

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 24 March 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.55)

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

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

(13.30 – 13.35)

(Page 1)

Attached Documents:

LJC(6)-11-25 – Paper 1 – Draft report

Made Negative Resolution Instruments

**2.1 SL(6)597 – The Elections and Elected Bodies (Wales) Act 2024 (Consequential
Amendments) Regulations 2025**

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

(13.35 – 13.40)

3.1 SL(6)596 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025

(Pages 2 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-25 – Paper 2 – Draft report

3.2 SL(6)598 – The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

(Pages 4 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-25 – Paper 3 – Draft report

3.3 SL(6)600 – The Agricultural Wages (Wales) Order 2025

(Pages 6 – 10)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-25 – Paper 4 – Draft report

Affirmative Resolution Instruments

3.4 SL(6)601 – The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025

(Pages 11 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-11-25 – Paper 5 – Draft report

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

(13.40 – 13.45)

4.1 SL(6)590 – The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

(Pages 14 – 16)

Attached Documents:

LJC(6)-11-25 – Paper 6 – Report

LJC(6)-11-25 – Paper 7 – Welsh Government response

4.2 SL(6)591 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

(Pages 17 – 21)

Attached Documents:

LJC(6)-11-25 – Paper 8 – Report

LJC(6)-11-25 – Paper 9 – Welsh Government response

4.3 SL(6)592 – The Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025

(Pages 22 – 25)

Attached Documents:

LJC(6)-11-25 – Paper 10 – Report

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

5 Inter-Institutional Relations Agreement

(13.45 – 13.50)

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

(Page 26)

Attached Documents:

LJC(6)-11-25 – Paper 12 – Letter from the Cabinet Secretary for Health and Social Care: Inter-Ministerial Group for Health and Social Care, 19 March 2025

6 Papers to note

(13.50 – 13.55)

6.1 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: Welsh Government response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Great British Energy Bill

(Pages 27 – 31)

Attached Documents:

LJC(6)-11-25 – Paper 13 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 14 March 2025

6.2 Correspondence from the Llywydd: Proposed Section 150 Order in relation to the Senedd and Elections (Wales) Act 2020 and the Public Services Ombudsman (Wales) Act 2019

(Pages 32 – 34)

Attached Documents:

LJC(6)-11-25 – Paper 14 – Letter from the Llywydd, 18 March 2025

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

(13.55)

Private meeting

(13.55 – 14.35)

**8 The Review of the United Kingdom Internal Market Act 2020:
Consideration of draft response**

(13.55 – 14.00)

(Pages 35 – 51)

Attached Documents:

LJC(6)-11-25 – Paper 15 – Draft response

LJC(6)-11-25 – Paper 16 – RSPCA Cymru paper

**9 Legislative Consent Memoranda on the Mental Health Bill: Draft
report**

(14.00 – 14.20)

(To Follow)

Attached Documents:

LJC(6)-11-25 – Paper 17 – Draft report

**10 Supplementary Legislative Consent Memorandum (Memorandum
No. 2) on the Data (Use and Access) Bill**

(14.20 – 14.35)

(Pages 52 – 59)

Attached Documents:

LJC(6)-11-25 – Paper 18 – Legal Advice Note

Statutory Instruments with Clear Reports 24 March 2025

SL(6)597 – The Elections and Elected Bodies (Wales) Act 2024 (Consequential Amendments) Regulations 2025

Procedure: Made Negative

The provisions of Chapter 2 of Part 2 (elected bodies and their members) of the Elections and Elected Bodies (Wales) Act 2024 ("**the 2024 Act**") abolish the Independent Remuneration Panel for Wales and confer most of its functions on the Democracy and Boundary Commission Cymru.

These Regulations make consequential amendments to secondary legislation arising from the commencement of those provisions of the 2024 Act.

Parent Act: The Elections and Elected Bodies (Wales) Act 2024

Date Made: 06 March 2025

Date Laid: 07 March 2025

Coming into force date: In accordance with regulation 1(2) and (3)



Agenda Item 3.1

SL(6)596 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025

Background and Purpose

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 (**the 2024 Regulations**) amended the Charges for Residues Surveillance Regulations 2006 (**the 2006 Regulations**) to enable the competent authorities responsible for official controls to recover costs incurred in carrying out inspections and controls relating to surveillance of animals and animal products.

The 2024 Regulations also amended the 2006 Regulations by amending the fees to be paid in respect of the surveillance of animals and animal products.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (**the 2025 Regulations**) correct an error in the amended fee introduced by the 2024 Regulations.

The 2025 Regulations insert the correct figure into Schedule 1 to the 2006 Regulations, amending the charge to be recovered for residue surveillance of Solipeds¹ from £0.04287 per carcase to £0.4287 per carcase.

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

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

1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

Regulation 1(3) in the English text states that the 2025 Regulations come into force on 28 March 2025. However, regulation 1(3) in the Welsh text states that the 2025 Regulations come into force on 28 March 2028.

¹ Solipeds are animals with a single, unclown hoof on each foot; for example, horses, donkeys, mules and hinnies.



It is clear from the context that the correct commencement date is 28 March 2025 and that there is an error in the Welsh text.

Merits Scrutiny

One point is 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 our [report on the 2024 Regulations](#), we queried whether the figure of £0.04287 was correct. It appears that the Welsh Government accepts that the figure of £0.04287 was not correct.

We also note that the Explanatory Memorandum to the 2025 Regulations states that the revised charge applies to surveillance carried out from 1 October 2024 to 31 March 2025. In other words, the Explanatory Memorandum appears to say that the correction made by the 2025 Regulations will apply retrospectively.

There is, in the law of England and Wales, a presumption that legislation does not have retrospective effect. That presumption can be rebutted, but very clear words (or a necessary implication) are needed to do so.

We cannot see anything on the face of the 2025 Regulations that rebuts the presumption, nor can we find any necessary implication that rebuts the presumption. Therefore, in our view, the new figure of £0.4287 will not apply retrospectively – the new figure will apply only from the date the 2025 Regulations come into force (which we believe is 28 March 2025).

However, ultimately, this appears to be a non-issue because, according to the Explanatory Memorandum:

4.2 There are no slaughterhouses in Wales that are licensed to slaughter Solipeds, so this error does not have a detrimental impact on the delivery of the [National Residue Control Programme], however, these Regulations are required to correct the statute book, ensuring the 2024 Regulations are implemented uniformly across the UK which will provide clarity to both the [Veterinary Medicines Directorate] and operators.

7.1 These Regulations have no impact on any business, charity or voluntary body as there are no slaughterhouses licensed to slaughter Solipeds in Wales.

Welsh Government response

A Welsh Government response to the technical reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

19 March 2025



Agenda Item 3.2

SL(6)598 – The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

Background and Purpose

The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 (the 2024 Amendment Regulations) were laid in the Senedd on 22 November 2024. In its report on the 2024 Amendment Regulations, the Legislation, Justice and Constitution Committee identified several technical reporting points under Standing Order 21.2.

These Regulations amend the 2024 Amendment Regulations and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 to address technical reporting points previously raised.

The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024 had previously addressed an error relating to the coming into force date of certain provisions in the 2024 Amendment Regulations.

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 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 2(2)(b), the definition of “ETP service” is omitted from regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020. However, references to “ETP service” remain in paragraph 7(2)(b)(ii) of Schedule 5 and paragraphs 4(2)(b), 6(2)(b) and 7(3)(c) of Schedule 6 to the 2020 Regulations. Therefore, that term will no longer have any meaning after the omission of the definition. Some of the other existing references to “ETP service” in the 2020 Regulations have been amended to state “electronic prescription service” by these Regulations.



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

In regulation 2(3)(a) and (b)(i) the Welsh text amends paragraph 5A of Schedule 5 to the 2020 Regulations, to state “cyfarpar **offthalmig rhestredig**” and “meddyginiaeth **offthalmig restredig**”. But the definitions found in regulation 2(1) of the 2020 Regulations (as amended by regulation 2(2) of the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024) are “cyfarpar **rhestredig offthalmig**” and “meddyginiaeth **restredig offthalmig**”. The same error also occurs in the Welsh text of the amendments made by regulation 3(3)(a) of these Regulations.

Merits Scrutiny

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 made in response to errors identified in, and clarifications required by, this committee’s report on the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024.

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

17 March 2025



Agenda Item 3.3

SL(6)600 – The Agricultural Wages (Wales) Order 2025

Background and Purpose

The Agricultural Wages (Wales) Order 2025 (the “**Order**”) makes provision about the minimum rates of remuneration and other terms and conditions of employment for agricultural workers.

The Order revokes and replaces the Agricultural Wages (Wales) Order 2024 with changes which include increases to the minimum hourly rates of pay.

Part 2 of the Order provides that agricultural workers are to be employed subject to terms and conditions set out in Parts 2-5 of the Order, and specifies the different grades and categories of agricultural worker.

Part 3 makes provision about:

- minimum rates of remuneration;
- accommodation offset allowance;
- allowance for a dog;
- on-call allowance;
- night work allowance; and
- birth and adoption grants.

Part 4 provides for an entitlement to agricultural sick pay in specified circumstances.

Part 5 makes provision about an agricultural workers entitlement to time off, including rest breaks, daily rest, and weekly rest period. Provision is also made about an agricultural worker’s annual leave year and their entitlement to annual leave, holiday pay and payment in lieu of annual leave. This Part also makes provision for an agricultural worker’s entitlement to paid bereavement leave.

Part 6 contains revocation and transitional provision.

Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd.



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.

Technical Scrutiny

The following 7 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In this Order, the terms “*public holiday*” and “*bank holiday*” are used articles 2 and 36. These terms have not been defined and given a meaning in this Order.

We recognise that these terms are not consistently defined in every Act or Statutory Instrument. However, we would be grateful for confirmation that the Welsh Government considers their meaning to be sufficiently certain from the context in which they are used in the Order.

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

In article 5(b), there is a difference in the drafting of the provision when compared with articles 6(a), 7(a) and 8(a).

In article 5(b), it refers to “*a level 2 apprenticeship **which is relevant** to their role in agriculture*”.

However, in articles 6(a), 7(a) and 8(a), the parallel provisions for the different Grades of agricultural worker refer to a required apprenticeship “***which must be** relevant to their role in agriculture*”.

Objectively, this suggests that there is a greater legal requirement for the relevance of the apprenticeships in articles 6(a), 7(a) and 8(a) compared with article 5(b).

The Welsh Government is asked to explain whether the identified distinctions are intentional.

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

In article 16(5), it notes “*The agricultural worker **will not be** required to repay [...]*”.

The Welsh Government’s drafting guidelines state that legislation should avoid using “*will*” for declaratory statements and that the present indicative should be used in such statements (see WLW 3.14(5)).

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



The term “qualifying days’ is defined in article 2(1) for the entire order. This term is also defined in article 21(4) with a separate and distinct meaning for the purposes of article 21.

It appears that the separate definition of “*qualifying days*” in article 21 is superfluous as the term is not used anywhere in article 21.

We note that the term was used in article 22 of the 2024 Order (the equivalent provision to article 21 in the 2025 Order) for the purposes of calculating sick pay for those employed for less than 8 weeks. However, this provision was omitted for the 2025 Order.

If the separate definition is indeed superfluous and subsequently removed, we note that the additional wording in article 2(1) will also need to be removed (i.e. ‘*other than in article 21 where a different definition applies*’).

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

Article 24 of the Order deals with the scenario where an agricultural worker’s contract or apprenticeship ends during sickness absence. In such circumstances, sick pay continues in accordance with the provisions of article 24 until certain circumstances are triggered. Article 24(1) states:

*[...] if during a period of sickness absence, either an agricultural worker’s contract or their apprenticeship is terminated or the agricultural worker is given notice that either their contract or their apprenticeship is to be terminated, any entitlement which the agricultural worker has to agricultural sick pay continues after **that contract** ends as if the agricultural worker was still employed by their employer [...]* (emphasis added).

Based on the underlined text above, our understanding is that the provisions in article 24 are intended to apply to agricultural workers under a contract of employment, and/or those on apprenticeships.

However, in our view, the text “**that contract**” introduces uncertainty as it suggests that the sick pay provisions do not extend to those on apprenticeships. It appears that the drafting has used the term “contract” as shorthand to encompass both types of workers, but the previous use of ‘*an agricultural worker’s contract*’ has introduced uncertainty.

This ambiguity also extends into article 24(2):

*An agricultural; worker whose **contract** has been terminated is not entitled to agricultural sick pay [...].*

Given the previous ambiguity, it is unclear whether this is intended to encompass agricultural workers on apprenticeships.

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



The 2025 Order makes new provision in relation to 'irregular hours workers' or 'part-year workers', as defined in regulation 15F of the Working Time Regulations 1998 ("**WTR 1998**").

In particular, article 32(5) of the Order makes provision to calculate the annual leave allowance of such workers. The annual leave allowance is to be "*calculated as a percentage of actual hours worked*" based on a formula:

$$\left(\frac{\text{Total annual leave entitlement in weeks provided in the Schedule}}{\text{Remaining working weeks in the annual leave year}} \right) \times 100$$

The explanatory memorandum states that "*these updates are based on the WTR 1998*".

We note that regulation 15B of the WTR 1998 makes provision in relation to annual leave for certain workers who work irregular hours. Generally, such workers accrue leave based on 12.07% of hours worked within a pay period.

The calculation above is not contained in regulation 15B of the WTR1998. As such, it is unclear where the formula derived, and in what ways the updates are "based on" on the WTR 1998.

We note that annual leave is generally proportional to hours worked, rather than time remaining in the annual leave year. Therefore, it would be useful to understand the rationale for using the '*remaining working weeks in the annual leave year*' as a denominator.

We are concerned that this may result in fluctuations in the leave entitlement as time passes. For example, a scenario where two employees working the same amount of hours, but at different times of the year, end up with different leave entitlements.

The Welsh Government is asked to explain where the formula in article 32(5) derived, and to address our concerns in relation to potential fluctuating leave entitlements.

7. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In article 35(4), in the English text, the term "*normal weekly pay*" is defined for that article because it is used in paragraph (1) of article 35. However, in the Welsh text, the term has been defined as "*tâl wythnosol arferol*" in article 35(4), but a different term "*cyflog wythnosol arferol*" has been used in paragraph (1) of article 35. Therefore, the term will not bear the same defined meaning in article 35(1) of the Welsh text.

Merits Scrutiny

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

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.



This Order make numerous corrections to historical errors which were previously identified by the Committee in its report on the *The Agricultural Wages (Wales) Order 2024* (S.I. 2024/390 (W. 69)).

The specific amendments are listed in paragraph 2 of the Explanatory Memorandum under the heading '*Matters of special interest to the Legislation, Justice and Constitution Committee*'.

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

18 March 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 10**

Legislation, Justice and Constitution Committee

SL(6)601 – The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025

Background and Purpose

These Regulations are being made for pilot purposes and place a duty on certain pilot local authorities in Wales to develop and maintain a database of children who may be missing education, to be known as a children missing education (CME) database.

A duty is placed on local health boards and general medical services contractors to share basic information about children registered with them with the local authority where the child is usually resident, for the purpose of establishing the CME database. Local health boards will share this information once during the pilot. There is no requirement placed on local health boards to provide further updates after the initial dataset has been shared.

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

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

In the preamble, it is unclear if the enabling powers should also cite “section 66(1)” of the Children Act 2004 as only some of the local authorities in Wales are included in the list of pilot local authorities in Schedule 1 to these Regulations? (e.g., section 66(1)(b) – different provisions for different cases or areas).

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

In the headnotes at the top of pages 1 and 3, there is a difference between the details of the section that are cited in the Children Act 2004. At the top of page 1 it refers to “section 66(3)” but at the top of page 3 it refers to section 66” of that Act. In addition, the details noted in the second paragraph of the preamble are also different because it refers to both “section 66(3) of the Children Act 2004” and “paragraph 34 of Schedule 11 to the



Government of Wales Act 2006". The legislation cited in both headnotes should be consistent with each other and with the second paragraph of the preamble which sets out the fulfilment of the condition requiring the Regulations to be laid in draft. It appears that the details regarding "paragraph 34 of Schedule 11 to the Government of Wales Act 2006" should not be included in the preamble but in footnote (3) on page 3 with an explanation regarding the procedure that these Regulations follow, including the fact that references to the Houses of Parliament in the Children Act 2004 should be interpreted as references to the Senedd.

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

In regulation 4, the term "usually resident" has been defined for that regulation and given the same meaning as in regulation 2(2) and (3) of the Local Health Boards (Directed Functions) (Wales) Regulations 2009. But the term "ordinarily resident" is also used in the other provisions of these Regulations although it is not defined. In the Welsh text, this means that the same term has been used for both the defined term "usually resident" in regulation 4 and "ordinarily resident" in the other regulations – "preswyllo fel arfer". This approach could be potentially problematic in future legislation, if both the terms were being used within the same provision of an instrument as there would be no way of distinguishing between them, and any difference as to their meaning, in the Welsh text.

Merits Scrutiny

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

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

There is a sunset provision included in the Regulations. Regulation 1(2) provides that the regulations will come into force on 8 April 2025 and cease to have effect on 8 April 2026.

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

These Regulations establish a pilot scheme for the creation of a CME database by pilot local authorities. Seven local authorities will be involved in the pilot. These are Cardiff County Council, Camarthenshire County Council, Gwynedd County Council, Isle of Anglesey County Council, Monmouthshire County Council, Powys County Council and Rhondda Cynon Taff County Borough Council.

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

The Regulations will be made using powers contained in section 29 of the Children Act 2004. The Explanatory Memorandum dated 11 March 2025 states in section 2 that "a



Commencement Order is required to bring section 29 of the Children Act 2004 into force". It is our understanding that section 29 of the Children Act 2004 was brought into force on 10 March 2025 by The Children Act 2004 (Commencement No. 10) (Wales) Order 2025 (SI 2025/304 (W.60)), which was made on 7 March 2025 and laid on 10 March 2025.

Welsh Government response

A Welsh Government response is required to points 1, 2, 3 and 6.

Legal Advisers

Legislation, Justice and Constitution Committee

19 March 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.1

SL(6)590 – The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations amend existing regulations to:

- (i) increase the full-time undergraduate tuition fee caps;
- (ii) apply these caps to all qualifying persons on qualifying courses at regulated Welsh institutions for academic years beginning on or after 1 August 2025; and
- (iii) increase the amount of tuition fee loan for academic years beginning on or after 1 August 2025 accordingly.

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

Regulation 1(3) provides that regulation 3 applies in relation to “*an academic year which begins on or after 1 August 2025...*”. The term “academic year” is defined in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017, but it is not defined in these Regulations.

As a result it is not apparent whether “academic year” is intended to have the same meaning in these Regulations as that prescribed by the definition in the 2017 Regulations. It is worth noting that other recent education legislation (such as the Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2024 and the Education (Student Fees, Awards and Support) (Amendment) Regulations 2025) have included a definition of “academic year”.

To provide clarity as to the Welsh Government’s intended meaning of the term and to avoid potential confusion for the reader, we consider that a definition of “academic year” should be



included in these Regulations.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

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



Government Response: *The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025*

Technical Scrutiny point 1: The term “academic year” in regulation 1(3) of these Regulations is intentionally not defined. It is intended to have its ordinary dictionary meaning, rather than the same meaning as that prescribed by the definition of “academic year” in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017.

An academic year within the meaning given by the definition in the 2017 Regulations is a purely regulatory construct for the purposes of ensuring the administrative workability of those Regulations. It can only ever begin on 1 January, 1 April, 1 July or 1 September, according to when an academic year, within its ordinary meaning, actually begins. That is necessary in the context of the 2017 Regulations to simplify the administrative process and give greater certainty on, for example, the time limits within which applications for support must be made, or the period for which students will remain eligible for support.

In these Regulations, “academic year” is referred to in the context of the application provision in regulation 1(3): “Regulation 3 applies...in relation to an academic year which begins on or after 1 August 2025”. The purpose of this provision is to ensure that the regulation in question applies in relation to any academic year beginning on or after the specified date, at whatever point in the year it actually begins. It reflects the reality that an academic year of any particular course can begin on any day of the year. In this context, therefore, the term “academic year” is intended to have its ordinary meaning.

An academic year within the meaning given by the definition in the 2017 Regulations could not possibly begin on 1 August 2025, and could only begin on one of four dates specified in the definition. It would therefore be too limited in scope for the purposes of the intent behind the application provision in these Regulations.

Whilst an academic year within its ordinary meaning would correspond to the regulatory construct of an academic year under the 2017 Regulations, it would not be synonymous with it. The drafting approach in these Regulations reflects the consistent past practice of similar Welsh amending instruments over many years.

SL(6)591 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the following Regulations:

- the Education (European University Institute) (Wales) Regulations 2014;
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019.

The changes made by these Regulations adjust amounts of undergraduate and postgraduate student support. These changes have been made in line with a measure of the Consumer Price Index (CPI).

The Regulations also make a correction to the Welsh text of the Education (European University Institute) (Wales) Regulations 2014.

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(v) – that for any particular reason its form or meaning needs further explanation.**

Regulation 2 of these Regulations states that:

“Regulations 7 to 20 and 22 to 32 (update of amounts: the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018) apply in relation to the provision of support to a student in relation to an academic year which began on or after 1 August 2025, whether or not anything done under these Regulations is done before, on or after that date”.



There is no definition of “academic year” included in these Regulations. The term is defined in in both the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018. “Academic year” has a different meaning in relation to a “compressed first year course” in each of those Regulations. As such, it is unclear if “academic year” is intended to have the same meaning in these Regulations as that prescribed by either of those Regulations, or a different meaning.

We note that other legislation (such as the Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2024 (S.I. 2024/669) and the Education (Student Fees, Awards and Support) (Amendment) Regulations 2025 (S.I. 2025/162)) has included a definition of “academic year”.

Merits Scrutiny

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

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

The Explanatory Notes to the Regulations state that:

“The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.”

However, the Explanatory Memorandum states at paragraph 6.1 that an RIA has been conducted:

“An RIA has been conducted for the 2025 Regulations.”

The RIA has been included later in Part 2 of the Explanatory Memorandum.

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

The Explanatory Memorandum states at paragraph 5.1 that there has been no consultation in relation to the Regulations:

“There is no statutory requirement to consult on these regulations and no consultation has been undertaken.”

The RIA states at paragraph 6.3 that:



“the value of maintenance support for undergraduate students who begin a course on or after the 1 August 2019 has historically increased each year by the rate of increase in the National Living Wage (NLW)”.

An NLW based uplift to maintenance support rates for the 2025/26 academic year would be 7.3% (see paragraph 6.4(a) of the RIA). The RIA states that *“this option carries the largest financial risk and was discounted”* (paragraph 6.4(a)). Meanwhile a CPI based uplift would result in a lower proposed increase of 1.6% (see paragraph 6.4(b)), and this option was selected.

The RIA continues at paragraph 6.5 to state that *“most allowances, postgraduate support, and maintenance support for pre-2018 registered undergraduate students, are increased each year by a forecast measure of inflation historically RPIX”*. The RIA states that the RPIX value for the academic year 2025/26 would be 2.3%, whilst the CPI value is lower at 1.6%. Paragraph 6.6(b) of the RIA states that *“from a student’s perspective, CPI is expected to be slightly lower than RPIX and so annual increases to support will be smaller under this option from the 2025/26 academic year”*.

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

These Regulations make corrections to historical errors which were previously identified by the Committee in its report on the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2024 (S.I. 2024/810 (W. 131)) (SL(6)510). However, this is not noted in section 2 of the Explanatory Memorandum (Matters of special interest to the Legislation, Justice and Constitution Committee).

Welsh Government response

A Welsh Government response is required.

Committee Consideration

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



Government Response: The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

Technical Scrutiny point 1: The term “academic year” in regulation 2 of these Regulations is intentionally not defined. It is intended to have its ordinary dictionary meaning, rather than the same meaning as that prescribed by the definition of “academic year” in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017 or paragraph 1 of Schedule 1 to the Education (Student Support) (Wales) Regulations 2018.

An academic year within the meaning given by the definitions in the 2017 and 2018 Regulations is a purely regulatory construct for the purposes of ensuring the administrative workability of those Regulations. It can only ever begin on 1 January, 1 April, 1 July or 1 September, according to when an academic year, within its ordinary meaning, actually begins. That is necessary in the context of the 2017 and 2018 Regulations to simplify the administrative process and give greater certainty on, for example, the time limits within which applications for support must be made, or the period for which students will remain eligible for support.

In these Regulations, “academic year” is referred to in the context of the application provision in regulation 2: “Regulations 7 to 20 and 22 to 32...apply...in relation to an academic year which begins on or after 1 August 2025...”. The purpose of this provision is to ensure that the regulations in question apply to any academic year beginning on or after the specified date, at whatever point in the year it actually begins. It reflects the reality that an academic year of any particular course can begin on any day of the year. In this context, therefore, the term “academic year” is intended to have its ordinary meaning.

An academic year within the meaning given by the definition in the 2017 and 2018 Regulations could not possibly begin on 1 August 2025, and could only begin on one of four dates specified in the definition. It would therefore be too limited in scope for the purposes of the intent behind the application provision in these Regulations.

Whilst an academic year within its ordinary meaning would correspond to the regulatory construct of an academic year under the 2017 or 2018 Regulations, it would not be synonymous with it. The drafting approach in these Regulations reflects the consistent past practice of similar Welsh amending instruments over many years.

Merit Scrutiny point 2: We acknowledge there is a contradiction between the Explanatory Notes and the Explanatory Memorandum in relation to the Regulatory Impact Assessment. We can confirm the correct position is that set out in the Explanatory Memorandum.

Merit Scrutiny point 3: There is no statutory requirement to consult on the Regulations. These Regulations continue the Welsh Government's established policy of increasing undergraduate and postgraduate student support rates each year.

Increasing these amounts by the CPI measure of inflation maintains the affordability of the student support system within the constraints imposed by His Majesty's Treasury on student loan expenditure. The Welsh Government does not undertake consultation when proposals are unlikely to change.

Merit Scrutiny point 4: Reference to corrections to historical errors previously identified by the Committee were omitted in error. The Explanatory Memorandum has been withdrawn, corrected and re-laid.

Agenda Item 4.3

SL(6)592 – The Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations correct errors in the Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) Regulations 2024 (“the 2024 Regulations”), in response to matters reported on by the Legislation, Justice and Constitution Committee (“the Committee”) in its report on the 2024 Regulations.

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 2 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 2(2)(a), in the English language text, the location for the amendment is described as being found “*in the definition of “**relevant financial support**”*” (emphasis added) in regulation 2 of the 2024 Regulations.

However, the amendment is only being made to the definition found “*in the Welsh text*” of regulation 2 of the 2024 Regulations. Therefore, it should note the Welsh language definition “*cymorth ariannol perthnasol*”, rather than “*relevant financial support*”, in quotation marks in the English language text of regulation 2(2)(a) when identifying the definition for amendment.

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

In regulation 2(2)(b), the amendment seeks to replace the term “*retained direct EU legislation*” with the correct term “*assimilated direct legislation*” in the definition of “*statutory duty*” in regulation 2 of the 2024 Regulations.



In the Welsh language text describing the amendment, the new term is noted as “*deddfwriaeth uniongyrchol a gym^hathwyd*” (emphasis added). However, this term has been standardised in Welsh as “*deddfwriaeth uniongyrchol a gym^{math}wyd*” (emphasis added) in the list of terms found in Schedule 1 to the Legislation (Wales) Act 2019 and in the Welsh Government’s online database of Welsh language terms, BydTermCymru. It is also noted that the standardised term is used in the Explanatory Memorandum (see paragraph 4.2).

Merits Scrutiny

The following 4 points are 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 seek to correct errors raised by the Committee in its report on the 2024 Regulations. As explained in the Explanatory Memorandum, at paragraph 2.1:

“These Regulations respond to matters reported on by the Legislation, Justice and Constitution Committee in points 3, 5, 6 and 7 of their report on The Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) Regulations 2024 (see [SL\(6\)507](#)).”

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

It is noted that these Regulations do not address the remaining technical reporting points, namely 1, 2 and 4, from the Committee’s report on the 2024 Regulations.

The Welsh Government’s response to that report explained why it disagreed with reporting point 4. It did not disagree with reporting points 1 and 2 but explained that as the Welsh Government does “*not consider them to have any practical impact on the operation of the provision or instrument*”, it would not seek to amend the 2024 Regulations in respect of those points.

The Welsh Government reached a similar conclusion in relation to reporting points 3, 5 and 7, that it did not consider those points to have a practical impact on the operation of the relevant provision or instrument. However, as amending regulations (i.e. these Regulations) were required to address reporting point 6, it took the opportunity to address those points regardless. It is noted that the same approach could have been taken in relation to reporting points 1 and 2, in order to address the points raised.

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

In its response to the Committee’s report on the 2024 Regulations, the Welsh Government acknowledged the need for amending regulations in relation to reporting point 6 of that report and explained that it would aim to introduce the amending regulations, i.e. these



Regulations, “before the end of 2024”. However, it is noted that these Regulations were not made until 27 February 2025 and, therefore, there has been a delay in the making of these Regulations.

The Committee [wrote](#) to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS, in relation to this point on 16 January 2025 and received a [response](#) on 30 January 2025.

As a result of the delay, the inconsistency relating to the time period for arbitration or third party determination as set out in regulation 3(8) of the 2024 Regulations and the corresponding provision in regulation 3(9) of the Agricultural Holdings (Requests for Landlord’s Consent or Variation of Terms and the Suitability Test) (Wales) Regulations 2024, which was previously reported by the Committee and has been in force since 8 August 2024 (when the relevant Parts of those regulations came into force), will remain on the statute book until these Regulations come into force on 21 March 2025.

The Welsh Government is asked to clarify both the reason for the delay in making these Regulations and any practical impact this may have had on tenants who may have sought to refer their request to arbitration or third party determination between 8 August 2024 and 21 March 2025.

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.

No consultation has been undertaken in respect of these Regulations. The Explanatory Memorandum explains at paragraph 5.1:

“No consultation has been undertaken as these regulations make a minor amendment to reflect the original policy intent. They do not reflect a wider change of policy.”

Welsh Government response

A Welsh Government response is required in relation to reporting points 1, 2 and 5 only.

Committee Consideration

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



Government Response: The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025

Technical scrutiny points 1 and 2: The Welsh Government notes the points raised and we will investigate with the SI Registrar the possibility of making the change by correction slip. Nevertheless, the Welsh Government considers that neither point renders the instrument defective nor prevents a reader from understanding the intended meaning.

Merits scrutiny point 5: The Welsh Government intended to introduce the amending regulations before the end of 2024, however due to unforeseen circumstances, other matters took precedence.

The Welsh Government has given extensive consideration to the potential impact on tenants. As outlined in the Explanatory Memorandum accompanying the 2024 Regulations, these regulations are expected to be relevant to only a very small subset of Farm Business Tenancies. Importantly, the new process is designed to encourage prior negotiation and agreement, thereby avoiding the costs associated with dispute resolution. Furthermore, since the introduction of these regulations, no concerns have been raised with the Welsh Government, underscoring that the risk of any negative impact is minimal.

Agenda Item 5.1

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JMHSC/LJC/IMG/111224

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

19 March 2025

Dear Mike,

Inter-Ministerial Group for Health and Social Care

I am writing to inform you an Inter-Ministerial Group meeting for Health and Social Care was held on 11 December 2024, chaired by the Scottish Government.

The meeting focused on the UK Government's Health Mission and its 10-year plan, and potential opportunities for four-nation collaboration in innovation. A communique was produced following the meeting and is available:

[Interministerial Group for Health and Social Care communiqué, 11 December 2024 - GOV.UK](#)

I am copying this letter to the chair of the Health and Social Care Committee.

Yours sincerely,

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

Bae Caerdydd • Cardiff Bay
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CF99 1SN

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

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@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.

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

Agenda Item 6.1



Mike Hedges MS
Cadeirydd, Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Chair, Legislation, Justice, and Constitution Committee
SeneddLJC@senedd.wales

Llywodraeth Cymru
Welsh Government

14 March 2025

Dear Mike,

Thank you for the Legislation, Justice, and Constitution Committee report on the Great British Energy Bill Legislative Consent Memorandum (SLCM2). Please find enclosed my response to the issues raised in the report.

Yours sincerely,

Rebecca Evans.

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

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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 Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Great British Energy Bill

Welsh Government response to the Legislation, Justice and Constitution Committee's report

14 March 2025

Summary

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

The Cabinet Secretary for Economy, Energy and Planning provided evidence to the Committee on 4 November, and responded to the previous report in January 2025.¹

This report will respond to the recommendations raised by the committee's report of February 2025.

The Great British Energy Bill was debated and considered on 4 February. The Senedd consented to the Bill.

The report first considers the conclusions and then considers the 3 recommendations made by the committee.

LJCC Conclusion 1. We continue to agree with the Welsh Government that clause 5 of the Bill requires the consent of the Senedd in accordance with Standing Order 29.

No response required.

¹ [LJC6-04-25 - Paper 15 - Letter from the Cabinet Secretary for Economy Energy and Planning 23 Jan.pdf](#)

LJCC Conclusion 2. While a consenting role for the Welsh Ministers is a marked improvement to the requirements of clause 5 of the Bill, as we highlight in our first report on the Memorandum, a role solely for the Welsh Ministers in the exercise of delegated powers affecting devolved interests would still mean that the Senedd would be bypassed in these matters.

These issues were raised during the debate on 4 February to which I responded fully.

LJCC Conclusion 3. Our role is not to focus on the policy merits (or otherwise) of the establishment of Great British Energy. However, legislating where there is known potential for conflict with devolved Welsh interests is a matter which the Senedd must be fully cognisant of before it is asked to vote on whether legislative consent should be given to the UK Parliament.

As mentioned previously, the aim of the Great British Energy Bill is to set up the company. The Bill is a narrow piece of legislation which makes provision for the designation, status, governance, objects, strategic direction and accountability of Great British Energy (GBE). I do not consider there to be a potential for a conflict. Clause 5 requires the Secretary of State to seek the consent of the Welsh Ministers before making a statement on the strategic priorities of GBE which concerns anything within the legislative competence of the Senedd.

During my latest meeting with the Secretary of State for Energy Security and Net Zero, I raised the importance of joint work with GBE once established, and I highlighted the work in Wales on establishing Trydan Gwyrdd Cymru and Ynni Cymru and the opportunities to work in partnership to maximise benefits in Wales. The SoS agreed on the need to work in partnership and was pleased the chair of GBE had a positive visit to Wales before Christmas. SoS was keen to cement the partnership approach in Wales.

LJCC Conclusion 4. While we accept that Memorandum No. 2 was laid swiftly by the Cabinet Secretary, that should not disguise the intergovernmental difficulties that appear to have caused a delay in an amendment being tabled to clause 5 of the Bill. It is therefore regrettable that the Welsh Government has not been able to give the Senedd adequate time to consider in sufficient detail the issues raised in Memorandum No. 2.

These issues were raised during the debate on 4 February to which I responded fully.

LJCC Recommendation 1. The Cabinet Secretary should provide an assessment of the Trade and Cooperation Agreement as it relates to the Bill.

I wrote to the Culture, Communication, Welsh Language, Sport and International Relations Committee on 5 Feb to clarify how I see the commitment made to share TCA assessments with committees on UK government legislation. The TCA is the UK's most important trade deal, and as such, the Welsh Government always considers how draft legislation could impact on our existing international obligations. Many UK Government Bills will have no identifiable impact on the TCA, or on any of our international obligations. In these cases, we would not provide an assessment to the Senedd. Where a Bill has a clear impact on the obligations made in the TCA, an assessment will be provided to the Committee only in relation to the provisions which the Senedd is asked to consent to. This is because including the provisions that do not engage devolved matters within technical assessments of Bills would place an unreasonable burden on Welsh Government teams and duplicate work that the UK Government will have already carried out.

LJCC Recommendation 2. The Cabinet Secretary should set out the roles and responsibilities of Great British Energy, Trydan Gwyrdd Cymru and Ynni Cymru as they relate to the Trade and Cooperation Agreement, if the Bill is enacted.

The Welsh Ministers will have a role in consenting to the strategic priorities of Great British Energy where they concern matters within the legislative competence of the Senedd. This, together with the publication of strategic priorities within six months, will reduce uncertainty and will help us to clarify how GBE will function in Wales. We will take further consideration at a time when we have information to allow us to assess and take appropriate action then.

LJCC Recommendation 3. The Cabinet Secretary should confirm what discussions the Welsh Government has had with the UK Government on UK-EU energy cooperation in the course of this Bill's development. The response should confirm whether the matter has been raised at the Interministerial Group for Net Zero, Energy and Climate Change.

As the aim of the Great British Energy Bill is to set up the company, I do not consider that a discussion with UK Government on UK-EU energy cooperation during the course of this Bill's development was necessary. Although the UK-EU energy cooperation is not a devolved matter, information is shared, and my officials are able to observe when necessary, on various issues of the UK-EU cooperation.

Peredur Owen Griffiths MS and Mike Hedges MS

Chairs of the Finance Committee and the Legislation Justice and Constitution Committee

Welsh Parliament

Cardiff Bay

CF99 1SN

18 March 2025

Dear Peredur and Mike,

Proposed Section 150 Order in relation to the Senedd and Elections (Wales) Act 2020 and the Public Services Ombudsman (Wales) Act 2019

I write to you regarding a proposed section 150 Order in relation to the Senedd and Elections (Wales) Act 2020 ("SEWA") and the Public Services Ombudsman (Wales) Act 2019 ("PSOWA"). I received a letter from Huw Irranca-Davies MS Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the proposed section 150 Order, which was also copied to your committee.

Before formally responding to the Welsh Government, I would like to give the Legislation, Justice and Constitution Committee and the Finance Committee an opportunity to comment given that the Order relates to SEWA, which was a Senedd Commission Bill, and the PSOWA, which was a Finance Committee Bill.

I intend to respond in the terms set out below.

Senedd and Elections (Wales) Act 2020 ("SEWA 2020")

Section 1 of SEWA 2020

When SEWA 2020 amended section 1 of GoWA to change the name of the National Assembly for Wales / Cynulliad Cenedlaethol Cymru to Senedd Cymru / the Welsh Parliament, the amendment extended only to England and Wales. Therefore, in the law of Scotland and Northern Ireland, GoWA still refers to the National Assembly for Wales / Cynulliad Cenedlaethol Cymru. This has not caused any legal or practical issues. However, it is untidy

and unsatisfactory. I understand that the proposed section 150 order will amend section 1 of GoWA so that the name-change extends to Scotland and Northern Ireland. I agree with the Welsh Government that matters such as this should be addressed via a section 150 order.

Section 36 of SEWA 2020

Section 36 amended sections 3, 4 and 5 of GoWA so that the Senedd has to meet within fourteen days of an election rather than within seven days. Sections 3, 4 and 5 extend to the whole of the United Kingdom. When the Senedd amended sections 3, 4 and 5, the amendment extended only to England and Wales. Therefore, in Scotland and Northern Ireland, sections 3, 4 and 5 of GOWA 2006 still refer to the Senedd meeting within seven days of an election. This has no practical consequence but is untidy.

I note that the Welsh Government do not believe this deficiency needs to be addressed in the section 150 order. However, I disagree and believe it should be addressed. We cannot think of any good reason to miss the opportunity to address this issue in the section 150 order. We think the original framework established by GoWA (including its extent) should be kept intact. This ensures consistency and avoids any unintended consequences.

Section 37 of SEWA 2020

Section 37 amended Schedule 2 to GoWA, clarifying that the Senedd Commission may charge for providing goods or services. Again, the original provisions in Schedule 2 to GoWA extended to the whole of the United Kingdom, but the amendments made by section 37 extend only to England and Wales.

As above, we think the original framework should be kept intact. We cannot think of any good reason to miss the opportunity to address this issue in the section 150 order. Therefore, we think the issue of extent and section 37 should also be addressed in the section 150 order.

Retrospectivity

The amendments made by sections 36 and 37 to GoWA have been in force since May 2021 and January 2020, respectively. This means that those amendments have not extended to Scotland and Northern Ireland for four / five years. The proposal is to make the changes retrospectively.

We cannot see any adverse consequence to making these changes retrospectively. We, therefore, agree with the Welsh Government that extending the amendments to Scotland and Northern Ireland should be done retrospectively.

Public Services Ombudsman (Wales) Act 2019

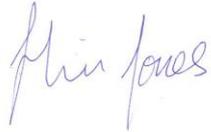
Two minor legislative amendments have been identified by the Welsh Government in relation to the Public Services Ombudsman Act (Northern Ireland) 2016 and the Scottish Public

Services Ombudsman Act 2002. The minor changes ensure references to the current legislative framework in Wales are accurate and up to date.

We have no comments on the changes that need to be made as a consequence of the 2019 Act, other than to agree that they are required as the Welsh Government have set out.

I would be grateful if you could give this matter your attention at the first opportunity in order that I may respond to the Welsh Government.

Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones". The signature is written in a cursive style.

The Rt. Hon Elin Jones MS/AS

Llywydd

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

Document is Restricted

By virtue of paragraph(s) ix 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