except for new free trade agreements (FTAs) on which the IAC welcomes its regular engagement with the Department for Business and Trade. On a few other recent occasions Government departments have brought treaty texts to the attention of the Committee in advance of laying.⁸ The Committee is grateful to those departments (notably HMT and MOD) which have engaged proactively with us. Access to the treaty text prior to its laying in those cases under CRAG enabled the Committee to take evidence about the treaty from stakeholders and produce a more substantive report than would otherwise have been possible.

15. The advance sharing of texts is not necessary in all cases: many treaties which are laid under CRAG are routine and/or technical and the Committee now sifts these out to be noted without a report. But treaties which are politically or legally important merit a greater degree of scrutiny and this would be enhanced if the Committee had the time and ability to take evidence.

(v) Will the Government commit to sharing the texts of significant treaties with the IAC in advance of laying under CRAG?

(vi) Will the Government commit to notifying the IAC when the United Kingdom signs a multilateral treaty?

⁷ Letter from the Foreign Secretary to the Chair of the IAC dated 19 December 2024.

⁸ Examples of this include: UK/Japan Reciprocal Access Agreement (January 2023, MOD), UK/Swiss Agreement on Mutual Recognition in Financial Services (December 2023, HMT), the GCAP Agreement (January 2024, MOD).

Significant treaties: enhanced scrutiny

16. The one category of treaties for which the previous Government accepted that more time for scrutiny is justified is new free trade agreements (FTAs). An exchange of letters in 2022⁹ between Baroness Hayter of Kentish Town (as IAC Chair) and Lord Grimstone of Boscobel (as DIT Minister) confirmed a set of commitments to enhanced scrutiny of FTAs, including:

- publication of negotiating objectives
- written updates following each negotiating round
- public and private briefings by Ministers and Chief Negotiators
- time for scrutiny before laying under CRAG (3 months)
- commitment that the Government will “seek to accommodate” a debate, “subject to Parliamentary time”.

This flexibility in application of the CRAG process has allowed the IAC to conduct in-depth inquiries into the FTAs concluded with Australia and New Zealand and the CPTPP.

17. In response to the IAC’s first Working Practices Report in 2020, the previous Government justified the special treatment for FTAs as follows: “*The profile and nature of FTAs, including their length and breadth of scope, warrants the specific regime of engagement and information provision that DIT has developed. For other treaties, the Government is committed to information provision, proportionate to their importance and the level of public interest.*” However, our experience has been that the approach for other agreements has been in most cases to offer nothing beyond the bare CRAG minimum regardless of the degree of political significance or public interest in the treaty.

18. In 2019 the previous Government accepted that scrutiny of other treaties could be enhanced by providing information to Parliament at the outset of and during negotiations. “*Whilst the Government must retain ultimate discretion over the amount and detail of any information shared with Parliament, it recognises that alerting the relevant committee of the commencement of negotiation of a new treaty would enhance transparency and assist that committee in its role. ... For treaties in sectors [other than trade], there is a balance to be found and the system must retain flexibility, be proportionate to the level of public interest... The [Constitution] Committee rightly recognises that there are also circumstances where confidentiality is essential in treaty negotiation. This extends not only to the content of the negotiations, but at times to the very existence of negotiations themselves. However, as mentioned above, the Government can see merit in sharing information (broad treaty subject, other negotiating parties) with Parliament at the beginning of negotiations in many cases. Any decision to do so would be taken after having assessed the confidentiality requirements of the treaty or negotiations, and having considered any third country concerns.*”¹⁰ However, the Government’s support for this approach has not led to any practical action.

19. It is worth noting that the current trend in trade is away from full-scale FTAs and towards narrower sectoral agreements such as those recently seen on digital trade, financial services and the mutual recognition of professional qualifications and conformity assessment. It is likely that the Committee will be called on to scrutinise fewer FTAs going forward than in its first five years and this is borne out by recent experience. Since the start of 2022, only one FTA has been laid before Parliament (CPTPP) compared to seven sectoral trade agreements. The enhanced scrutiny arrangements recorded in the 2022 exchange of letters do not apply to such sectoral trade agreements. This raises the question of whether those commitments should be extended.

⁹ [Exchange of letters dated 19 May 2022](#)

¹⁰ [Government Response to the Constitution Committee](#) at page 6

20. Outside the field of trade, the Rwanda Treaty and the Agreement on Biological Diversity Beyond National Jurisdiction (BBNJ) are two recent examples of non-trade treaties of significance. Others coming down the track include the BIOT/Chagos agreement, the WHO draft treaty on Pandemic Preparedness and UN draft treaty on Plastics Pollution. The public interest in these treaties is high and there are strong arguments that treaties such as these merit an enhanced scrutiny process.

(vii) We assume that the Government intends to adhere to the commitments on enhanced scrutiny of FTAs as set out in the exchange of letters dated 19 May 2022 between Baroness Hayter and Lord Grimstone. Please confirm.

(viii) Do you agree that these commitments should also apply to sectoral trade agreements?

(ix) The Government accepted in 2019 that enhanced scrutiny arrangements could be appropriate for significant treaties with a high public interest and committed to greater transparency relating to the negotiation and conclusion of such treaties. Will the Government now commit to working with the Committee to reach agreement on how enhanced scrutiny of such agreements should be implemented?

FCDO's role in spreading good practice across Government and providing guidance to other departments

21. While FCDO have policy responsibility within Government for treaties, treaty-making is largely devolved to individual policy departments. The result is that practice between departments in engaging with Parliament is very variable. FCDO therefore have a key role in ensuring that departments understand Parliament's role in treaty-making and in sharing guidance and spreading best practice. In response to PACAC in 2024, the Government said it is *"updating its guidance on treaty processes to ensure consistent practice across Government."*

22. Our experience is that bureaucratic procedures can hinder the management of the IAC's scrutiny workload. For reasons which are unclear, it is often the case that treaties are laid in clusters, which means that the clock starts ticking on multiple treaties at the same time. For example, between 21 and 25 March 2024, six treaties were laid shortly before the Easter recess. By contrast, in the six weeks following the end of that recess until the dissolution of Parliament no treaties were laid. Members of the IAC secretariat have monthly meetings with FCDO counterparts to discuss forthcoming treaties. These are very helpful, but have their limitations since FCDO officials do not always seem to have the necessary information available from other departments enabling them to predict with certainty when treaties will be laid.

23. Under section 22 CRAG, the Government is required to provide an Explanatory Memorandum (EM) when it lays a treaty before Parliament. This is a vital piece of information to provide the context for scrutiny, especially when, as is the norm, there is no opportunity to take any evidence. The lead policy department is responsible for drafting the EM but this is done to an FCDO template, which was revised in 2020 following engagement with the IAC. The standard of EMs across departments is highly variable. Occasionally they are just very badly drafted. But a frequent issue is that the EM is long on unnecessary detail about the content of the treaty and short on political context, ie explaining the Government's assessment of the treaty and the reasons why ratification is in the UK national interest.

24. In response to PACAC the Government said: “The Government has previously agreed, in consultation with the IAC, the information to be provided so that Parliament may effectively scrutinise key elements of a treaty. This includes how a treaty enters into force, whether it can be amended and details of implementation including any relevant existing domestic legislation and any legislation needed to be enacted. It will keep this in review and continue to work with Parliament to ensure the necessary detail is provided.” It is clear from the IAC’s recent experience that further work is needed to improve the quality of EMs.

(x) Is the Government willing to engage with the IAC and its secretariat to explore what more could be done across Government to (a) improve the quality of EMs and (b) provide better information about the pipeline of treaties due to be laid so that the IAC can plan its work?

25. I would be grateful for a response to this letter within one month from today’s date.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'The Rt Hon. the Lord Goldsmith', with a long, sweeping flourish extending to the right.

The Rt Hon. the Lord Goldsmith KC

Chair of the House of Lords International Agreements Committee

cc: The Rt Hon Jonathan Reynolds MP, Secretary of State for Business and Trade
Lord Collins of Highbury, PUSS, FCDO
Baroness Chapman of Darlington, PUSS, FCDO

Ein cyf/Our ref MA/KSNWT/0389

Llywodraeth Cymru
Welsh Government

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

Email - Llywydd@senedd.wales

5 March 2025

Annwyl Elin,

The UK Government introduced their Bus Services (No 2) Bill (the Bill) to the House of Lords, on 17 December 2024. At the same time Wales has been working on the introduction of its own Bus Services (Wales) Bill in the Senedd in March 2025.

My officials have been working with UK Government officials to determine where there may be cross-over and where there may be divergence. The UK bill was introduced at pace with the intention of applying in England only. The initial competency analysis by the UK was that all elements were reserved and no Legislative Consent Memorandum was required.

Up to now I have only received Ministerial correspondence from Simon Lightwood MP, Minister for Local Transport about the Bill's introduction, there has been no other correspondence on specific details.

As the two bills cover many similar areas relating to bus operators, there are other areas of difference and focus, some of which may trigger an LCM. My officials have noted that some measures in the UK Bill do apply or have some effect in regard to Wales. I intend to have discussions with the UK Minister to determine the appropriateness of the effect. Whilst those conversations are ongoing, I will not bring forward an LCM in relation to the provisions which may be disapplied for Wales. I will of course confirm with the Senedd the outcome of those discussions and any amendments made, including through the legislative consent process where relevant. Notwithstanding these discussions, we do expect limited provision to remain in this Bill which will require the Senedd's consent, and I will be bringing forward

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

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

an LCM on that basis. This is expected to be incidental impact as a result of the nature of cross-border bus services and does not amount to substantive provision for Wales.

I am copying this letter to the Chairs of the Legislation, Justice and Constitution Committee and the Climate Change and Environment and Infrastructure Committee.

Yours sincerely

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

Ken Skates AS/MS

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

Rt Hon Eluned Morgan MS
First Minister of Wales

04 March 2025

Dear Eluned,

We wrote to you on 13 November 2024 about attending one of our meetings to discuss matters within our remit for which you hold ministerial responsibility. This followed our exchange of correspondence in October (namely, your letter of 28 October in response to our letter of 3 October).

Matters relating to the legislative programme, Wales and Europe and intergovernmental relations remain prominent as we approach the final year of the Sixth Senedd. As you will be aware, these are matters which are within your ministerial responsibility, and are not matters which are the responsibility of any other government minister or the Counsel General. We therefore think it would be appropriate for you to appear before the Committee to discuss these matters as soon as is practicably possible.

We acknowledge that matters relating to intergovernmental relations may be discussed at the next meeting of the Committee for the Scrutiny of the First Minister. However, we would like to explore this important issue in detail and collectively as a Committee, alongside the other matters referred to above.

In making this further request we note that you gave evidence on 12 February 2025 to the Welsh Affairs Committee in the House of Commons on the work of the Welsh Government, including matters relating to intergovernmental relations.

I look forward to receiving a response from you by 20 March, so that arrangements may be made to accommodate this session on a date suitable for you and for the Committee.

Yours sincerely,



Mike Hedges

Chair

The Rt Hon Jo Stevens MP
Secretary of State for Wales

04 March 2025

Dear Jo,

We wrote to you on 24 September 2024 inviting you to attend one of our meetings to discuss matters that we highlighted in our correspondence to you and other relevant UK Ministers in July (our letter of 16 July and your response of 31 July refers).

These are important issues and we remain of the view that there would be considerable merit in discussing them with you.

That being the case, we would be grateful if you could let us know if you will be taking up our invitation to give evidence to the Committee.

We look forward to hearing from you soon.

Yours sincerely,



Mike Hedges
Chair

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

**Legislation, Justice and
Constitution Committee**

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The Rt Hon Pat McFadden MP
Chancellor of the Duchy of Lancaster
Minister for Intergovernmental Relations

04 March 2025

Dear Pat,

Invitation to give evidence – intergovernmental relations

We wrote to you in October last year asking if you would be prepared to give evidence to the Committee to inform our scrutiny of how governments in the UK work together.

We are grateful for your officials contacting the Committee Clerk to explain that you would be keen to support such a session in the future.

I would be grateful if you could let us know if you are now in a position to take up that offer in the coming months.

Yours sincerely,



Mike Hedges
Chair

Julie James MS

Counsel General and Minister for Delivery

19 February 2025

Dear Julie

Consolidation of planning law

Thank you for your letter dated 4 February 2025, in which you responded to questions the Committee asked on 23 January 2025. The Committee considered your response at its meeting on 10 February 2025.

First, the Committee is grateful to you for providing details of the expected sizes of both planned consolidation Bills.

The Committee also noted that it is your intention to engage formally with the Business Committee “much nearer to the time of likely introduction” of the Bills. We are aware that the Business Committee considered our exchange of correspondence on 11 February 2025. We recognise that it will be a decision for the Business Committee on how and when it wishes to discuss with you the procedures that will be required to support scrutiny of both consolidation Bills in parallel. For our part, we intend to continue to draw relevant matters to the Business Committee’s attention to assist it in this engagement.

In your letter you confirm that your current intention is to introduce both consolidation Bills in September. You also state that it is your “intention to make available to Senedd Members a draft of the main Bill, and hopefully also the consequential provisions Bill, in June”. While we welcome the constructive spirit behind this intention, the Committee has some concerns with the Government’s proposed timetable for this important work.

You will be aware that the Welsh Government’s first Consolidation Bill – the Historic Environment (Wales) Bill – was introduced to the Senedd in July 2022. That Bill, in line with the Committee’s recommendation, was the subject of only a single amending stage following the Committee’s initial

consideration that took place between July and December 2022. Nonetheless, that Bill did not complete its passage through the Senedd until 28 March 2023. Should the Committee have recommended a second amending stage, the Bill may not have been put to a final stage vote in the Senedd until a month or so later.

We accept that size is not the only determining factor in the question of how much time a Senedd Committee should reasonably be given to undertake its legislative scrutiny. However, we are of the view that the Committee should not be expected to undertake robust and thorough consideration of two consolidation Bills, totalling approximately 500 pages and in accordance with novel parliamentary processes being adopted for the first time, in what would appear to be an unusually short period of time. This view has been informed by our experience with the timescale for the single Historic Environment (Wales) Bill as detailed above. Should the Welsh Government not formally introduce both Bills until September, we are unclear how the Committee could be given sufficient time to undertake its work at the initial consideration and detailed committee consideration stages, while time is also protected in the overall timetable for a second amending stage should the Committee recommend that that is necessary.

Your offer to share with Members of the Senedd a draft version of the main Bill ahead of formal introduction will not, in our view, act as a substitute for the Bills and their accompanying documents being formally laid before the Senedd in sufficient time so as to allow proper scrutiny of this important legislation before the Sixth Senedd comes to an end next Spring.

The Committee would urge you to consider how you may be able to formally lay the Bills and required accompanying documentation before the end of the Senedd's summer term this year. Should you also be in a position to share with Members of the Senedd draft versions of the Bills and explanatory materials, we would not object to this offer.

We would welcome a response by 12 March 2025.

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

Yours sincerely,

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

Mike Hedges
Chair

The Rt Hon Elin Jones MS/AS
Llywydd
Chair of the Chairs' Forum

30 January 2025

Dear Llywydd

Representation on interparliamentary bodies

Thank you for your letter of 7 January, which we considered at our meeting on 13 January.

During the Committee's consideration of your letter, members expressed concerns about the lack of transparency surrounding the decision made by the Chairs' Forum and asked for further clarity to be sought about the rationale for those decisions.

The LJC Committee has led the overview of Wales/UK/EU governance structures since the start of the Sixth Senedd. It has lead responsibility for examining the overall governance of the UK-EU relationship and Wales' role within it. The major work which will be undertaken in the coming year is the review of the TCA and the 'reset' in relations which is sought by the UK Government. Since this is part of the work of the LJC Committee, it is unclear why its members are being excluded from this work.

As a result, I wanted to draw your attention to the comments from committee members about whether the Chairs' Forum is the appropriate and therefore the competent Senedd body to make the final decision as regards the Senedd's representation on the Interparliamentary Forum and the UK-EU Parliamentary Partnership Assembly.

We consider that there may be merit in reviewing the processes involved, not least given the move to 96 members for the Seventh Senedd. In our view, a more consistent approach for nominating Members of the Senedd to the various interparliamentary bodies that exist would be worth consideration.

I look forward to hearing from you,

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



Independent Water Commission

Sir Jon Cunliffe
Chair of Independent Commission - Water Sector Regulatory System
2 Marsham Street
London
SW1P 4DF

5 March 2025

Dear Members of Parliament, Members of the House of Lords and Members of the Senedd,

Independent Commission for Water – Call for Evidence

Four months ago, I was appointed by the UK and Welsh governments to chair the Independent Water Commission, looking at reforms to the system. From the stakeholders I have met, it has become clear that there is a common and powerful desire for change.

On Thursday 27th February, the Commission launched an eight-week [Call for Evidence](#). Aside from nationalisation, which governments have ruled out, everything is on the table.

There have been achievements since privatisation. Environmental standards have improved. We are a world leader in the safety and purity of our drinking water and sanitation. And water bills have been held down in real terms for many years.

However, the current system is clearly not working. We face a major challenge in restoring trust in the sector and equipping it to face future demands. The public is rightly angry about the condition of many of our rivers and coasts. Investors increasingly view the sector as high risk. Companies struggle with the complexity of the regulatory system. Economic growth is held back because the system lacks capacity. And, as the costs of providing safe water and sanitation inevitably rises with climate change, higher environmental standards and replacement of ageing infrastructure, bill payers need to know they will get what they pay for.

In releasing the Call for Evidence, the Commission is seeking views from a wide range of groups to support its recommendations. The full Call for Evidence is available on Defra's consultation portal, [Citizen Space](#). It includes a shorter but comprehensive Executive Summary. The Executive Summary and Call for Evidence questions have been translated into Welsh, which are available at the same link.

I also attach to this letter a very short summary of the key issues on which we are seeking evidence and five key questions that we are posing. We'd be grateful for your engagement with the consultation, including highlighting it to your constituents where appropriate. We encourage responses through Defra's online consultation tool, Citizen Space. Other options to participate include submission of response by email or post, to ensure this consultation is widely accessible.

The Commission's challenge is to look beyond short-term fixes. It is to make recommendations that will equip a system fit for the future and, crucially, restore over time the trust that has been lost. I encourage all those interested to have their say.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Cunliffe'.

Jon Cunliffe
Chair of the Independent Water Commission

Independent Water Commission Call for Evidence - Summary for parliamentarians

The water sector is facing many challenges. Resolving these will require long-term and transformative change. This is a challenging task but also presents opportunity. The Independent Water Commission was established in October 2024, at the request of the Environment Secretary, to deliver recommendations to government on reforms to the water sector. It is chaired by Former Deputy Governor of the Bank of England, Sir Jon Cunliffe.

The [Call for Evidence](#), published on 27 February 2025, sets out context, issues and areas where the Independent Water Commission is seeking views in relation to the water sector in England and Wales. It aims to gather evidence and opinions from all interested parties on what that change might look like. The evidence gathered will support the Independent Commission as it looks at how to reform the water system, so it can rebuild trust and incentivise a thriving, sustainable sector.

The Call for Evidence covers six broad areas, which are based off issues that have been consistently raised consistently with the Commission. These which are set out below:

<p>1 Need for strategic coordination across sectors impacting or interacting with water. A number of stakeholders have suggested that planning, regulation and investment decisions are often kept in silos across different groups.</p>	
<p>2 Need for clear long-term planning on water. The Commission has heard that the water sector lacks a cohesive long-term plan. It has also heard that previous targets and vision-setting strategy documents have not always given companies and regulators clear outcomes to work towards. For example, the most recent Strategic Policy Statement from the government set out more than 50 expectations across 4 'strategic priorities' to Ofwat.</p>	
<p>3 Complexity and volume of water industry regulation. The legislation around water has become increasingly complex. For example, there were 93 separate requirements in the latest Water Industry National Environment Programme (WINEP) – the environmental obligations that water companies need to follow. That amounts to over 18,598 individual actions, 98% of which are statutory.</p>	
<p>4 Concerns about the regulatory oversight of the water industry. The Commission has heard there are areas where regulators' remits overlap and where there are gaps. It has also heard concerns around the mechanisms to secure environmental performance and accountability.</p>	

5	<p>The need for fair and stable returns to investors. The water industry needs to be investable to deliver the infrastructure for the future; investor returns must also be fair and proportionate. There will be a quadrupling of new investment from 2025 – 2030 relative to previous levels.</p>	
6	<p>The need for an improved infrastructure resilience framework. Operational resilience and the extent to which companies are maintaining existing assets and planning for future challenges, such as climate change, has been raised as a key issue. For example, the majority of mains pipes were built prior to privatisation, and the replacement rate has decreased significantly post 2008.</p>	

The Call for Evidence is structured as follows:

1. **Chapter 1** outlines a brief history of the water industry since privatisation.
2. **Chapter 2** considers the strategic management of water in England and Wales. Currently the water system is facing many competing pressures and demands from a range of sectors. It seeks views and evidence on whether there is a need for coordinated planning between sectors impacting water, and clear direction on priorities and trade-offs.
3. **Chapter 3** looks at the overarching water industry regulatory framework. It seeks views on whether changes are needed to the functions and responsibilities of Government and of the regulators – Ofwat, the Environment Agency (EA), Natural Resources Wales (NRW) and the Drinking Water Inspectorate (DWI).
4. **Chapter 4** considers and seek views on economic regulation, the 5-yearly Price Review process, customer protections, financial resilience, investment and competition.
5. **Chapter 5** looks at and seeks views on the regulation relating to public policy objectives that the water industry needs to deliver. This includes protecting the environment, delivering clean drinking water, protecting water resources and maintaining and upgrading infrastructure.
6. **Chapter 6** looks at and seeks views on water company ownership models. It compares different models across the UK and internationally.

Examples of questions from the Independent Water Commission's Call for Evidence

The Commission is seeking views from a wide range of groups to inform its recommendations.

We encourage responses to this Call for Evidence through Defra's online consultation tool, [Citizen Space](#). Other options to participate include submission of response by email or post, to ensure this consultation is widely accessible.

We have drawn out five key questions from the Call for Evidence which highlight the range of areas it is seeking views on. These are set out below.

1. Thinking ahead to what you would like the water system to look like in the future (e.g. in 25 years' time), what outcomes from the water system are most important to you? (selecting highest priority)

- a. Improved water environment (e.g. healthy habitats for aquatic plants and animals)
- b. Resilient and reliable supply of water for businesses
- c. Water bodies being safe for swimming and other recreational uses (e.g. kayaking, paddleboarding)
- d. Wider public health outcomes (e.g. limiting anti-microbial resistance)
- e. A water system which contributes to Net Zero
- f. Resilience to climate change
- g. Reduced flood risk
- h. Limiting increases to water bills
- i. Aesthetic qualities of water bodies (e.g. no litter or visible sewage residues)
- j. Recreational access to 'blue' (water body) spaces
- k. None
- l. Don't know
- m. Other (please specify)

2. What changes, if any, do you consider are needed to the framework of water regulators to improve the regulation of the water industry?

- a. [Free response].

3. How do you think the Price Review process should balance the need to keep customer bills low with the need for infrastructure resilience?

- a. [Free response].

4. Do you believe that the system of environmental regulation, monitoring and enforcement is ensuring water company compliance with environmental standards? (Please select one)

- a. To a great extent
- b. To some extent
- c. Very little
- d. Not at all
- e. Don't know

5. What impact, if any, does the type of investor (for example, private equity firms, pension funds) have on water company performance?

- a. [Free response].

Mike Hedges MS

Chair of the Legislation, Justice and Constitution Committee

6 March 2025

Report on the Legislation (Procedure, Publication and Repeals) (Wales) Bill

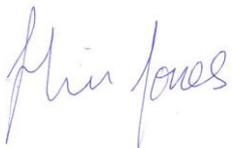
Dear Mike,

Thank you for your letter of 28 February drawing two recommendations (5 and 6) in your report on the Legislation (Procedure, Publication and Repeals) (Wales) Bill to the attention of the Business Committee.

We gave initial consideration to the recommendations at our meeting on 4 March and noted that they request the Business Committee give consideration to introducing new procedures in the Sixth Senedd relating to scrutiny of subordinate legislation. We agreed to give further consideration to the proposals when considering the prioritisation of our procedural work programme for the remainder of the Sixth Senedd early in the Summer term.

I will write to provide a further response to the recommendations once we have undertaken that prioritisation exercise.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

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

Rt Hon Elin Jones MS

Y Llywydd and Chair of the Business Committee

28 February 2025

Dear Elin

Report on the Legislation (Procedure, Publication and Repeals) (Wales) Bill

The Committee recently laid its report on the above Bill to inform the debate on its general principles, to be held on Tuesday 4 March 2025.

Two of the report's recommendations, which relate to the procedures for subordinate legislation laid in the Senedd, are for the Business Committee's consideration. These recommendations are:

Recommendation 5. The Business Committee should, prior to the dissolution of the Sixth Senedd, consider undertaking a review of the merits of introducing a procedure whereby an item of subordinate legislation laid before the Senedd is first subject to consideration by a sifting committee with responsibility for determining the appropriate level of scrutiny for that piece of legislation.

Recommendation 6. The Business Committee should consider introducing a procedure to allow for amendable 'think again' motions to statutory instruments prior to the dissolution of the Sixth Senedd.

Further detail about the context to these recommendations may be found in the narrative of the report.

The Committee would welcome the Business Committee's consideration of these matters as part of its procedural work programme.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair

Agenda Item 6.6

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 4)

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. A Supplementary LCM was laid on 24 January covering UK Government amendments laid on 23 January 2025. A further supplementary LCM was laid on 19 February covering further UK Government amendments laid on 5 February 2025.
3. The Bill completed House of Lords Report Stage on 11 February 2025 and completed third reading on 25 February 2025. This sLCM covers opposition amendments agreed at House of Lords Report Stage and UK Government amendments laid on 17 February 2025 and subsequent changed on 20 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 previous Legislative Consent Memorandum

5. During House of Lords Report Stage, the Lords agreed to an opposition amendment tabled by Lord Alton of Liverpool. It amended Clause 4 (‘financial assistance’) by making provision for Great British Energy to prevent the Secretary of State from providing financial support to Great British Energy where there is evidence of modern slavery in its energy supply chains. The amendment is provided below:

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.

Clause 4, page 3, line 5, at end insert—

“(6) Financial assistance under this section must not be provided if there exists credible evidence of modern slavery in the energy supply chain of any company designated Great British Energy.”

6. This amendment requires that financial assistance cannot be provided under Clause 4 if there exists credible evidence of modern slavery in its supply chain.
7. A new Clause 6A was tabled by the UK Government in the House of Lords on 17 February 2025, and was subsequently changed on 20 February. The new clause requires the Secretary of State to appoint an independent person to carry out reviews of the effectiveness of Great British Energy. Such reports would have to be produced at maximum intervals of five years. The reports would have to be laid before Parliament. On 20 February 2025 the UK Government changed the amendment. The UK Government added provision which would require the Secretary of State to send a copy of the independent person’s report to the Scottish Ministers, the Welsh Ministers and the Dept for the Economy in Northern Ireland at least 14 days before the report is laid before Parliament.
8. The new Clause in full is provided below:

“Reviews of Great British Energy’s effectiveness

(1) The Secretary of State must appoint an independent person to carry out reviews of the effectiveness of Great British Energy.

(2) In carrying out the review, the independent person must have regard to the statement of strategic priorities prepared by the Secretary of State under section 5(1).

(3) After each review, the independent person must— (a) prepare a report of the review, and (b) submit the report to the Secretary of State.

(4) On receiving a report, the Secretary of State must— (a) send a copy of the report to the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland, and (b) no less than 14 days after complying with paragraph (a)— (i) publish the report, and (ii) lay a copy of the report before Parliament.

(5) The first report must be submitted to the Secretary of State within the period of 5 years beginning with the day on which this Act comes into force.

(6) Subsequent reports must be submitted to the Secretary of State at intervals of not more than 5 years.

(7) In this section, references to an “independent person” are to a person who appears to the Secretary of State to be independent of— (a) the Secretary of State, and (b) Great British Energy.”

Welsh Government position on the changes to the Great British Energy Bill

9. Welsh Ministers welcome the amendment that requires financial assistance cannot be provided if there exists credible evidence of modern slavery in its supply chain.
10. The amendments laid by the UK Government are also welcomed and strengthen the governance of Great British Energy once established. The amendments will contribute to ensuring the company is delivering on its strategic priorities, which Welsh Ministers will have been asked to consent to if those priorities are within devolved competence. We also welcome the strengthening of the accountability of Great British Energy to Wales through the requirement for Welsh Ministers to have sight of the independent report at least 14 days before the report is published.

Welsh and UK Government views on the need for consent

11. The UK Government agrees with the assessment that these amendments would make relevant provision in so far as they have regard to the devolved matter of environmental protection, and the specific matters of heat and cooling and energy efficiency to the extent that they are devolved.

Financial implications

12. There are no financial implications for Wales stemming from the application of these provisions in Wales.

Conclusion

13. The climate emergency is one of the greatest challenges we face, and Welsh Government is supportive of legislation to establish Great British Energy to help facilitate and encourage the development of renewable energy projects.
14. 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
06/03/2025