

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 28 April 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.50)

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

**2 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3**
(13.30 – 13.35)

No Procedure Instruments

**2.1 SL(6)608 – The Trade in Animals and Related Products (Amendment and
Legislative Functions) and Animal Health (Miscellaneous Amendments)
(Wales) (EU Exit) (Amendment) Order 2025**

(Pages 1 – 5)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-25 – Paper 1 – Draft report

LJC(6)-13-25 – Paper 2 – Letter from the Deputy First Minister and Cabinet
Secretary for Climate Change and Rural Affairs, 28 March 2025



Made Negative Resolution Instruments

2.2 SL(6)606 – The Building etc. (Amendment) (Wales) Regulations 2025

(Pages 6 – 7)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-25 – Paper 3 – Draft report

2.3 SL(6)607 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025

(Pages 8 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-25 – Paper 4 – Draft report

LJC(6)-13-25 – Paper 5 – Letter from the Minister for Mental Health and Wellbeing to the Llywydd, 26 March 2025

2.4 SL(6)609 – The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025

(Pages 12 – 13)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-13-25 – Paper 6 – Draft report

3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered (13.35 – 13.40)

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

(Pages 14 – 17)

Attached Documents:

LJC(6)-13-25 – Paper 7 – Report

LJC(6)-13-25 – Paper 8 – Welsh Government response

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

(Pages 18 – 20)

Attached Documents:

LJC(6)-13-25 – Paper 9 – Report

LJC(6)-13-25 – Paper 10 – Welsh Government response

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

(Pages 21 – 27)

Attached Documents:

LJC(6)-13-25 – Paper 11 – Report

LJC(6)-13-25 – Paper 12 – Welsh Government response

4 Inter-Institutional Relations Agreement

(13.40 – 13.45)

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

(Pages 28 – 39)

Attached Documents:

LJC(6)-13-25 – Paper 13 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group for Environment, Food and Rural Affairs, 31 March 2025

LJC(6)-13-25 – Paper 14 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group on Net Zero, Energy and Climate Change, 31 March 2025

LJC(6)-13-25 – Paper 15 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group on Net Zero, Energy and Climate Change, 31 March 2025

LJC(6)-13-25 – Paper 16 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group on Net Zero, Energy and Climate Change, 15 April 2025

LJC(6)-13-25 – Paper 17 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Tourism Interministerial Group, 9 April 2025

LJC(6)-13-25 – Paper 18 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Four Nations Group on the UK Government Child Poverty Strategy, 14 April 2025

LJC(6)-13-25 – Paper 19 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: British Irish Council Environment Ministerial meeting, 15 April 2025

LJC(6)-13-25 – Paper 20 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 22 April 2025

LJC(6)-13-25 – Paper 21 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 22 April 2025

4.2 Written Statement and correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025

(Pages 40 – 44)

Attached Documents:

LJC(6)-13-25 – Paper 22 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 April 2025

LJC(6)-13-25 – Paper 22a – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 24 April 2025

LJC(6)-13-25 – Paper 22b – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 24 April 2025

5 Papers to note

(13.45 – 13.50)

5.1 Correspondence with the Chancellor of the Duchy of Lancaster: Intergovernmental Relations

(Pages 45 – 46)

Attached Documents:

LJC(6)-13-25 – Paper 23 – Letter from the Chancellor of the Duchy of Lancaster, 27 March 2025

LJC(6)-13-25 – Paper 24 – Letter to the Chancellor of the Duchy of Lancaster, 4 March 2025

5.2 Correspondence from the Welsh Government: Responses to Committee reports on the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill

(Pages 47 – 66)

Attached Documents:

LJC(6)-13-25 – Paper 25 – Letter from the Cabinet Secretary for Finance and Welsh Language, 10 April 2025

LJC(6)-13-25 – Paper 26 – Letter from the Cabinet Secretary for Finance and Welsh Language to the Finance Committee, 28 March 2025

5.3 Correspondence from the Finance Committee to Committee Chairs: Scrutiny of the Welsh Government draft budget 2025–26

(Pages 67 – 68)

Attached Documents:

LJC(6)-13-25 – Paper 27 – Letter from the Finance Committee to Committee Chairs, 1 April 2025

5.4 Correspondence from the Cabinet Secretary for Health and Social Care to the Health and Social Care Committee: Actions to improve the handling of complaints about NHS Wales

(Pages 69 – 70)

Attached Documents:

LJC(6)-13-25 – Paper 28 – Letter from the Cabinet Secretary for Health and Social Care to the Health and Social Care Committee, 4 April 2025

5.5 Correspondence from the Welsh Government: Response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Tobacco and Vapes Bill

(Pages 71 – 83)

Attached Documents:

LJC(6)-13-25 – Paper 29 – Welsh Government response, 7 April 2025

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

(Page 84)

Attached Documents:

LJC(6)-13-25 – Paper 30 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 7 April 2025

5.7 Correspondence from the Welsh Government: Response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Renters' Rights Bill

(Page 85)

Attached Documents:

LJC(6)-13-25 – Paper 31 – Welsh Government response, 11 April 2025

5.8 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The UK Government's review of the United Kingdom Internal Market Act 2020

(Pages 86 – 87)

Attached Documents:

LJC(6)-13-25 – Paper 32 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 15 April 2025

LJC(6)-13-25 – Paper 33 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 6 March 2025

5.9 Correspondence from the Secretary of State for Wales: Laying of bilingual statutory instruments

(Pages 88 – 91)

Attached Documents:

LJC(6)-13-25 – Paper 34 – Letter from the Secretary of State for Wales, 17 April 2025

LJC(6)-13-25 – Paper 35 – Letter to the Secretary of State for Wales, 6 March 2025

5.10 Written Statement by the Cabinet Secretary for Housing and Local Government: Campaign expenditure limits for Senedd elections

(Pages 92 – 93)

Attached Documents:

LJC(6)-13-25 – Paper 36 – Written Statement by the Cabinet Secretary for Housing and Local Government, 17 April 2025

5.11 Correspondence from the Equality and Social Justice Committee to the Ministry of Justice: Invitation to joint ministerial session on criminal justice

(Pages 94 – 95)

Attached Documents:

LJC(6)-13-25 – Paper 37 – Letter from the Equality and Social Justice Committee to the Ministry of Justice, 17 April 2025

5.12 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery: The Delivering Justice for Wales programme

(Pages 96 – 99)

Attached Documents:

LJC(6)-13-25 – Paper 38 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 23 April 2025

LJC(6)-13-25 – Paper 39 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 21 March 2025

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

(13.50)

Private meeting

(13.50 – 15.25)

7 Legislative Consent Memoranda on the Public Authorities (Fraud, Error and Recovery) Bill: Draft report

(13.50 – 14.05)

(Pages 100 – 112)

Attached Documents:

LJC(6)-13-25 – Paper 40 – Draft report

LJC(6)-13-25 – Paper 41 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 28 March 2025

LJC(6)-13-25 – Paper 42 – Letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 21 March 2025

8 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Product Regulation and Metrology Bill

(14.05 – 14.15)

(Pages 113 – 117)

Attached Documents:

LJC(6)-13-25 – Paper 43 – Legal Advice Note

9 Legislative Consent Memorandum on the Border Security, Asylum and Immigration Bill: Draft report

(14.15 – 14.30)

(Pages 118 – 129)

Attached Documents:

LJC(6)-13-25 – Paper 44 – Draft report

LJC(6)-13-25 – Paper 45 – Letter from the Local Government and Housing Committee to Business Committee, 27 March 2025

LJC(6)-13-25 – Paper 46 – Letter from the Cabinet Secretary for Social

Justice, Trefnydd and Chief Whip, 11 April 2025

LJC(6)-13-25 – Paper 47 – Letter to the Cabinet Secretary for Social Justice,
Trefnydd and Chief Whip, 21 March 2025

10 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Employment Rights Bill

(14.30 – 14.40)

(Pages 130 – 135)

Attached Documents:

LJC(6)-13-25 – Paper 48 – Legal Advice Note

11 Legislative Consent Memorandum on the Bus Services (No. 2) Bill

(14.40 – 14.55)

(Pages 136 – 148)

Attached Documents:

LJC(6)-13-25 – Paper 49 – Legal Advice Note

12 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Data (Use and Access) Bill

(14.55 – 15.15)

(To Follow)

Attached Documents:

LJC(6)-13-25 – Paper 50 – Legal Advice Note

LJC(6)-13-25 – Paper 51 – Draft report

13 Correspondence to the Business Committee: Review of the Public Bill and Members Bill processes

(15.15 – 15.25)

(To Follow)

Attached Documents:

LJC(6)-13-25 – Paper 52 – Draft response

SL(6)608 – The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) (Amendment) Order 2025

Background and Purpose

The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (“the 2022 Regulations”) were made in December 2022 to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, the 2022 Regulations retained and vested functions on the Welsh Ministers that were previously contained in EU Directives.

One such function was that conferred by article 5(5)(a) of the Equine Directive¹ which, as modified by the 2022 Regulations, was intended to allow the Welsh Ministers to make provision for periods of the year during which Equidae may be dispatched from parts of third countries infected with African Horse Sickness into Wales.

The Legislation, Justice and Constitution Committee’s [report on the 2022 Regulations](#) noted, among other reporting points, that reference to article 5(5)(a) of the Equine Directive had not been included in the Schedule to the 2022 Regulations. This omission means that article 5(5)(a) of the Equine Directive as modified by the 2022 Regulations is not a functional regulation-making power.

The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) (Amendment) Order 2025 (“the Order”) corrects this error by amending the modification of article 5(5)(a) in the 2022 Regulations. As amended, modified article 5(5)(a) provides that Equidae must be dispatched only during certain periods of the year, having regard to the activity of vector insects, to be determined by order made by the Welsh Ministers under section 10 of the Animal Health Act 1981 (“the 1981 Act”).

According to the Explanatory Memorandum, section 10 orders enable equivalent provision to be made to the function that was erroneously omitted from the Schedule to the 2022 Regulations. The amendment will enable any order made under section 10 of the 1981 Act for the purposes of African Horse Sickness to be incorporated within the trade in animals and related products (“TARP”) enforcement regime.

¹ Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of Equidae.



Procedure

No procedure.

The 1981 Act provides that the Order must be laid before the Senedd after it is made by the Welsh Ministers.

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.

The Order corrects an error in the 2022 Regulations and, according to paragraph 2.2 of the Explanatory Memorandum, the free issue procedure will be applied. The Welsh Government is asked to explain why there is no banner or headnote on the Order explaining that it is being made to correct an error in an earlier instrument and will be issued free of charge to all known recipients of that instrument.

Merits Scrutiny

The following five 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 Order corrects an outstanding issue identified in the LJC Committee's report on the 2022 Regulations. There remains one further issue identified in that report which has not yet been addressed by the Welsh Government. This relates to reporting point 30, which noted that the 2022 Regulations create Henry VIII powers which are subject to the negative procedure. In response, during the debate on the 2022 Regulations, the then Minister for Rural Affairs and North Wales and Trefnydd gave an undertaking to change this to the affirmative procedure.

Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the LJC Committee dated [9 September 2024](#) and [18 October 2024](#) explained that no suitable vires to achieve this change to procedure had yet been found, and that no suitable legislative vehicle was currently available to make the change through a Welsh Bill or statutory instrument. The Welsh Government is asked to confirm whether this remains the case.

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 Order came into force on 31 March 2025. The LJC Committee reported to the Senedd on the 2022 Regulations, including identifying the error being addressed in the Order, on 12 December 2022. The 2022 Regulations came into force on 16 December 2022.

The Welsh Government is asked to explain whether there has been any practical impact of the error in the 2022 Regulations remaining on the statute book for over two years.

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 orders under section 10 of the 1981 Act are not subject to any Senedd scrutiny procedure, being subject only to a requirement that the order is laid before the Senedd after being made.

If not for the error in the 2022 Regulations, any regulations made under modified article 5(5)(a) of the Equine Directive would have been subject to the negative procedure (see regulation 6 of the 2022 Regulations), providing Members of the Senedd with the opportunity to table a motion to annul the regulations. There is no such opportunity in relation to an order under section 10 of the 1981 Act.

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.

Section 91(1) of the 1981 Act requires the Welsh Ministers to publish a notice in the London Gazette and the Edinburgh Gazette stating that the Order has been made and where copies of the Order may be obtained. The Welsh Government is asked to confirm that such a notice has been published.

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.

Section 91(2) of the 1981 Act requires every local authority to publish, at their own expense, every order sent to them by the Welsh Ministers in such manner as the Welsh Ministers direct or, in the absence of any such direction, by advertisement in a newspaper circulating in the district of the local authority.

The Welsh Government is asked:

- a) to confirm that the order has been sent to local authorities for publication, and
- b) whether the Welsh Government has assessed the potential financial implications for local authorities of the requirement to publish the Order and any future section 10 orders made as part of the TARP enforcement regime.

Welsh Government response

A Welsh Government response is required reporting points 1, 2, 3, 5 and 6.



Legal Advisers
Legislation, Justice and Constitution Committee
23 April 2025



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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0520/25

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

28 March 2025

Dear Mike,

Further to my letter of 18 October 2024, I am writing to provide an update on progress in addressing the outstanding reporting points from your December 2022 report on [SL\(6\)292](#) the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (“the 2022 Regulations”).

With regard to Reporting Point 25, I committed to introduce a Statutory Instrument (SI) to correct the drafting error in the 2022 Regulations within six months. I can confirm that this SI, titled the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) (Amendment) Order 2025, was laid in the Senedd today, 28 March 2025. The Order is required to be laid, but has no formal Senedd procedure, and will come into force on 31 March 2025.

I am copying this letter to Julie James MS, Counsel General and Minister for Delivery.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

Agenda Item 2.2

SL(6)606 – The Building etc. (Amendment) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the Building Regulations 2010 (“Building Regulations”) and the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 (“Approvers Regulations”). The Building Regulations impose requirements on people carrying out building work. The Approvers Regulations provide for the supervision of building work by registered building control approvers.

These Regulations impose new requirements for gigabit-ready digital infrastructure and connectivity in new built dwellings. They also provide for transitional relief from the new requirements in relation to building work previously notified to a local authority which is either already underway or starts within 12 months of these Regulations coming into force.

Procedure

Negative

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

Regulation 4(2)(b), by the insertion of regulation 44ZAA (Particulars of connection to public electronic communications network) into the principal regulations, requires the person undertaking the building works to supply the local authority with certain information no later than the day before the work begins. The requirement for information set out in new regulation 44ZAA(2)(c)(ii) is by reference to a two year period “*beginning with the day on which **the notice** is given*”. It is unclear which notice this provision is referring to.

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



New regulation 44ZC(8)(iii) is inserted by regulation 4(2)(b) of these Regulations and refers to a “public electronic communications service”. However the term is not defined in either these Regulations nor the principal Regulations. It is defined in section 151(1) of the Communications Act 2003. Should a definition of this term have been inserted into regulation 44C (interpretation) along with the new definition of a “public electronic communications network”?

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

22 April 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 7

Agenda Item 2.3

SL(6)607 – The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations make minor corrections to the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024.

Procedure

Negative

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

Technical Scrutiny

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

We note that these Regulations address errors identified in the Legislation, Justice and Constitution Committee report on the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024.

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.

We note the breach of the 21-day rule (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument



comes into force), and the explanation for the breach provided by the Minister for Mental Health and Wellbeing, in a letter to the Llywydd dated 26 March 2025. In particular, we note the following paragraphs from the letter:

The Legislation, Justice and Constitution Committee, in its report to the 2024 Regulations, SL(6)554, raised 10 technical reporting points in relation to the 2024 Regulations and the Welsh Government agreed that minor errors identified in seven of the points should be corrected. The 2025 Regulations make those corrections.

Contravention of the convention is considered necessary and justifiable because it is anticipated that the enabling powers upon which the Welsh Ministers rely on to make the seven corrections will be revoked on 01 April 2025 by operation of the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 ("the Reform SI" - currently laid in draft before the UK Parliament). Further, some of the corrections made by the 2025 Regulations are to the text of authorisations contained within the 2024 Regulations that are being revoked (subject to savings provision) by the RP Reform SI. The corrections to the 2024 Regulations need to be in effect before the provisions are revoked to ensure that the affected authorisations are properly 'saved' as corrected.

We note that the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 came into force on 1 April 2025.

Article 9(1) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition, contained an enabling power relied upon by the Welsh Ministers to make these Regulations and that Article has been amended by regulation 3(6) of the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 April 2025





Our ref: MA SM 745 25

Rt Hon Elin Jones MS
Llywydd
Senedd Cymru

Llywydd@senedd.wales

26 March 2025

Dear Elin,

The Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) (Amendment) Regulations 2025 (“the 2025 Regulations”).

In accordance with section 11A(4) of the Statutory Instruments Act 1946, I am notifying you that this Statutory Instrument will come into force on 31 March 2025, less than 21 days after it has been laid. An Explanatory Memorandum has been prepared for the 2025 Regulations and this, together with the 2025 Regulations, has today been laid in the Table Office. A copy of the instrument and Explanatory Memorandum are attached for your information.

The purpose of the Feed Additives (Authorisations) and Uses of Feed Intended for Particular Nutritional Purposes (Amendment of Commission Regulation (EU) 2020/354) (Wales) Regulations 2024 (“the 2024 Regulations”) was to:

- Give legal effect to the Welsh Ministers’ determination, in relation to Wales, of twenty-five feed additive applications in favour of authorisation and one amendment to the list of uses of feed intended for particular nutritional purposes (PARNUT) for use in animal feed in Wales.
- Provide transitional arrangements to allow existing stocks of certain previously authorised feed additives to be depleted due to labelling changes and/or changes to conditions of authorisation as a result of provision made by this instrument.

The Legislation, Justice and Constitution Committee, in its report to the 2024 Regulations, [SL\(6\)554](#), raised 10 technical reporting points in relation to the 2024 Regulations and the Welsh Government agreed that minor errors identified in seven of the points should be corrected. The 2025 Regulations make those corrections.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Sarah.Murphy@llyw.cymru
Correspondence.Sarah.Murphy@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.

Contravention of the convention is considered necessary and justifiable because it is anticipated that the enabling powers upon which the Welsh Ministers rely on to make the seven corrections will be revoked on 01 April 2025 by operation of [the Food and Feed \(Regulated Products\) \(Amendment, Revocation, Consequential and Transitional Provision\) Regulations 2025](#) ("the Reform SI" - currently laid in draft before the UK Parliament). Further, some of the corrections made by the 2025 Regulations are to the text of authorisations contained within the 2024 Regulations that are being revoked (subject to savings provision) by the RP Reform SI. The corrections to the 2024 Regulations need to be in effect before the provisions are revoked to ensure that the affected authorisations are properly 'saved' as corrected.

I am copying this letter to the Trefnydd and Chief Whip, Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, Matthew Richards, Interim Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

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

Sarah Murphy AS/MS

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

Agenda Item 2.4

SL(6)609 – The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025

Background and Purpose

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (the “2012 Order”) and the Developments of National Significance (Procedure) (Wales) Order 2016 (the “2016 Order”) (referred to collectively as the “Procedure Orders”) in relation to pre-application consultation and consultation before the grant of planning permission.

The Procedure Orders place a statutory requirement on key bodies to be consulted at the pre-application and post-submission consultation stages of the consenting processes for planning applications and applications for Developments of National Significance (DNS). This Order amends these Procedure Orders in order to update the criteria by which Natural Resources Wales is consulted on matters of flood risk.

The Explanatory Memorandum to the Order explains (at paragraph 1.3) that these amendments are required as a result of a decision to replace the flood map for planning purposes (the “Development Advice Map”) with a new map titled the Flood Map for Planning. With the Development Advice Map being discontinued for planning purposes once the new mapping comes into effect, *“it is necessary to amend the [Procedure Orders] to align the requirements to consult with NRW on developments in areas of flood risk with the flood zones set out in the Flood Map for Planning.”*

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

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

The Order uses different names for the body known as Natural Resources Wales. Articles 2(2) and 3(2) refer to the body as “the Natural Resources Body for Wales”, whereas articles 2(3) and 3(3) refer to “Natural Resources Wales”.



The Explanatory Note (the “EN”) also refers to “the Natural Resources Body for Wales” on two occasions, although it is noted that the EN does not form part of the Order.

It is noted that both the 2012 Order and the 2016 Order use “the Natural Resources Body for Wales” throughout. However, as a result of the Order, the same body will be referred to by different names in both the 2012 Order and the 2016 Order. This is inconsistent and has the potential to cause confusion.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 April 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 13

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.

Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025

Technical Scrutiny point 1:

The Welsh Government notes the point raised and the Committee will wish to note that the Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025 (“the new 2025 Regulations”) SL(6)604, were laid on the 21 March 2025.

The new 2025 Regulations revoke and restate the provisions of the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (S.I. 2025/260 (W. 54)) (“the 2025 Regulations”), in doing so, the new 2025 Regulations provided that the amendments to the Charges for Residues Surveillance Regulations 2006, which had been made originally by the 2025 Regulations, were revoked and restated, and the new 2025 regulations came into force on 27 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.

Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

Technical Scrutiny point 1: The Welsh Government acknowledges that there remain instances where the abbreviation “ETP” is used in the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 (“2020 Regulations”) which have not been captured by the amendments made by these Regulations. Given “ETP” has been a previously used defined term and is well understood within Community Pharmacy, the Welsh Government considers the limited instances where it remains within the 2020 Regulations will be understood by those using the Regulations. The opportunity to clarify the terminology will be taken when further amendments to the 2020 Regulations are planned in summer 2025.

Technical Scrutiny point 2: The Welsh Government acknowledges that the correct terms should be “*cyfarpar **rhestredig offthalmig***” and “*meddyginiaeth **restredig offthalmig***” in all cases as per the amendment made by regulation 2(2) of the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024. However, we do not believe that the inconsistent use of the terms will affect the understanding or interpretation of the Regulations. We will undertake to amend the relevant regulations alongside the further amendments planned in summer 2025.

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.

Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Agricultural Wages (Wales) Order 2025

The Agricultural Wages Order is made pursuant to section 4 of the Agricultural Sector (Wales) Act 2014. Although the Order is made by the Welsh Ministers, it is drafted and prepared by the Agricultural Advisory Panel for Wales (“the Panel”). The Welsh Ministers can either approve and make the Order as submitted to them by the Panel or refer the Order back to the Panel for further consideration and resubmission.

Technical Scrutiny point 1: The Welsh Government are satisfied that “public holiday” and “bank holiday” are sufficiently understood terms in the contexts in which they are used not to require defining in the Order

Technical Scrutiny point 2: The Welsh Government acknowledge the point raised.

Article 5(b) is a negative condition i.e. if the agricultural worker cannot provide documentary evidence of a level 2 qualification which is relevant to their role, then they are an Agricultural Development Worker Grade A.

Article 6(a) is a positive requirement i.e. the agricultural worker has to provide documentary evidence of a level 2 qualification, and that qualification must be relevant to their role in agriculture in order to be employed as an Agricultural Worker Grade B.

The difference in wording has no direct impact and does not affect the operation of article 5 or its interactions with articles 6,7 and 8 respectively. However, we note your comments and will take them into account for the 2026 Order.

Technical Scrutiny point 3: The Welsh Government acknowledge the point raised, however do not think it has any impact on the operation of the provision.

Technical Scrutiny point 4: The Welsh Government note your comments and acknowledge that this appears to be an oversight, however, do not think it has any impact on the operation of the provision.

Technical Scrutiny point 5: The Welsh Government note your comments and confirm that references to contract are intended to encompass agricultural works on apprenticeships. This will be made clear in the accompanying guidance to the Order.

Technical Scrutiny point 6: The Welsh Government has been advised by the Panel which prepared the Order that the formula derives from the UK Government guidance on holiday pay and entitlement reforms from 1 January 2024 (the ‘Guidance’).

The 12.07% figure referred to in the Working Time Regulations 1998 is based on the fact that all workers are entitled to 5.6 weeks' leave. This means that a worker's total working weeks in a year is 46.4 (52 weeks in a year minus 5.6 weeks of leave). 12.07% of 46.4 is 5.6.

Agricultural workers are entitled to a minimum holiday entitlement that is greater than the statutory minimum of 5.6 weeks per annual leave year. Under amendments to the Working Time Regulations 1998 agricultural workers who meet the definition of part year or irregular hours workers can have their annual leave entitlement and pay based upon a percentage entitlement. Agricultural workers whose annual leave and holiday pay entitlement is to be calculated in this way will be entitled to a greater percentage than the 12.07% depending upon their entitlement.

If the employer intends to calculate the annual leave entitlement and pay of any agricultural worker based on a percentage, their entitlement should be calculated based on the formula set out in the Order as provided for by the Guidance. The Agricultural Worker's Section 1 statement (i.e. the document outlining their applicable terms and conditions – as is required by Section 1 of the Employment Rights Act 1996) must stipulate the amount of paid leave an agricultural worker will be entitled to in a leave year. The calculation should therefore be undertaken at the point at which the agricultural worker is engaged.

Alternatively, employers can continue to calculate annual leave and holiday pay based on the 52-week calculation method stipulated in articles 32(1) - (4).

Technical Scrutiny point 7: The Welsh Government notes the point raised and will seek a correction slip to amend “cyflog” to “dâl” in Article 35(1).

Agenda Item 4.1

Huw Irranca-Davies AS/MS

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0135/25

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

31 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 meeting scheduled for 31 March has been postponed. The next scheduled meeting is due to take place on 12 May.

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

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Interministerial Group on Net Zero, Energy and Climate Change,
6 March 2025**

DATE **31 March 2025**

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

In accordance with the inter-institutional relations agreement, I can report to Members that I attended the Interministerial Group on Net Zero, Energy and Climate Change, on 6 March 2025. The meeting was chaired by Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs at the Northern Ireland Executive.

The meeting also was attended by Michael Shanks MP, Minister for Energy, Department for Energy Security and Net Zero at the UK Government, Dr Alasdair Allan MSP, Acting Minister for Climate Action at the Scottish Government, and Caoimhe Archibald MLA, Minister for the Economy at the Northern Ireland Executive.

The meeting addressed three topics: biomethane, local energy initiatives and benefits to communities, and carbon budgets in the context of the Climate Change Committee's recent advice on the UK's seventh carbon budget.

In the discussion that followed on biomethane, I acknowledged its potential to reduce methane emissions, improve water quality and provide a new source of income. I also drew attention to the challenges in commercialisation and scale, given Wales' relative lack of larger agricultural units, as well as the biosecurity risks of moving materials between farms. On local energy, I highlighted the opportunity we have to rebalance the market towards communities. I also expressed my desire for our productive discussions on Great British Energy to continue. On carbon budgets, I highlighted the opportunities within the Climate Change Committee's advice, such as a reduction in electricity prices. I also stressed the importance of UK Government policy in achieving Wales' targets, as about 60% of the emissions reductions required in Wales by 2050 occur in sectors for which policy is largely reserved to the UK Government.

I will chair the next Interministerial Group meeting in Cardiff, which I expect to be in May.

The communiqué from the meeting has been published on GOV.UK:

<https://www.gov.uk/government/publications/interministerial-group-for-net-zero-energy-and-climate-change-communique-6-march-2025/interministerial-group-for-net-zero-energy-and-climate-change-communique-6-march-2025>

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0137/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament

31 March 2025

Dear Mike, Llŷr,

I am writing further to my letter of 27 February 2025, and in accordance with the inter-institutional relations agreement, to report on the meeting of the Interministerial Group on Net Zero, Energy and Climate Change. The meeting was chaired by Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs at the Northern Ireland Executive.

The meeting was also attended by Michael Shanks MP, Minister for Energy, Department for Energy Security and Net Zero at the UK Government, Dr Alasdair Allan MSP, Acting Minister for Climate Action at the Scottish Government, and Caoimhe Archibald MLA, Minister for the Economy at the Northern Ireland Executive.

I have issued a [Written Statement](#) summarising the discussions. I am due to chair the next Interministerial Group meeting in Cardiff, which I expect will take place in early May and focus on the UK Emissions Trading Scheme. In addition, the Group agreed to explore the possibility of urgent meetings to discuss the decarbonisation of heat in buildings and the Climate Change Committee's advice on the UK's seventh carbon budget. I will share the details with you once confirmed.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0183/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament

15 April 2025

Dear Mike, Llŷr,

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

I will provide an update to you after the meeting.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

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



Llywodraeth Cymru
Welsh Government

Our ref: RE/PO/160/2025

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
CF99 1SN
SeneddLJC@senedd.wales

09 April 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you that the Tourism Inter-Ministerial Group (IMG) will meet on 7 May 2025.

This will be the first meeting of the IMG since the publication of the Review of Intergovernmental Relations in January 2022 and will be chaired by the UK Government Minister of State for Creative Industries, Arts and Tourism, Chris Bryant MP. I will represent Welsh Government at this virtual meeting.

I anticipate the meeting will provide an opportunity to discuss the UK Government's plan to increase international tourism, and updates from all four governments in relation to activity and issues in their respective areas.

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

Yours sincerely,

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

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

Jane Hutt AS/MS
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JH/PO/178/25

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

SeneddLJC@senedd.wales

14 April 2025

Dear Chair,

Inter-Institutional Relations Agreement: Forthcoming Intergovernmental Meetings

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you that I attended the third meeting of the Four Nations Group on the UK Government Child Poverty Strategy. As I noted in my letter to you in November the purpose of the group is to embed Scotland, Wales and Northern Ireland into the development of a UK-wide strategy on Child Poverty. The group will provide the opportunity for Scotland, Wales and Northern Ireland to inform the development of the UK-wide strategy and ensure the proposed strategy complements existing and developing strategies in Scotland, Wales and Northern Ireland.

The meeting, held on the 19th of March was chaired by Catherine McKinnell MP - Minister for Education. Also in attendance was Shirley-Anne Somerville MSP – Cabinet Secretary for Social Justice, Scottish Government and Gordon Lyons MLA, Minister for Communities

The meeting focused on a number of areas relevant to the UK Government Child Poverty Strategy including Employment, Social Services and Financial Inclusion. During this meeting I highlighted key Welsh Government policies on childcare and transport, fair work, employment and skills, the Welsh Benefits charter and income maximisation. I also took the opportunity to highlight the importance of any welfare reforms considering the benefit cap and two child limit.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

Gohebiaeth.Jane.Hutt@llyw.cymru
Correspondence.Jane.Hutt@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.

I am copying this letter to Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs; the Children, Young People and Education Committee; and the Equalities and Social Justice Committee.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter 'J'.

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0182/25

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

15 April 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the British Irish Council (BIC) will be holding an Environment Ministerial meeting on 8 May. I will be representing the Welsh Government.

At the meeting we are expecting to discuss the activities of the Environment Work Sector between 2020 and 2024, covering Invasive Non-Native Species, the Asian Hornet Taskforce, marine litter, the marine environment and climate adaptation. We will also discuss the work sector going forward and a work plan for future work on invasive species.

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.

Yours sincerely,

Huw Irranca-Davies AS/MS

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Inter-Ministerial Standing Committee – 27 February 2025**

DATE **22 April 2025**

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

I represented the Welsh Government at the eighth meeting of the Inter-Ministerial Standing Committee on 27 February 2025.

The meeting was co-chaired by the Northern Ireland Executive First Minister Michelle O’Neill MLA and deputy First Minister Emma Little-Pengelly MLA. A joint [communiqué](#) was published following the meeting, which contains full details of other attendees. The agenda enabled discussion of a range of issues including the ongoing review of the UK Internal Market Act, the Sewel Convention and UK legislation, the need for the UK and Devolved Governments to work together to safeguard assets of national importance, and continued engagement on the potential impact of global developments on the economy.

In relation to the discussion on the review of the UK Internal Market Act, I highlighted that I was encouraged by the signalled intent to make common frameworks the primary mechanism for collaborative consideration of policy differences. I am keen to work with UK Government and the other Devolved Governments in this context to reframe the UK internal market in a way which addresses our concerns with the UK Internal Market Act. In addition, whilst recognising it was not in the scope of the current review, I raised the importance of continued discussions at both ministerial and official level on the financial assistance powers contained within the Act.

As part of the discussion relating to the Sewel Convention and UK legislation, I welcomed the UK Government’s manifesto commitment to strengthen the Sewel Convention with the development of a Memorandum of Understanding (MoU). I reiterated that early, detailed, engagement would be important to ensure the renewed MoU takes a form that all governments are content with, and the Welsh Government stands ready to assist with this work. I took the opportunity to recognise the recent improved engagement and communication on the UK Legislation Programme.

In the discussion on the use of technology in public sector reform, I encouraged deeper engagement at official level on the use of digital and technology in public service reform. Inter-operability should be considered during the design phase to allow, for example, health records and access to NHS apps to be available if people move within the UK. The Centre for Digital Public Services is an important delivery agent for the Welsh Government's digital strategy and an innovation fund exists to promote new approaches to service delivery. The Welsh Government is interested in the incorporation of Artificial Intelligence into public services, including as a mechanism for ensuring health and social care services are equally accessible to rural communities. Artificial Intelligence is also an important part of our work on Welsh language technology. I raised the importance of continued work across governments, technology companies and wider partners to improve Artificial Intelligence and other emerging technologies being available bilingually.

Finally, the Committee recommended that officials across all governments consider portfolio level working arrangements, with a view to ensuring that interministerial engagement is operating efficiently and effectively within the appropriate structures. Findings and recommendations will be presented to the Committee for agreement at a future meeting.

The Scottish Government is due to chair the next Inter-Ministerial Standing Committee, which is expected to take place in May 2025.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0188/25

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

22 April 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement, and further to my letter of 26 March, to draw to your attention a [Written Ministerial Statement](#) summarising discussions at the most recent meeting of the Inter-Ministerial Standing Committee ('IMSC').

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

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0183/25

Mike Hedges MS
Legislation Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN
SeneddLJC@senedd.wales

2 April 2025

Dear Mike,

The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025

I wish to inform the Committee of my intention to give consent to the Defra Minister for Animal Welfare and Biosecurity, Baroness Hayman of Ullock to make the 'Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025' ("the 2025 SI"). Please be aware that, at the time of writing, my officials had not received a final version of the instrument.

The 2025 SI is being made to amend Schedule 1 (Prescribed Institutions) to the 'Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022' (S.I. 2022/94) ("the 2022 SI").

The 2025 SI will add three additional names to the list of institutions which possess the necessary knowledge and expertise to provide the Secretary of State with advice on applications for exemption certificates under Section 2 to the Ivory Act 2018 ("the Act"). These are:

- National Museums and Galleries on Merseyside;
- National Museums and Galleries of Northern Ireland; and
- National Museum of Wales.

The overarching purpose of the Act is to prohibit commercial activities concerning ivory in the UK, and the import and re-export of ivory for commercial purposes to and from the UK.

The Act prohibits dealing in items made of, or containing, ivory, with limited exemptions for dealing in ivory items that do not contribute directly or indirectly to the ongoing poaching of ivory species. Section 2 of the Act provides for an exemption for "pre-1918 ivory items of outstandingly high artistic, cultural or historical value".

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

I am pleased that a Welsh museum is being added to the list of 'Prescribed Institutions'. Wales has a rich cultural heritage and by recognising the expertise within the National Museum of Wales, the SI affords improved access to assessors for the people of Wales.

I would like to reassure this Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. The UK has had a uniform approach to this policy for many years and continued alignment will result in a Welsh institution being added to the 'Prescribed Institutions' list. This will ensure owners and traders of ivory items that reside in Wales will be afforded the opportunity to have their items assessed in Wales, and potentially in the Welsh language. It is unclear whether this could happen without Welsh Ministers' consent.

Whilst a Welsh SI could achieve the same outcome, I am strongly of the view that the benefits of consenting to a UK SI significantly outweigh the risks. It is the most pragmatic approach to achieve consistent implementation of the agreed policy with no risk of deviation, both from a policy and timings perspective.

The Regulations will be laid before the UK Parliament on 23 April 2025 using the negative procedure.

I have also written to the Chairs of the Economy, Trade, and Rural Affairs Committee, and the Culture, Communications, Welsh Language, Sport and International Relations Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025**

DATE **24 April 2025**

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

Members of the Senedd will wish to be aware that I have given consent to the Defra Minister for Animal Welfare and Biosecurity to exercise a subordinate legislation-making power in a devolved area in relation to Wales.

Today, the UK Government has laid the ‘Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025’ (“the UKSI”) before the UK Parliament in exercise of powers conferred by the Ivory Act 2018 (“the Act”).

The Act prohibits dealing in items made of, or containing ivory, with limited exemptions for dealing in ivory items that do not contribute directly or indirectly to the ongoing poaching of ivory species. Section 2 of the Act provides for an exemption certificate to be issued for “pre-1918 ivory items of outstandingly high artistic, cultural or historical value”.

The UKSI amends the Act by adding additional organisations (Prescribed Institutions) to the list of institutions which possess the required knowledge and expertise to provide the Secretary of State with advice on applications for exemption certificates under Section 2 to the Act.

The UKSI will add the following Prescribed Institutions to the Act:

- National Museums and Galleries on Merseyside;
- National Museums and Galleries of Northern Ireland; and
- National Museum of Wales.

I am pleased that a Welsh museum is being added to the list of ‘Prescribed Institutions’. Wales has a rich cultural heritage and by recognising the expertise within the National Museum of Wales, the SI affords improved access to assessors for the people of Wales

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

The UKSI does not diminish or undermine the powers of Welsh Ministers in any way, and they do not create, amend or remove any functions conferred on the Welsh Ministers.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. The UK has had a uniform approach to this policy for many years and continued alignment to ensure consistency is crucial.

Welsh Ministers continue to be the 'appropriate national authority' for regulations which apply only in relation to Wales.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0183/25

Mike Hedges MS
Legislation Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN
SeneddLJC@senedd.wales

24 April 2025

Dear Mike,

Further to my letter of 2 April, I write to inform you that I have now given consent to the Secretary of State for Environment, Food and Rural Affairs to make The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025.

The Regulations were laid before the UK Parliament on 23 April 2025 using the 'made negative' procedure. I have laid a Written Statement to update the Senedd which can be accessed here: [WS-LD17131 - Written Statement by the Welsh Government The Ivory Prohibitions \(Exemptions\) \(Process and Procedure\) \(Amendment\) Regulations 2025](#).

I have also written to the Chairs of the Economy, Trade, and Rural Affairs Committee, and the Culture, Communications, Welsh Language, Sport and International Relations Committee.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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



Agenda Item 5.1

The Rt Hon. Pat McFadden MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London
SW1A 2AS

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

27 March 2025

Dear Mike,

Thank you for your letter dated 4 March 2025 inviting me to attend the Legislation, Justice and Constitution Committee of the Senedd as Minister for Intergovernmental Relations.

As you may be aware, I have recently given evidence to both the Public Administration and Constitutional Affairs Committee and the Lords Constitution Committee where members pursued lines of questioning in relation to my role.

While I appreciate I have not been before the Senedd, and will be unable to accept this invitation in the short term, my colleague Minister Alexander will be engaging constructively with the Interparliamentary Forum to ensure parity of engagement with colleagues across all of the devolved legislatures on intergovernmental relations.

I want to assure you I hold the Senedd in the highest esteem and offer my officials to support with any information it would be useful for the Committee to receive to help support its business.

Yours sincerely,

**The Rt Hon. Pat McFadden MP
Chancellor of the Duchy of Lancaster**

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

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

Agenda Item 5.2



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref MA/MDFWL/0643/25

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

10 April 2025

Dear Mike,

I would like to thank the Legislation, Justice and Constitution Committee for their scrutiny of the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill at Stage 1 and for the report published on 21 March 2025.

I have set out the Government's response to the Committee's recommendations in the Annex to this letter. I hope that the information attached will help inform your further scrutiny as the Bill progresses through Stage 2.

I am copying this letter to the Chair of the Finance Committee for information.

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

Visitor Accommodation (Register and Levy) Etc. (Wales) Bill**Government response to the recommendations from the Legislation, Justice and Constitution Committee**

Recommendation	Response	Comments
<p>Recommendation 1: The Cabinet Secretary should respond to the conclusions and recommendations we make in this report at least two working days before the Stage 1 general principles debate takes place.</p>	<p>Accept in Principle</p>	<p>We endeavour to respond to the Committees as soon as reasonably possible, but it is not always practical for this to be done prior to the Stage 1 debate.</p>
<p>Recommendation 2: The First Minister should consider providing the Senedd with information and clarity about the process by which consent of the Duke of Cornwall and HM the King is sought by the Welsh Government for provisions in Bills introduced to the Senedd when it is considered that those provisions would affect the prerogative, private interests or hereditary revenues of the Duke of Cornwall or HM the King.</p>	<p>Accept in Principle</p>	<p>We are of the view that given the property interests of the Duchy of Cornwall in Wales (which revert to the Crown when there is no Duke of Cornwall) that the consent of the Duke of Cornwall and the King will be required in relation to all the provisions in the Bill which deal with registration of visitor accommodation and the creation of a levy on overnight stays in visitor accommodation. Consent is generally sought following the completion of Stage 2 and must be obtained and signified to the Senedd prior to the commencement of Stage 4.</p>
<p>Recommendation 3: The Cabinet Secretary should confirm whether, in preparing the Bill for introduction, the Welsh Government considered the Office for the Internal Market's Annual report on the operation of the UK internal market 2023 to 2024, specifically its views that tourism measures (including visitor levies and licensing of short-term lets) are an area of regulatory development that is affecting, or has the potential to affect, the UK internal market.</p>	<p>Accept</p>	<p>We did not consider the Office for the Internal Market's Annual report as this was not relevant to the policy development of a permissive local tax which is within devolved competence.</p>

Recommendation	Response	Comments
<p>Recommendation 4: The Cabinet Secretary should explain the circumstances in which an occasional provider of visitor accommodation will need to register in accordance with Part 2 of the Bill.</p>	Accept	<p>An explanation was provided to the Committee as to how the provisions in the Bill work.</p> <p>An occasional provider will have to register where they are providing visitor accommodation and will need to register before they provide or offer to provide visitor accommodation at a premises in Wales. Part 2 of the Bill should be read in conjunction with Part 1 which sets out the key definitions of visitor accommodation and visitor accommodation provider.</p> <p>The ‘short-term’ basis referred to under Part 1 section 2 of the Bill relates to the nature of the contract a visitor accommodation provider has with a visitor. The term ‘short-term’ basis is to differentiate between longer-lets which may be provided in these types of accommodation. This is to ensure the correct application of the scope of the legislation towards visitor accommodation providers aligning to the policy intent.</p> <p>A response was provided to the Committee on this matter as follows: "after that 31 nights is hit, there is no levy payable past that point. So, for any stay where the contract determines that the stay is longer than those 31 nights, there will be no levy payable. In terms of the registration scenario, again, there is the concept in there of the short-term stays. For those stays that are longer than that 31-night period, again, they do not have to register, but if they are providing any stays under those 31 nights, then it is registrable accommodation". To re-iterate, an occasional provider who is providing visitor accommodation to visitors (i.e. contracting to make the accommodation available to a visitor or visitors for a period of 31 nights or less) would need to register.</p>
<p>Recommendation 5: The Cabinet Secretary should confirm whether the Welsh Government considered making the regulation-making power in section 2(5) of the</p>	Accept	<p>We accept this recommendation on the basis that we considered making the regulation making power super-affirmative in section 2(5).</p>

Recommendation	Response	Comments
<p>Bill subject to a super-affirmative procedure given its potential to extend taxpayer liability.</p>		<p>In our consideration, we have concluded that the draft affirmative procedure is sufficient, as this provides the Senedd the opportunity to debate and scrutinise the regulations - Members can still vote against them, should they deem this appropriate.</p> <p>It is not felt proportionate or necessary to have a 'super - affirmative' procedure given that we would need to consult to effectively draft the regulations anyway.</p> <p>We are content for these regulations to be draft-affirmative.</p>
<p>Conclusion 1: The regulation-making power in section 2(5) is a significant power. Changing the meaning of "visitor accommodation" has the potential to extend taxpayer liability under the Bill (if and when enacted), and this should be recognised by the Senedd.</p>		<p>The Senedd will be provided with the opportunity to scrutinise regulations under the draft affirmative procedure.</p>
<p>Recommendation 6: The Cabinet Secretary should provide the Senedd with an explanation of any additional proposed power(s) the Welsh Government intends to bring forward at Stage 2 regarding the registration of visitor accommodation providers and associated data, including :</p> <ul style="list-style-type: none"> ▪ The Senedd scrutiny procedure that the Government proposes will apply to those power(s), and ▪ The associated impact on the proposed powers contained in the Bill as introduced. 	<p>Accept</p>	<p>Officials provided a technical briefing on the registration provision amendments on 3 April, of which Members of the Committee were invited.</p> <p>We will also provide an explanation of any amendments tabled at Stage 2 and publish a revised Explanatory Memorandum and Regulatory Impact Assessment ahead of Stage 3 to reflect any estimated impacts as a result of amendments made to the Bill, this will also include an updated Statement of Policy Intent document.</p>
<p>Recommendation 7: As a minimum, any power the Welsh Government does propose to retain in respect of imposing penalties should not be used so as to have retrospective effect.</p>	<p>Accept</p>	<p>We have no intention for any penalty or offence to have retrospective effect.</p>
<p>Recommendation 8: Section 44 of the Bill should be amended so that:</p> <ul style="list-style-type: none"> • Part 2 of the Bill comes into force no later than 31 December 2029, and 	<p>Reject</p>	<p>It is entirely appropriate that the executive have the power to bring provisions in primary legislation into force by statutory instrument. As the Committee notes, Ministers have a clear timeline in mind. Specifying a date by which the provisions either should come into</p>

Recommendation	Response	Comments
<ul style="list-style-type: none"> The Welsh Ministers retain the ability to bring Part 2 into force at an earlier date by order. 		<p>force, or will come into force, may also have the effect of binding a future government.</p> <p>Settled public law principles will apply and require Ministers to keep under review the commencement of provisions which are not yet in force. There is also a potential question how any such provisions may interact with the forthcoming Licensing Bill.</p>
<p>Recommendation 9: The Cabinet Secretary should confirm whether the Welsh Government considered making the regulation-making power in section 9(5) of the Bill subject to a super-affirmative procedure given its potential to extend taxpayer liability.</p>	Accept	<p>We accept this recommendation on the basis that we have considered making the regulation making power super-affirmative in section 9(5).</p> <p>In our consideration, we have concluded that the draft affirmative procedure is sufficient, as this provides the Senedd the opportunity to debate and scrutinise the regulations - they can still vote against them, should they deem this appropriate.</p> <p>It is not felt proportionate or necessary to have a 'super - affirmative' procedure given that we would need to consult to effectively draft the regulations anyway. We are content for these regulations to be draft-affirmative.</p>

Recommendation	Response	Comments
<p>Conclusion 2: The regulation-making power in section 9(5) is a significant power. Changing the circumstances in which an overnight stay in visitor accommodation takes place and whether the levy is chargeable has the potential to extend taxpayer liability under the Bill (if and when enacted), and this should be recognised by the Senedd.</p>		<p>The Senedd will have the opportunity to scrutinise any proposed regulations via the draft affirmative procedure.</p>
<p>Conclusion 3: While we make no comment on the policy merits or otherwise of the type of visitor accommodation that should be subject to a levy, we will again highlight that, by approving the inclusion in the Bill of section 13, the Senedd is providing a broad power to a future government whose intentions may be different from the current government.</p>		<p>Welsh Government note this conclusion and that the Senedd will have the opportunity to scrutinise any proposed regulations via the draft affirmative procedure.</p>
<p>Recommendation 10: The Bill should be amended so that the draft affirmative scrutiny procedure applies to regulations made under section 17(3) of the Bill.</p>	<p>Accept</p>	<p>When drafting the powers we were conscious of the Senedd's time and whether such administrative matters would best be suited to the negative procedure. Although the power does amend primary legislation, the matters it concerns are operational and would normally be left to regulations.</p> <p>However, we accept the Committee's recommendation and are content for this power to be subject to the draft affirmative procedure.</p>

Recommendation	Response	Comments
<p>Recommendation 11: The Cabinet Secretary should explain what statutory powers the Welsh Revenue Authority will rely on in connection with its anticipated duties as regards the register of visitor accommodation providers.</p>	<p>Accept in Principle</p>	<p>We will be tabling amendments at stage 2 to make clear how WRA will keep and maintain the register and we will provide an explanation of the amendment(s) during Stage 2.</p> <p>Draft registration provisions were provided to Committee on 1 April to support the Committee's scrutiny of the Bill.</p>
<p>Recommendation 12: The Bill should be amended so that the draft affirmative scrutiny procedure applies to regulations made under section 24(4) of the Bill.</p>	<p>Accept</p>	<p>When drafting the powers we were conscious of the Senedd's time and whether such administrative matters would best be suited to the negative procedure. Although the power does amend primary legislation, the matters it concerns are operational and would normally be left to regulations. However, we accept the Committee's recommendation and are content for this power to be subject to the draft affirmative procedure.</p>
<p>Recommendation 13: The Bill should be amended so that section 25(9) is removed from the Bill.</p>	<p>Reject</p>	<p>We would anticipate that principal councils would wait until the conclusion of the Bill process before preparing for or undertaking any formal notification and/or reporting requirements relating to the introduction of the levy in their area.</p> <p>However, we are keen for the Bill to afford those principal councils who may have already given the introduction of a levy considerable thought, as our trusted partners in delivering such a levy, a degree of flexibility in terms of taking some steps prior to the Bill becoming law. This provision removes doubt about their ability to get on with at least some of the initial steps towards introducing a levy, and about the validity of those steps, provided they act within the remit of the provision. It would therefore be a matter for each principal council to consider whether, and to what extent, they were prepared to take such pre-commencement steps. [For information, there is a similar precedent for this approach in the Local Government (Wales) Act 2015.]</p>

Recommendation	Response	Comments
		We hope that Committee Members now understand the policy and legal rationale behind this provision. In conclusion, should the provision be removed, principal councils may be reluctant to proceed with such pre-commencement steps and this may present a risk for those who wish to introduce the levy in their area at the earliest opportunity of 1 st April 2027.
Conclusion 4: The Welsh Government seeking such an 'intentionally wide' power in section 37 with no intention to use it is inappropriate.		The intention to use the power is based upon necessity. It may become necessary to use the power however that will only be known once visitor levies are introduced in Wales. The Senedd will have the opportunity to scrutinise any proposed regulations via the draft affirmative procedure.

Recommendation	Response	Comments
<p>Recommendation 14: The Cabinet Secretary should provide further information on what matters are intended to be covered in any guidance issued under section 39; in particular, what provisions may require clarification and for what reasons.</p>	<p>Accept in Principle</p>	<p>Providing guidance is a routine matter for Welsh Ministers to support public bodies in the administration of their powers or duties.</p> <p>The guidance power referred to by the committee relates to guidance Welsh Ministers will issue to Section 39 of the Bill provides that Welsh Ministers may provide guidance on the operation of the Act which principal councils must have regard to. That guidance will likely focus on chapter 3 and chapter 4 of the Act. This would include matters such as but not limited to:</p> <ul style="list-style-type: none"> ○ Use of proceeds of the levy for destination management and improvement ○ Report on use of proceeds ○ Consultations before introducing, changing or abolishing the levy. <p>Guidance is intended to support the operation of the Act and aid principal councils in the discharging of their duties. We will work collaboratively with our partners to develop this guidance to ensure the smooth implementation and operation of the Act.</p>
<p>Recommendation 15: Section 40 should be amended applying a super affirmative procedure to the regulation-making power to include a requirement:</p> <ul style="list-style-type: none"> ▪ For consultation (and a minimum period for that consultation), including with Senedd committees, before any such draft regulations are laid before the Senedd, and ▪ That the Welsh Ministers must make a statement before any such regulations are laid before the Senedd, detailing the outcome of the consultation (including areas of agreement and disagreement with 	<p>Reject</p>	<p>It is the Welsh Government's responsibility to make statements and for the Senedd to scrutinise our decisions, and therefore we believe this recommendation goes further than the Senedd's legislative role. As per the response to recommendations 5 and 9, in our consideration of the use of the super affirmative procedure, it is unnecessary given that we would need to consult to effectively draft the regulations. The draft affirmative procedure is sufficient, as this provides the Senedd the opportunity to debate and scrutinise the regulations - they can still vote against them, should they deem this appropriate. In order to create effective regulations, we would need to consult and engage with relevant</p>

Recommendation	Response	Comments
<p>stakeholders) and accordingly how the draft regulations have taken account of engagement with stakeholders and the Senedd.</p>		<p>stakeholders. This is something we already do effectively as a government and therefore we do not see the need to add an express requirement to consult.</p> <p>We recognise the marine sector is sufficiently distinct from the broader visitor accommodation sector. That is why these powers have been proposed, recognising that further development and engagement is required before any regulations can be developed. This will be a careful and considered process working in collaboration with our partners.</p>
<p>Recommendation 16: The Bill should be amended so that the Welsh Ministers are placed under an express duty to consult before exercising the delegated powers in sections 2, 9 and 37 of the Bill.</p>	<p>Reject</p>	<p>We consider that draft affirmative is an effective procedure to hold government to account. This approach provides the Senedd the opportunity to debate and scrutinise the regulations - they can still vote against them, should they deem this appropriate.</p> <p>In order to create effective regulations, we would need to consult and engage with relevant stakeholders. This is something we already do effectively as a government and therefore we do not see the need to add an express requirement to consult.</p>

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-0643-25

Peredur Owen Griffiths MS
Chair
Finance Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

28 March 2025

Dear Peredur

Thank you for the Finance Committee Report in relation to the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill, published on 21 March 2025.

I am pleased that the Committee supports the general principles of the Bill. I have set out the Government's response to the Committee's recommendations in the Annex to this letter. I hope that the information attached will help inform your further scrutiny as the Bill progresses through Stage 2.

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

Yours sincerely,

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

Annex 1

Visitor Accommodation (Register and Levy) Etc. (Wales) Bill

Government Response to the recommendations from the Finance Committee Report

Recommendation	Response	Comments
<p>Recommendation 1: The Committee recommends that the Senedd, taking into account the recommendations in this report, agrees the general principles of the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill. Sam Rowlands MS does not support this recommendation.</p>	<p>Accept</p>	<p>Thank you for supporting the general principles of the Bill.</p>
<p>Recommendation 2: The Committee recommends that the Welsh Government amends the Bill at Stage 2 to commit to undertaking and publishing a review of the operation and effect of the whole Act no later than four years after Part 2 of the Act comes into force.</p>	<p>Accept in principle</p>	<p>We agree with the principle of reviewing the entire Act at an appropriate time in the future. This would be a sensible exercise to undertake. We will consider the most appropriate vehicle and timings to do this, and whether it would be pertinent to deal with this via an amendment to the Bill during Stage 2.</p> <p>It is important to consider the implications for the Welsh Ministers in a future government and provide the flexibility to them to determine the parameters and timings for any review.</p> <p>For any review to be undertaken, it would depend on an appropriate amount of evidence being gathered to inform findings.</p>

Annex 1

Recommendation	Response	Comments
<p>Recommendation 3: The Committee recommends that guidance for Visitor Accommodation Providers produced by the Welsh Government or the Welsh Revenue Authority is:</p> <ul style="list-style-type: none"> ▪ appropriately targeted to both professional and non-professional users; and ▪ clarifies the applicability of the registration requirements and levy proposals to the individual circumstances notified to the Committee by contributors to our scrutiny of the Bill. 	<p>Accept</p>	<p>The Welsh Revenue Authority (WRA) has developed an excellent reputation since its inception of delivering quality customer services, supporting and educating taxpayers. They will apply this ethos and values to all individuals who may interact with its services both now and in the future.</p> <p>Both the WRA and the Welsh Government are committed to ensuring that providers of visitor accommodation are aware of their duties and have access to guidance and support.</p>
<p>Recommendation 4: The Committee recommends that, in advance of the Stage 1 debate, the Welsh Government should provide more detail to the Senedd on its policy intentions for the forthcoming statutory licensing Bill, together with an indication of the timescales for implementation should such a Bill be passed by the Senedd.</p>	<p>Accept</p>	<p>The First Minister will provide an update on the remainder of the legislative programme for this Senedd after Easter. We remain committed to bringing forward a bill to introduce licensing for visitor accommodation in Wales, as we set out in the Co-operation Agreement with Plaid Cymru, under which providers of visitor accommodation will have to be licensed to be able to operate.</p> <p>The licensing scheme will focus on safety, to reinforce confidence in visitors that accommodation in Wales is safe and providers are meeting the standards people expect. We will make the scheme simple and straightforward for businesses. Initially, we're proposing to focus on providers of self-catering accommodation referred to as 'short term lets'. However, we are still working through the legal detail of the bill and considering how best to give effect to these proposals in law. The Senedd will have the opportunity to consider those proposals in detail when we bring forward the bill later this year.</p>

Annex 1

Recommendation	Response	Comments
		<p>Given the interaction between registration and licensing, we would expect the implementation of licensing to follow the rollout of registration. However, we will continue to develop implementation plans as the detail of the Bill is finalised.</p>
<p>Recommendation 5: The Committee recommends that the Welsh Government should bring forward an amendment to the Bill at Stage 2 to commit to publishing periodic reports analysing data collected from the register of visitor accommodation providers. Such a report should include an analysis of trends in the number and types of providers and accommodation across local authorities year-on-year</p>	<p>Accept in principle</p>	<p>Welsh Government already publishes regular research about the visitor accommodation sector in Wales without the need for a statutory requirement.</p> <p>We can commit that Welsh Government will publish research and analysis on a regular basis using information derived from the register.</p> <p>We are committed to open data and transparency. However, we will not bring forward an amendment to enshrine this in legislation.</p>
<p>Recommendation 6: The Committee recommends that the Welsh Government, working with the Welsh Revenue Authority and relevant stakeholders, provides regular updates to the Senedd on the development of the Welsh Revenue Authority's approach to compliance and enforcement under the Bill, including any steps being taken to ensure that compliance and enforcement activity is proportionate to the nature and size of the visitor accommodation provider.</p>	<p>Accept</p>	<p>We will provide regular updates to the Senedd on the development of WRA's approach to administering the visitor levy and the national registration service. In addition, the WRA will be able to give direct evidence to the Finance Committee when called upon and at their regular scrutiny sessions.</p> <p>The WRA publishes a Corporate Plan and Annual Report which are both laid before the Senedd. This will provide opportunity for the Senedd to consider the WRA's approach to compliance and enforcement under the Bill.</p> <p>Per the committee's prior recommendation 2, a more comprehensive assessment could also be conducted at an appropriate time in the future once a suitable level of evidence has been gathered – in which the remit of this</p>

Annex 1

Recommendation	Response	Comments
		assessment could include the efficacy of the compliance and enforcement provisions.
<p>Recommendation 7: The Committee recommends that the Cabinet Secretary should, in advance of the Stage 1 debate and in light of the comments received by the Committee, update the Senedd as to whether he remains of the view that 31 days is the appropriate maximum period for which stays in visitor accommodation in Wales should be subject to the levy.</p>	Accept	<p>We have considered the comments of the Committee and remain of the view that 31 days is the appropriate period. Those that can afford to stay for longer will be contributing for each night they stay. The levy is a small contribution to the local area, and I remain unconvinced that this would be a determining factor in someone staying additional nights or not.</p> <p>The 31 days rule is to distinguish between visitors and those who may be in the area for a prolonged period for work or other purposes and are more akin to residents.</p>
<p>Recommendation 8: The Committee recommends that the Cabinet Secretary takes proactive steps to provide appropriate support to smaller visitor accommodation providers once the Bill comes into force.</p>	Accept	<p>We are committed to supporting all visitor accommodation providers and recognise smaller businesses may need extra guidance and support to implement the Bill.</p> <p>The Welsh Revenue Authority will work collaboratively to engage and educate, working with our partners to support the sector as a whole and ensure the success of the policy.</p> <p>More details on this engagement will be provided in the future.</p>
<p>Recommendation 9: The Committee recommends that the Welsh Government should, in advance of the Stage 1 debate, provide more details about its proposals to strengthen the provisions of the Bill relating to the introduction of a premium.</p>	Accept in principle	<p>We recognise that there were competing views the committee heard in regard to a power for principal councils to levy an additional amount according to their local circumstances.</p>

Annex 1

Recommendation	Response	Comments
		<p>We recognise that this will be a new local levy, and it will be a change for everyone involved. We want to take a considered and evidence-based approach to future changes to the levy. That is why we will be introducing an additional regulation-making power at stage 2 which will allow further time to develop proposals, in collaboration with our stakeholders, which will permit principal councils to levy an additional amount.</p> <p>The Senedd and its committees will have the usual opportunities to scrutinise all regulations laid under the Bill. Those scrutiny procedures mean that there is no need for unprecedented statutory requirements to consult the Senedd and its committees before making and laying regulations.</p>
<p>Recommendation 10: The Committee recommends that the Welsh Government commits to considering alternative approaches to the charging of premiums in the context of the visitor levy as part of any future assessment of the operation and effect of the Act.</p>	<p>Accept</p>	<p>We intend to amend the premiums provisions in the Bill at stage 2 so that they first require enabling regulations to be laid before an additional amount can be levied by a principal council.</p> <p>This will allow us time to consider the impact of the visitor levy at a local and national level, before implementing further changes. We anticipate this approach will allow sufficient time for the successful implementation of the levy before making any policy adjustments.</p>
<p>Recommendation 11: The Committee recommends that, in advance of the Stage 1 debate, the Welsh Government should provide the Senedd with a summary of any analysis carried out regarding the potential exemption from the levy in relation to:</p>	<p>Accept</p>	<p>If implemented throughout Wales, a visitor levy could raise up to £33.3 million per year in revenue. Details of this estimate are included in the Explanatory Memorandum published alongside the Visitor Accommodation (Register and Levy) Etc. (Wales) Bill.</p>

Annex 1

Recommendation	Response	Comments
<ul style="list-style-type: none"> ▪ under-16s, ▪ educational trips, and ▪ bodies with charitable status 		<p>Official surveys of domestic travel do not directly sample under-16s, though adjustments are made to account for them. Similarly, data on international travellers under 16 in Wales are not readily available.</p> <p>Due to a lack of age-specific data on nights spent in Wales by domestic and international travellers, the Welsh Government has based its analysis of potentially exempting under-16s on more recent domestic travel data. In 2022, it was estimated that 36% of trips taken in Wales by domestic visitors included children under 16 in the travel party. In the absence of similar information for international travellers, the same share has been assumed for international visitors. If under-16s were therefore exempt, up to 36% of nights spent in Wales could potentially be excluded from the tax base, reducing the estimated revenue from the levy from £33.3 million to £21.3 million per year.</p> <p>Due to limited data, no estimate has been produced for exempting educational trips or charitable bodies from the levy. I recognise the limitations in the data and will write with more information as more information becomes available. I also plan to publish a revised Explanatory Memorandum before Stage 3 proceedings</p>
<p>Recommendation 12: The Committee recommends that, in advance of the Stage 1 debate, the Welsh Government should review its approach to the 30-day deadline for the filing of returns, and provide an</p>	<p>Accept</p>	<p>We have considered this issue, and remain of the view that one month is the correct period. The levy has been designed to be straightforward and easy to understand. The returns and payment process will be designed with users in</p>

Annex 1

Recommendation	Response	Comments
<p>update to the Senedd on whether it remains of the view that the proposed timescale is appropriate.</p>		<p>mind. Most providers will only be submitting a return once per year.</p> <p>We know some charities were concerned about the reporting periods; however, the type of information that will be required on a return will be limited in nature.</p> <p>We understand this will be a new process for many providers, but there will be advice and assistance to support providers along the way.</p>
<p>Recommendation 13: The Committee recommends that the Welsh Government should bring forward amendments at Stage 2 requiring principal councils wishing to introduce the levy to establish a Visitor Forum in line with the approach taken in the Visitor Levy (Scotland) Act 2024, and that:</p> <ul style="list-style-type: none"> • membership of the forum should include businesses engaged in tourism, tourist organisations in the principal council’s area and other relevant local bodies; • principal councils must have regard to any recommendations made by the Visitor Forum when deciding on the use of proceeds of the levy 	<p>Accept</p>	<p>We will bring forward amendments at Stage 2 to ensure that there are effective partnership arrangements between principal councils, businesses and local communities in deciding how best to allocate visitor levy revenues.</p>
<p>Recommendation 14: The Welsh Government should set out its plans for further work in relation to section 40 and should keep this Committee informed of subsequent discussions.</p>	<p>Accept</p>	<p>We will give further consideration as to the engagement and consultation to undertake in relation to this power in due course.</p>

Annex 1

Recommendation	Response	Comments
<p>Recommendation 15: The Committee recommends that the Cabinet Secretary provides an update on discussions held between the Welsh Government and local authorities on additional ongoing costs associated with introducing the visitor levy and that these changes are made to the Regulatory Impact Assessment after Stage 2.</p>	<p>Accept</p>	<p>Officials met with the WLGA on 13 February 2025 to discuss the costs in the EMRIA. We are working with the WLGA to arrange a forum with local authorities where we can review the costs amongst other items like the development of guidance. Following that meeting, we will continue to work in partnership with principal councils to ensure all potential costs are adequately reflected in the Bill.</p> <p>We will update the EMRIA ahead of Stage 3 with any revisions to the identified costs.</p>
<p>Recommendation 16: The Committee recommends that the Cabinet Secretary works with the Welsh Revenue Authority to assess:</p> <ul style="list-style-type: none"> - the variabilities relating to the administrative costs the Welsh Revenue Authority will incur during the implementation of the Bill, - whether the Welsh Revenue Authority has sufficient capacity to deal with its additional responsibilities under the Bill. <p>and reports back to the Committee with details of those findings.</p>	<p>Accept in principle</p>	<p>We have an ongoing well-established relationship with the WRA and are assured that the WRA are well placed to deliver their additional responsibilities through the Bill.</p> <p>The WRA supported the development and assessment of administrative costs which are presented in the EMRIA (in section 8.5). As the Bill progresses through Stage 2, an updated EMRIA will be prepared to account for the impacts of any amendments to the Bill, in collaboration with the WRA. We can write to the Committee on its publication ahead of Stage 3, highlighting where the relevant estimations are set out.</p> <p>There is an annual budget process through which WRA will articulate their spending requirements. That process will allow us an ongoing opportunity to evaluate the level of resources that the WRA needs to discharge its duties effectively.</p>
<p>Recommendation 17: The Committee recommends that the Cabinet Secretary explains the medium to</p>	<p>Accept</p>	<p>We will write to the Committee with further explanation as to our proposed approach. We will look to use regulations to</p>

Annex 1

Recommendation	Response	Comments
long-term funding model it will use to cover the additional administrative costs falling on the Welsh Revenue Authority as a result of the Bill and that the Regulatory Impact Assessment is updated with these details after Stage 2.		establish that operating costs deducted will be up to a maximum percentage of revenues collected in each principal council area. We will update the EMRIA after Stage 2 with details of this approach.

Chair, Children, Young People, and Education Committee
Chair, Climate Change, Environment, and Infrastructure Committee
Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee
Chair, Economy, Trade, and Rural Affairs Committee
Chair, Equality and Social Justice Committee
Chair, Health and Social Care Committee
Chair, Legislation, Justice and Constitution Committee
Chair, Local Government and Housing Committee
Chair, Chair's Forum

1 April 2025

Dear Committee Chairs,

Scrutiny of the Draft Budget 2025-26: Evidence provided by the Welsh Government

In our [report](#) on the scrutiny of the [Welsh Government Draft Budget 2025-26](#), we made several recommendations relating to budget presentation improvements. We also agreed to consult Committees on the documentation provided by the Welsh Government alongside its Draft Budget proposals, concluding that:

"Conclusion 1. The Committee will consult Senedd committees involved in budget scrutiny ahead of the Welsh Spending Review and the 2026-27 budget round to explore ways to maximise budgetary scrutiny in the Senedd, in order to mitigate the impact of a curtailed scrutiny window."

As a result, in reflecting on this year's budget scrutiny experience and in seeking improvements to the budget documentation provided by the Welsh Government at the 2026-27 Draft Budget and beyond, I would be grateful for the views of your committee in response to the following questions:

- What improvements would you like to see in the Welsh Government's Draft Budget documentation and subsequent ministerial written evidence? Please make reference to the

timeliness, quality and usefulness of any documentation and/or evidence received in your response.

- Given the UK Spending Review, which is due to be published on 11 June 2025, will provide indicative funding for the Welsh Government future years, do you have any views on information you would require regarding a subsequent Welsh Spending Review, either along with budget documentation or as a separate exercise?

We would appreciate responses by **Friday 23 May 2025**. Your views will then be collated and fed back to the Cabinet Secretary for Finance and Welsh Language, for his consideration in advance of the Budget Priorities 2026-27 Plenary debate that will be led by the Finance Committee and take place before summer recess.

Yours sincerely,



Peredur Owen Griffiths MS
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

Agenda Item 5.4



Llywodraeth Cymru
Welsh Government

Russell George MS
Chair
Health and Social Care Committee
seneddhealth@senedd.wales

c/c
Peredur Owen Griffiths MS
Chair
Finance Committee
seneddfiance@senedd.wales

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
seneddLJC@senedd.wales

4 April 2025

Dear Russell,

Thank you for your letter of 6 March asking for an update about actions to improve the handling of complaints about NHS Wales.

As you referred to in your letter, significant work is underway to redesign and refresh the complaints process which focuses on:

- Placing the patient at the centre of the complaints process
- Improving the focus on compassionate, patient-centred communication
- Improving the *Putting Things Right* process, to be more inclusive
- Including an escalation process for urgent concerns of deliberate abuse or harm
- Facilitating swifter provision of answers after someone dies
- Refreshing the arrangements to provide free legal advice and medical expert reports

This complex programme of work consists of amendments to the NHS Wales Concerns, Complaints and Redress Arrangements Regulations 2011; an overhaul of the guidance; the development of a people's charter and a set of standards for the NHS to adhere to; the development of modern training and education; co-design development work on children and young people's support materials and detailed support for the NHS to implement these changes.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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.

The work is being overseen by officials in close collaboration with NHS stakeholders, stakeholders from the Public Services Ombudsman for Wales and Llais. Additionally, a strategic implementation delivery group will be formed by the NHS Executive to oversee preparations for the commencement of these regulations in early 2026.

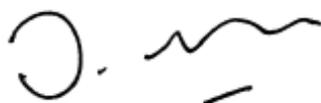
The current proposed timetable is for the regulations to be laid in the Senedd in the spring 2025, with a Plenary debate in early summer 2025.

I would therefore like to offer members of the Health and Social Care Committee a technical briefing from my officials about the detail of the scope of the changes.

I am copying this letter to the chair of the Legislation, Justice and Constitution Committee and the Finance Committee, as I would also like to offer members of these committees the same opportunity for a technical briefing.

I look forward to hearing from you about this offer.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

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

The Welsh Government's Legislative Consent Memorandum on the Tobacco and Vapes Bill

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

7 April 2025

In February 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's legislative Consent Memorandum on the Tobacco and Vapes Bill. The report includes 2 conclusions and 17 recommendations. This is the Welsh Government's response to those recommendations.

Responses to recommendations

Recommendation 1 - The Minister should provide further clarity to the Senedd on the reasons why the Welsh Government has adopted the joint approach with the other governments of the UK in the Bill, and confirm whether the United Kingdom Internal Market Act 2020 is a contributing factor.

Welsh Government response: Accept

Our overriding consideration to being part of the Tobacco and Vapes Bill was that of public health benefit and the potential for the measures to provide significant change to tobacco and nicotine use in Wales. The Bill also provided the opportunity to respond swiftly to pressing UK wide public health issues and protect children and young people from nicotine addiction. The UK Internal Market Act 2020 was considered to be relevant during the Bill's development but was not a contributing factor in the decision to take a united approach to tackling these issues via the Bill.

Financial Implications: None.

Recommendation 2 - The Minister should confirm whether it was the UK Government or the Welsh Government that prepared the Welsh language text of the provisions in the Bill that will be inserted into the Public Health (Wales) Act 2017. If it was the UK Government, the Minister should confirm that the text has been approved by the Welsh Government.

Welsh Government response: Accept

When a UK Government Bill seeks to insert text into, or otherwise modify, a Measure of the National Assembly or an Act of Senedd Cymru, it is usual for the relevant provisions of the Bill to be shared in both languages with the Welsh Government in advance. The Welsh Government does not “approve” text, but instead reviews the text.

The text proposed to be inserted into the Public Health (Wales) Act 2017 by the Tobacco and Vapes Bill was dealt with in this way, with both language texts provided by the UK Government to the Welsh Government in advance. On this occasion, as is usual, the review undertaken by the Welsh Government included consideration by the Office of the Legislative Counsel who focussed on the legislative equivalence of the provisions.

Financial Implications: None.

Recommendation 3 - The Minister should explain how and why she considers that the UK Parliament is able to scrutinise sufficiently and effectively the Welsh language text of the provisions in the Bill that will be inserted into the Public Health (Wales) Act 2017.

Welsh Government response: Accept

I do not consider it appropriate to comment on the ability of the UK Parliament to scrutinise legislation sufficiently or effectively, in either the English or Welsh language. The Tobacco and Vapes Bill amends both language texts of the Public Health (Wales) Act 2017, which is the correct approach for amending bilingual legislation.

Financial Implications: None.

Recommendation 4 - The Minister should update the Committee and the Senedd as soon as possible on the progress being made in discussions with the UK Government on clause 34 of the Bill.

Welsh Government response: Accept

Clause 34 sets out a requirement for enforcement authorities in Wales to consider a ‘programme of enforcement’ and the potential design of the programme on a yearly basis. This is a means of ensuring that local authorities in Wales consider whether they are enforcing certain offences effectively. I sought assurances from the UK Government that these requirements aligned with the requirements of the Public Health (Wales) Act 2017. Following those exchanges, it is my view that

the Bill is aligned with the requirements established by the Public Health (Wales) Act 2017, and I am therefore content with the Bill's drafting of clause 34.

Financial Implications: None.

Recommendation 5 - The Minister should clarify and confirm our understanding, as set out in paragraphs 21 to 23 of our report, of the precise number of powers in the Bill delegated to the Secretary of State to act in devolved areas and how many of those require the consent of the Welsh Ministers before being used, as well as confirming the number of powers in the Bill delegated to the Welsh Ministers.

Welsh Government response: Accept

I note paragraphs 21-23 of the committee's report considers there are 19 powers in the Bill delegated to the Secretary of State to act in devolved areas, 15 of which would require the consent of the Welsh Ministers before being used and 20 powers in the Bill delegated to the Welsh Ministers.

I agree with the Committee's assessment apart from the following.

I do not consider that the following are regulation making powers delegated to the Secretary of State / Welsh Ministers:

- Clause 104 - These powers attach to all regulation making powers held by the Secretary of State in Part 5 rather than introduce regulation making powers (see below for non-regulation making powers).
- Clause 105 - This power to confer discretions attaches to all regulation making powers in Part 5 rather than introduce a regulation-making power. The powers are held by the Secretary of State rather than the Welsh Ministers.
- Clause 148 - This is not a new regulation making power. This amends a provision around an existing regulation making power held by the Welsh Ministers at section 15(1) Public Health (Wales) Act 2017. The provision introduced at clause 148 amends section 15(3) which clarifies what the power can do and attaches to the power at section 15(1).

The Bill introduces the following additional regulation making powers in devolved areas:

- Clause 169(2)(b) - the Secretary of State has a regulation making power to specify the commencement of parts of Part 6.

- Clause 169(4) – the Secretary of State has a regulation making power to specify the commencement of the provisions at clause 60 / schedule 21. These provisions make general consequential amendments.
- Clause 152 / Schedule 19 – Clause 152 introduces schedule 19 which contains amendments to the Public Health (Wales) Act 2017 consequential on clauses 147 to 151 (“free from” provisions in Wales). Paragraph 3 of Schedule 19 inserts a new section 17A(7) which states regulations may specify the meaning of “enclosed”, “substantially enclosed” etc.

The following non-regulation making powers are conferred on the Welsh Ministers:

- Clause 35 - Power for Welsh Ministers to take over certain enforcement functions of the local weights and measures authorities in Wales (Part 1).
- Clause 36 - Power for Welsh Ministers to take over the conduct of certain proceedings of the local weights and measures authorities in Wales (Part 1).
- Clause 130 - Power for Welsh Ministers to take over certain enforcement functions of the local weights and measures authorities in Wales (Part 6).
- Clause 131 - Power for Welsh Ministers to take over the conduct of certain proceedings of the local weights and measures authorities in Wales (Part 6).

The following regulation making power enables the Secretary of state to confer non-regulation making powers on the Welsh Ministers:

- Clause 104 - Regulations made by the Secretary of State may include: provision for the Welsh Ministers to take over certain enforcement functions of the local weights and measures authorities in Wales; and provision for the Welsh Ministers to take over the conduct of certain proceedings of the local weights and measures authorities in Wales.

Taking into account the matters set out above, I consider:

- There are 20 regulation making powers in favour of the Secretary of State, 14 of which require the consent of the Welsh Ministers on matters within the legislative competence of the Senedd;
- There are 17 regulation making powers delegated to the Welsh Ministers;
- There are 4 non-regulation making powers delegated to the Welsh Ministers;

- There is power for the Secretary of State to confer two non-regulation making powers on the Welsh Ministers.

Financial Implications: None.

Recommendation 6 - The Minister should confirm whether and how the Welsh Government identified where a Welsh only approach was needed and, as a result, requested the specific regulation-making powers being taken in the Bill for the Welsh Ministers.

Welsh Government response: Accept

As I state in paragraphs 189-190 of the LCM, the Welsh Government's policy objectives were to collaborate with the other UK nations to create a regulation and enforcement system for tobacco, vapes, herbal tobacco and nicotine products that is consistent and coherent. This was considered important given the nature of these products and the recognised benefits for business, consumers and enforcement. Whilst that was the case, the Welsh Government ensured the delegated nature of these matters, and the Welsh Government's Principles on UK Legislation were considered during the development of the Bill's powers to make subordinate legislation.

The Bill therefore provides Welsh Ministers with powers to bring forward legislation before the Senedd where it is right to do so. Examples in the Bill of where a Wales specific approach may be followed is with regard to retail displays of tobacco, vapes and nicotine products and the introduction of a licensing system for selling those products. In the case of the display provisions, this re-enacts and updates an existing power for tobacco set out at section 7A Tobacco Advertising and Promotion Act 2002 where the Welsh Ministers held powers relating to displays. The licensing provisions are intended to replace the provisions in the Public Health (Wales) Act 2017 relating to the registration scheme for tobacco retailers. It was considered appropriate for the Welsh Ministers to hold the powers. The powers to designate vape and heated-tobacco free places in Wales will also be achieved by updates to the Public Health (Wales) Act 2017 which reflects our approach on creating smoke-free areas in Wales. It was considered appropriate for the Welsh Ministers to hold the powers, to update the existing regime set out in the Public Health (Wales) Act 2017.

Where a power rests with the Secretary of State the requirement for consent of the Welsh Ministers on matters within the Senedd's legislative competence will ensure the regulations take account of the Welsh perspective.

Financial Implications: None.

Recommendation 7 - The Minister should state whether there have been any disagreements over where responsibility for regulation-making powers in the Bill should lie and whether any powers for the Welsh Ministers have been refused by the UK Government.

Welsh Government response: Accept

In the LCM, I highlighted several clauses on which I said I would engage with the UK Government to seek the necessary constitutional assurances. Four of these, clauses 45, 95, 100 and 123 concern regulation-making powers. As these discussions have recently concluded, I am happy to provide an update on the outcome:

- Clause 45 (paragraphs 77 and 178 of the LCM): this provides powers for the Secretary of State to extend the Part 1 provisions to include tobacco related devices. The clause is subject to the consent of the Welsh Ministers on matters within the Senedd's legislative competence. I am content that the Bill has struck the correct balance between the need for a coherent, functional regulatory regime in relation to tobacco and nicotine products and powers for the Welsh Ministers to make regulations in relation to matters affecting Wales. The position on clause 45 aligns with the position taken in Part 5 of the Bill where it was considered that the powers should be held by the Secretary of State to ensure a consistent regulatory regime across the UK. Clause 133 in Part 6 is a similar power to clause 45. It enables the Part 6 provisions (and the Communication Act 2003) to be extended to include tobacco related devices. It was considered that this power should be held by the Secretary of State subject to the consent of the Welsh Ministers on matters within the legislative competence of the Senedd for the same reasons. There are also numerous powers in Part 1 held by the Welsh Ministers where it was considered appropriate for the Welsh Ministers to hold the powers. For example, the power to regulate retail displays (clause 14)
- Clauses 95 and 100 (paragraphs 97, 98 and 178 of the LCM): Clause 95 allows the Secretary of State to set up a registration scheme for all restricted products. Clause 100 allows the Secretary of State to make regulations for the purpose of minimising risks to human health and safety. The clauses are subject to the consent of the Welsh Ministers on matters that are within the Senedd's legislative competence. For similar reasons to those set out for clause 45, it was considered appropriate for the Secretary of State to hold these powers and others in Part 5 to ensure there is a consistent regulatory framework across the UK. Regulations made under clauses 95 and 100 are also subject to the consent of the Welsh Ministers on matters within the legislative competence of the Senedd. Please see my response to recommendation 8 for information on the engagement that took place.

- Clause 123 (paragraphs 131, 133 and 178 of the LCM) – this enables the Secretary of State to make regulations to prohibit or restrict brandsharing in relation to the restricted products. As set out at paragraph 181 of the LCM, there was a difference of position in relation to clause 123. In our view, this clause makes provision in relation to Wales about the devolved matter of health. However, the UK Government’s position is that this is reserved. Although we were in agreement that the power should be held by the Secretary of State to ensure a consistent regulatory regime, we considered the regulations should have been subject to a consent provision in terms similar to that set out in Part 5 (clause 111). The governments were unable to reach a consensus on whether clause 123 was reserved. In view of the unlikelihood of divergence on the implementation of this clause, I am content that the provision is in the best interests of Wales at this time.

Financial Implications: None.

Recommendation 8 - The Minister should provide clarity and further detail on why it is only the powers in clauses 45, 95, 100 and 123 which she considers do not currently align with the Welsh Government Cabinet’s Principles on UK Legislation.

Welsh Government response: Accept

The Committee has noted that there are other clauses in 90 to 101 which would require the consent of the Welsh Ministers which are considered devolved. This is correct but all the Secretary of State’s powers set out in Part 5 are subject to a consent provision at clause 111. The regulations will require the Welsh Minister’s consent on matters within the Senedd’s legislative competence. I considered there was no need to engage with the UK Government on the remaining powers of Part 5 as it was only the powers at clauses 95 and 100 that the UK Government considered were reserved (see paragraph 181 of the LCM).

Clauses 95 and 100 are Part 5 provisions that the UK Government indicated were reserved and our disagreement with this was noted in the LCM at paragraph 181. We therefore engaged further with the UK Government on this. Although they considered the clauses were reserved, the consent provision remains in place and therefore if the regulations make provision on matters within the Senedd’s legislative competence then the Welsh Ministers’ consent is required.

Clause 45 was added when the Bill was re-introduced in November 2024. As most of the powers in Part 1 of the Bill are held by the Welsh Ministers, and as this relates to a devolved matter, it was considered that the power should be held by the Welsh Ministers. On further engaging with the UK Government, it was

accepted that there was a need for a consistent regulatory regime to extend Part 1 to include tobacco related devices. The position on this clause also aligns with the position taken on the Part 5 powers, and the power at clause 133, which are also held by the Secretary of State. The consent of the Welsh Ministers is required on matters within the Senedd's legislative competence.

In relation to clause 123, please see response to recommendation 7.

There are other powers exercisable by the Secretary of State which relate to devolved areas and are not subject to a consent provision in favour of the Welsh Ministers. These powers, and the Welsh Government's position, are explained further below.

Clause 125(3) - Clause 125(1) sets out that it is an offence to enter into an agreement to promote tobacco, vapes and other restricted products. The offence has five elements, one of which is a date from which specified conduct will amount to one element of the offence. The Secretary of State has power to specify the date. We are content that this is a commencement power for regulations made by the Secretary of State. Thus, it is appropriate for the Secretary of State to bring the offence into force. There will be collaboration at official level with the UK Government before this offence is brought into force.

Clause 161 - The Secretary of State has power to make provision that is consequential on the Act. This includes amending, repealing or revoking any existing legislation. The purpose of the provision is to ensure that the provisions can be effectively implemented and is limited in scope. Therefore, I consider the position taken on this provision is acceptable.

Clause 169(2)(b) and clause 169(4) - The Secretary of State has power to bring into effect parts of the provisions of Part 6. The purpose of clause 169(2)(b) is to ensure that the all the provisions of Part 6 can be effectively implemented. In clause 169(4), the Secretary of State has power to bring into effect clause 160 and schedule 21, which introduce general consequential amendments set out in schedule 21. In view of the technical nature of these provisions, it is appropriate for this to be held by the Secretary of State.

In relation to clause 170(4), please see response to recommendation 16 below.

With regard to all the other regulation making powers held by the Secretary of State, that provide for the Welsh Ministers to consent on matters within the Senedd's legislative competence, our position is explained below.

Clause 45 - See my response to recommendation 7.

Clauses 90 to 101 - See my response to recommendation 1 and 6.

Clause 133 – see my response to recommendation 7 (within the response on clause 45).

The Welsh Ministers will have the opportunity to approve regulations on matters within the Senedd’s legislative competence. It is likely that the regulations will contain detailed and technical provisions following a consultation. We commit to keeping the Senedd informed of any regulations that the Welsh Ministers consent to.

With regard to the powers held by the Welsh Ministers, the nature of the powers can be categorised as follows:

- Regulation making powers that enable the Welsh Ministers to make detailed provisions for Wales, to enable the provisions to operate effectively. This includes setting detailed requirements for the display of an age of sale notice in retail settings, and detailed provisions for the display of restricted products and their prices at retail places in Wales (clauses 6 and 14).
- Regulation making powers to increase the amount of fixed penalties and financial penalties for breach of licensing provisions (clauses 21 and 39).
- Various other minor regulation making powers (for example to enable the Welsh Ministers to add to the list of offences that can form the basis of a restricted premises order, to specify the health warnings and information to be provided to specialist tobacconists – see clauses 27 and 121).
- Various regulation making powers following the updates to smoke-free provisions of the Public Health (Wales) Act 2017, including amendments and updates to the existing smoke-free powers in Wales (for example, the power to specify the signage requirements for smoke-free premises, powers to designate vape and heated tobacco-free places in Wales – see clauses 149 to 151).
- A regulation making power following the update to the Public Health (Wales) Act 2017 in respect of the offence of handing over tobacco etc to under age people in Wales – see clause 40 / schedule 5 and a power to extend the offence to heated tobacco devices.
- Various regulation making powers to enable the provisions to be effectively brought into effect. For example clauses 163(1) and 170(1) provide powers to make consequential provision on various provisions affecting Wales; and provide for powers to make transitional or saving provision in respect of various powers which bring into effect provisions affecting Wales. Further,

clauses 168(5) and 169(3)(c) set out the Welsh Ministers' powers to bring into effect certain provisions affecting Wales.

Our position in relation to these powers is that it is appropriate for them to be held by the Welsh Ministers as they enable detailed and appropriate provision to be made for Wales and to take account of the Welsh perspective. This will ensure the provisions of the Bill can be effectively implemented in Wales.

It is correct these powers will not provide the Senedd with same degree of scrutiny that would apply to primary legislation in this Senedd. However, there are still protections for the Senedd as they will be, with the exception of the commencement powers, given the opportunity to scrutinise the regulations and raise any concerns in accordance with the relevant procedure tied to the regulation making power.

The regulations will contain detailed and technical provisions, with mandatory powers to consult in many places (for example clauses 14 and 19 – retail displays and licensing). It is considered appropriate for the Welsh Ministers to make the regulations.

Financial Implications: None.

Recommendation 9 - The Minister should confirm whether she will recommend to the Senedd that it does not provide consent for any clauses in the Bill, including 45, 95, 100 and 123, should they remain out of alignment with the Welsh Government Cabinet's Principles on UK Legislation.

Welsh Government response: Accept

As I explained in my response to recommendation 7, discussions with the UK Government have now concluded and I am content with the Bill's provisions. I will therefore be recommending to the Senedd that consent is provided to all the clauses I identified in the LCM.

Financial Implications: None.

Recommendation 10 - The Minister should confirm what changes to clause 45 she is seeking, and whether agreement on these changes has been reached with the UK Government.

Welsh Government response: Accept

I refer to my response to recommendations 7 and 9.

Financial Implications: None.

Recommendation 11 - The Minister should confirm what changes to clause 95 she is seeking, and whether agreement on these changes has been reached with the UK Government.

Welsh Government response: Accept

I refer to my response to recommendations 7 and 9.

Financial Implications: None.

Recommendation 12 - The Minister should confirm what changes to clause 100 she is seeking, and whether agreement on these changes has been reached with the UK Government.

Welsh Government response: Accept

I refer to my response to recommendations 7 and 9.

Financial Implications: None.

Recommendation 13 - The Minister should confirm what changes to clause 123 she is seeking, and whether agreement on these changes has been reached with the UK Government.

Welsh Government response: Accept

I refer to my response to recommendations 7 and 9.

Financial Implications: None.

Recommendation 14 - The Minister should update the Committee and the Senedd as soon as possible on the progress being made in discussions with the UK Government on clause 150 of the Bill.

Welsh Government response: Accept

Welsh Government officials discussed clauses 150 and 151 (paragraphs 154 - 162 of the LCM) with the UK Government. These clauses deal with vape-free places and heated tobacco-free places and vehicles. I sought assurances that they would

align with the requirements of the Public Health (Wales) Act 2017. There continues to be a disagreement between UK Government and Welsh Government on competence in relation to certain restrictions relating to hovercraft and aircraft in Wales. However, I am content that the Bill's drafting of clauses 150 and 151 are in the best interests of Wales at this time. The new vape and heated tobacco-free provisions in the Public Health (Wales) Act 2017 are inconsistent with the existing smoke-free powers relating to aircraft and hovercraft. However, the practical implications of this are considered to be minor. If there is an issue with these places (hovercraft and aircraft), and there are no suitable national measures in place, the Welsh Ministers can consider making their own measures in the Senedd. We continue to recommend Senedd consent is provided.

Financial Implications: None.

Recommendation 15 - The Minister should update the Committee and the Senedd as soon as possible on the progress being made in discussions with the UK Government on clause 151 of the Bill.

Welsh Government response: Accept

I refer to my response to recommendation 14.

Financial Implications: None.

Recommendation 16 - The Minister should confirm what discussions she has had with the UK Government about the power delegated to the Secretary of State in clause 170(4) and clarify in what situations the consent of the Welsh Ministers would be required if this power were to be used.

Welsh Government response: Accept

Clause 170(4) contains a standard power for the Secretary of State to make transitional or saving provision in connection with the bringing into force of provisions of the Bill. The commencement provisions are set out at clauses 168 and 169.

I note the Committee's view that the power at 170(4) in favour of the Secretary of State to make transitional or saving provision in connection with the coming into force of any provision of the Act is a wide power that can be used in devolved areas. It is correct there is no consent provision.

The purpose of clause 170(4) is so that can be used if required to ensure the provisions can be effectively brought into effect. It is limited in scope. In view of this, I consider it is appropriate for this to be held by the Secretary of State.

Financial Implications: None.

Recommendation 17 - The Minister should confirm that the amendments drawn to the attention of Senedd Committees in correspondence on 4 February 2025 will be included in a supplementary legislative consent memorandum laid before the Senedd

Welsh Government response: Accept

The UK Government tabled two amendments to Clauses 168 and 170 in relation to Wales at Commons Committee Stage. These amendments are minor and technical in nature and thus a supplementary LCM is not necessary as the test at SO 29.2 is not met. Further some of the Government amendments that have been tabled at Report Stage do require a supplementary LCM, which has been laid.

Financial Implications: None.

Agenda Item 5.6

Huw Irranca-Davies AS/MS

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Our ref: PO/HIDCC/0149/25

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

7 April 2025

Dear Mike,

I wish to clarify a statement I made when I appeared before Committee on 10 February, during scrutiny of the Disused Mine and Quarry Tips (Wales) Bill. My officials have already been in contact with the clerking team about this point.

At paragraph 83 of the transcript of that session, there is a record of a discussion about the Bill's powers of entry. To clarify, the Bill contains comprehensive powers of entry for the Authority/a person authorised by the Authority. Please see sections 62 - 67 of the Bill. There are no appeal provisions if a landowner refuses to allow access. The Bill does, however, contain provisions that enable the Authority to apply for a warrant conferring power on a person authorised by the Authority to enter land.

Yours sincerely,

Huw Irranca-Davies AS/MS

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

The Welsh Government's Supplementary Legislative Consent Memorandum on the Renters' Rights Bill

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

11 April 2025

The Legislation, Justice and Constitution Committee produced a report on the Supplementary Legislative Consent Memorandum (Memorandum number 2) for the UK Government's Renters' Rights Bill.

The report contained one recommendation. This is a government response to the recommendation.

Responses to recommendations

Recommendation 1. We agree with the Welsh Government's assessment that the two amendments, as set out in Memorandum No. 2, require the consent of the Senedd in accordance with Standing Order 29.

Welsh Government Response: Accept

I am pleased that the Committee agrees with my assessment that the amendments passed at the House of Commons Report Stage (GOV 51 and GOV 52) will require the consent of the Senedd.

Agenda Item 5.8

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0129/25

Mike Hedges MS
Chair
Legislative, Justice and Constitution Committee
Welsh Parliament

15 April 2025

Dear Mike,

Thank you for your letter of 6 March regarding the UK Government's review of the United Kingdom Internal Market Act 2020 ('the Act').

I am pleased to hear the Legislation, Justice and Constitution Committee will be submitting a response to the consultation. It is important the UK Government hears from the Senedd to understand the implications and potential solutions to the issues created by the Act for devolved governments and legislatures.

I have engaged directly with the UK Government on the Act and the related review. This includes specific discussions at the Interministerial Standing Committee and bilateral discussions with Pat McFadden MP, Chancellor of the Duchy of Lancaster and Douglas Alexander MP, Minister for Trade Policy and Economic Security, who is leading this work. My officials are engaged with their UK Government counterparts to discuss the review, including the consultation and next steps.

We expect to continue detailed discussions with UK Government over the coming months and I hope this will ultimately lead to an agreement for meaningful change.

I would be pleased to keep the Committee informed on the progress of discussions where I can, and I will write to the Committee more fully once we have further information on the outcome of the review.

Yours sincerely,

Huw Irranca-Davies AS/MS

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

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

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

6 March 2025

Dear Huw,

Review of the United Kingdom Internal Market Act 2020

As you will be aware, the UK Government has recently launched a public consultation to inform its review of certain aspects of the *United Kingdom Internal Market Act 2020*.

The Legislation, Justice and Constitution Committee agreed on 17 February to respond to the consultation in due course. It also agreed to seek further information from the Welsh Government about its intentions with regard to the review.

With this in mind, I would be grateful if you could outline how the Welsh Government intends to engage with the UK Government on the review. I would also be grateful if you could indicate whether the Welsh Government intends to respond to the consultation, and if so, whether it will commit to share a copy of its response with the Committee.

Yours sincerely,



Mike Hedges
Chair

Agenda Item 5.9



Wales Office
Swyddfa Cymru

Ref: 026SOS25

Rt Hon Jo Stevens MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

T: 0292 092 4216
E: Correspondence@ukgovwales.gov.uk

Mike Hedges MS

Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

17 April 2025

Dear Mike,

LAYING OF BILINGUAL STATUTORY INSTRUMENTS

Thank you for your letter of 6 March regarding the laying of bilingual statutory instruments in Parliament. You asked me to consider the position outlined in my letter of 15 October 2024 further in light of section 156 of the Government of Wales Act 2006 (GoWA). I would firstly like to reiterate my support for the Welsh language and ensuring that information and services can be readily accessed through the medium of Welsh.

In my previous letter I noted it was the position of the House of Commons Procedure Committee that whilst there was no procedural bar against the laying of bilingual statutory instruments this was only in instances where the enabling power in the relevant Act required it. My officials have confirmed with the Journal Office that this is indeed their position that without such a requirement, the relevant statutory instrument could only be laid in Parliament in English. I do not believe that Parliament would consider that section 156 of GoWA amounts to a requirement that subordinate legislation be laid bilingually. Rather it provides that in instances in which the legislation is bilingual (including in Acts of the Senedd or statutory instruments), the English and Welsh texts have equal standing.

You are of course correct that instruments containing Welsh language text are frequently laid in Parliament in absence of a requirement. This often reflects section 156, in that where UK legislation modifies bilingual legislation made by the Senedd or Welsh Ministers it amends both the English and Welsh texts, recognising that they have equal standing in law. Such modifications are however able to be laid because they are accommodated within otherwise English only instruments in the form accepted by Parliament.



Wales Office
Swyddfa Cymru

Ref: 026SOS25

Rt Hon Jo Stevens MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

T: 0292 092 4216
E: Correspondence@ukgovwales.gov.uk

Yours sincerely,

Rt Hon Jo Stevens MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

Rt Hon Jo Stevens MP
Secretary of State for Wales

6 March 2025

Dear Jo,

Laying of bilingual statutory instruments

Thank you for your letter of 15 October 2024, to which we have recently given further consideration as a Committee.

We are grateful to you for considering this matter, and acknowledge your recognition – and that of your department – of the importance in ensuring the accessibility of Welsh law in both languages.

We note that you highlight in your letter that the Chair of the House of Commons Procedure Committee has stated that no procedural bar exists to the laying of bilingual statutory instruments, but only in the circumstances in which the relevant Act requires it. Similarly to yourself, we are not aware of any statutory requirements that prescribe the language in which a statutory instrument is to be made; be that in English, or in any other language.

With this in mind, we do not agree with your assessment that, in the absence of any requirement, the “default position” should be that statutory instruments are to be laid in English only.

You will be aware that section 156 of the *Government of Wales Act 2006* provides that the English and Welsh texts of any subordinate legislation which is in both English and Welsh when it is made are to be treated for all purposes as being of equal standing. This provision extends to the whole of the United Kingdom and is not limited in application to subordinate legislation made by the Welsh Ministers and laid before the Senedd. In our assessment, this provision enables the making of bilingual statutory instruments, and their subsequent laying before the UK Parliament, without the need for the relevant Act to require as such. In this regard, we note that instruments containing Welsh language text are frequently laid in the UK Parliament, despite there being no requirement in the relevant enabling Acts to include Welsh language text.



We appreciate that your position in respect of this matter may differ to that of the Committee; however, given your recognition of the importance of ensuring the accessibility of Welsh law, we would be grateful if you could give further consideration to this matter, with particular regard to section 156 of the 2006 Act.

We would be interested to hear the outcome of that further consideration, and would be grateful to receive a response by 23 April 2025.

Yours sincerely,

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

Mike Hedges
Chair



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Campaign expenditure limits for Senedd elections

DATE 17 April 2025

BY Jayne Bryant MS, Cabinet Secretary for Housing and Local Government

As part of the work to prepare for the Senedd election next year, new campaign expenditure limits must be set. The change to the electoral system means that the existing limits are unsuitable as they are set up for both multi-member regions and single-seat constituencies.

I am pleased to update the Senedd with the proposed limits for both individual candidates and registered parties. This comes after consultations on both the draft Senedd Cymru (Representation of the People) Order and election campaign expenditure limits for political parties at Senedd elections, as well as detailed engagement with the Electoral Commission.

The limit for individual candidates will be set in the forthcoming “Conduct Order”, which establishes the rules for the conduct of Senedd elections. That limit must be on the recommendation of the Electoral Commission, which has now been received. In line with that recommendation, the proposal in the Conduct Order, which will be laid after Easter recess, is for a limit of £52,500. This is the same level as the proposed limit for a party list of one candidate, ensuring parity.

Limits for registered parties are set in the Political Parties, Elections and Referendums Act 2000, and draft regulations to revise those limits will be laid before the Senedd in Summer term. These regulations can only be made with the consent of the Electoral Commission, and though formal consent cannot be requested until the draft regulations are complete, in-principle consent has been received on the basis of the following limits:

For a party list of one candidate, the limit proposed is £52,500. This is then proposed to increase by £3,500 for every additional candidate on the list, up to a maximum of £70,000 for a list of six or more. This provides a similar maximum limit to the current system for a party and its candidates standing in every constituency.

Both pieces of secondary legislation will be laid before the Senedd during the Summer term along with explanatory memoranda which will set out in more detail the process undertaken to establish these limits. I look forward to the scrutiny of these important instruments.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

—
**Equality and Social Justice
Committee**

Lord Timpson OBE
Minister of State, Ministry of
Justice

Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN
SeneddCydraddoldeb@senedd.cymru
senedd.cymru/SeneddCydraddoldeb
0300 200 6565

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

Dear Lord Timpson,

17 April 2025

Invitation to joint ministerial session on criminal justice

Thank you for agreeing to our proposed scrutiny session on criminal justice. We are content to proceed on the basis of separate rather than joint sessions and I am pleased that your officials have confirmed your availability for 15.00 – 16.45 on 19 May. The session will be in hybrid format and while we would have preferred to welcome you to the Senedd in person, we understand that other diary commitments mean that you will be appearing remotely.

In terms of arrangements for the session, we previously indicated that we extend an invitation to one or two members of the Senedd's Legislation, Justice and Constitution Committee and the Health and Social Care Committee, and the Commons Welsh Affairs Committee) to ensure a joined-up approach. We are keen to include a representative (between one and two depending on numbers) of both committees at the session and would be happy to confirm final numbers with you very soon.

You indicated that you would be grateful for an idea of the agenda for the session. Members are likely to want to explore the following topics:

Key issues highlighted in the 2023 Prisons and Sentencing in Wales report by Dr Robert Jones: including concerns about ethnic disparities in custodial sentences the increasing rate of the Welsh prison population, and number of Welsh prisoners held in English prisons;

Data Transparency and reporting: the availability of data and transparency of criminal justice statistics in Wales, where comprehensive data for Wales is not routinely published and must be obtained through Freedom of Information requests;

Prison safety and reform: the need for improved prison safety measures in response to increases in assaults and self-harm incidents in Welsh prisons, particularly at HMP Parc; use of remand and recall; and the impact of the UK Government's early release scheme on the Welsh prison population;

Female prisoners: Recent developments in establishment of the Residential Women's Centre in Swansea, aimed at providing local support and rehabilitation for Welsh female offenders;

Joint working to reduce reoffending: collaboration with the Welsh Government to implement measures that lower reoffending rates, such as improving employment opportunities for former prisoners; and

Preparations for the further devolution of justice: plans for the devolution of justice, particularly in relation to probation services, and how these plans will address current concerns about performance and staffing issues within the probation service in Wales.

The list is not exhaustive. We recognise the need to avoid areas outside your ministerial portfolio, but members are ultimately free to choose what to ask.

Thank you again for your willingness to engage with us on these important matters. We look forward to the session and in the meantime if you have any questions please liaise with the Committee Clerking Team.

I am copying this letter to the Chairs of the LJC Committee, HSC Committee and the WAC.

Yours sincerely,



Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 5.12

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



Llywodraeth Cymru
Welsh Government

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Ein cyf/Our ref: PO/HIDCC/0185/25

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

23 April 2025

Dear Mike,

Thank you for your letter dated 21 March. We appreciate the Committee's continued engagement and scrutiny on justice matters.

Tangible delivery for the people of Wales is being prioritised across government. As such, our default position is to not publish strategies, frameworks, plans and annual report type documents unless it is absolutely necessary.

Publishing a further progress report on Delivering Justice for Wales would require a significant amount of civil service resource to produce in addition to the information already provided to the Senedd and otherwise made public by various means about the areas of work which were covered within Delivering Justice for Wales. For example, we note recent Written Statements on the [Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020 Post-implementation Review](#) and on the [Single Advice Fund](#). A statement on the Youth Justice and Women's Justice Blueprints is also expected shortly.

This is not to say all annual reports are being suspended; as the Committee will have seen, the Welsh Government also continues to produce annual reports detailing progress on certain key programmes of work such as the [Basic Income for Care Leavers in Wales Pilot](#) and [Violence against Women, Domestic Abuse and Sexual Violence](#) (both of which are also referenced within Delivering Justice for Wales).

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

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

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

Transparency is of course important, but the above examples demonstrate that it can be provided through different means. Bringing related activities together as in Delivering Justice for Wales and its progress reports can have value, but it does not come at zero cost; all time spent on such activity is time that could be spent on directly pursuing the delivery of the Welsh Government's priorities and meeting its other responsibilities. This is a balancing act which all parts of Welsh Government have to consider, but is particularly challenging where Welsh Government's complement of officials is necessarily small. In this instance, we have made the difficult decision to prioritise making tangible progress on important objectives such as the devolution of justice this Senedd term.

We understand that this may be disappointing but would like to reiterate our happiness to work with the Committee to ensure this programme of work receives the appropriate level of scrutiny. In the meantime we will continue to provide updates through Written and Oral Statement at key points. We hope that as such updates are provided you will see that these updates, alongside our appearing before the Committee to give evidence is a proportionate means of satisfying the proper need for transparency.

Yours sincerely,



Huw Irranca-Davies AS/MS

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



Julie James AS/MS

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

Huw Irranca-Davies MS

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

Julie James MS

Counsel General and Minister for Delivery

21 March 2025

Dear both

The Delivering Justice for Wales programme

Thank you for your [letter of 3 March 2025](#) enclosing the Government response to the Committee's report on its scrutiny of the Welsh Government's draft budget for 2025-26.

The Committee considered the response at its meeting of 10 March 2025, and while it acknowledged the additional information provided about planned justice-related activity in 2025-26, it found the Government's rejection of recommendation 4 to be disappointing. As you are aware, this recommendation called on the Welsh Government to commit to issuing another progress report on its Delivering Justice for Wales programme before the end of this Senedd.

As the Committee found during its scrutiny of the Welsh Government's draft budget for 2022-23, we believe that it is fundamentally important that there is regular reporting in this area, given the challenges of ensuring that there is a collaborative, co-ordinated and joined-up approach between all relevant organisations to delivering and improving justice-related services. We also believe that there should be a way for the Committee and other key stakeholders to regularly monitor the progress made by the Welsh Government in partnership with other relevant parties – including the UK Government – towards responding to the recommendations of the Commission on Justice in Wales.

You will be aware that, as a result of that scrutiny, the Welsh Government [committed](#) in February 2022 to bring forward an "annual report setting out progress against the objectives in the programme". A "progress report" is what was issued in February 2024, and no explanation was given

at the time for why the Government appeared to roll back on its 2022 commitment to reporting annually on its progress.

It is therefore disappointing that the Welsh Government appears to have rolled back even further on its commitment by rejecting the Committee's recommendation. We note that the Government's decision appears to be based on the degree of engagement with the progress report previously published; however, we believe that as the Welsh Government continues to prepare for the devolution of justice, there is now a greater imperative for there to be regular reporting on progress, which would hopefully act as means to attract increased engagement by all relevant stakeholders.

The Government's response also states that it will be "happy to undertake updates through Written or Oral Statements at key points". Such an undertaking, we believe, while customary in the relationship between the executive and legislature, does not reflect the level of engagement and scrutiny required of a key Government initiative such as the Delivering Justice in Wales programme. As stated in the programme itself, a fair and effective justice system is fundamental to any country.

We would like to impress on you the importance of this regular reporting to the Senedd, and ask you to reconsider your position as a Government in relation to this matter.

I would be grateful to receive a response by 23 April 2025.

Yours sincerely,

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

Mike Hedges
Chair

Agenda Item 7

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

Document is Restricted

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/your ref JH/PO/134/25

Mark Isherwood MS
Chair, Public Accounts and Public Administration Committee

Mike Hedges
Chair, Legislation, Justice and Constitution Committee.

28 March 2025

Dear Mark and Mike,

I am writing in response to the Committee's letters of 14 and 21 March in respect of the Legislative Consent Memorandum on the Public Authorities (Fraud, Error and Recovery) Bill ('the Bill').

I have reflected on the points raised in your letters and my response is set out below. To note, where I have used clause references from the Bill, these are consistent with the latest version, as brought from the Commons, dated 18 March 2025.

<https://publications.parliament.uk/pa/bills/cbill/59-01/0204/240204.pdf>

Legislative consent

I am pleased that the Public Accounts and Public Administration Committee concurs with the Welsh Government's view that Parts 2 and 3 of the Bill do not require consent (albeit with the exception of clause 99).

I remain of the view that, within Part 1 of the Bill, only clauses 1, 2, 5, 6, 7 (and Schedule 1), 9, 10, 64, 65, 67 and 69 (and Schedule 2) of the Bill as introduced which meet the SO29 Test. These clauses either confer functions on DWAs or relate particularly closely to the investigation of fraud against DWAs. Please note that of these clauses, clauses 1, 2, 7 (and Schedule 1), 9, 64, 65 and 69 (and Schedule 2) were identified by the UK Government as meeting the SO29 Test (as stated in paragraph 11 of the original LCM).

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Jane.Hutt@llyw.cymru
Correspondence.Jane.Hutt@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.

Regarding clause 99, I remain of the view that application clauses do not generally meet the SO29 Test because they have no legal effect separate to the provisions to which they relate.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a prominent horizontal line above the first few letters.

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and Chief Whip

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

21 March 2025

Dear Jane

Welsh Government's Legislative Consent Memoranda on the Public Authorities (Fraud, Error and Recovery) Bill

You will know that the Committee is currently considering the Welsh Government's Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Public Authorities (Fraud, Error and Recovery) Bill.

At our meeting on 17 March 2025 the Committee noted that, in the Memorandum, you state that the Senedd's consent is required for clauses 1, 2, 5, 6, 7, 9, 10, 64, 65, 67 and 69 of the Bill, and Schedules 1 and 2 to the Bill.

The Committee is unclear why the Welsh Government has concluded that only some clauses in Part 1 of the Bill require the Senedd's consent while others do not. It would appear that the Minister for the Cabinet Office could use any of the powers in Part 1 of the Bill on behalf of a Devolved Welsh Authority. For example, you have stated that the Senedd's consent is required for clause 7, which allows the Minister to use powers in the *Police and Criminal Evidence Act 1984* to investigate suspected fraud against a public authority; as such, why is consent then not also required for clause 3, which allows the Minister to require a person to provide information for the same purposes?

The Committee would be grateful if you would clarify the basis for the Welsh Government's conclusion on consent, as set out in the Memorandum.

We would welcome a response by 17 April 2025.

I am copying this letter to the Public Accounts and Public Administration 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



Document is Restricted

Agenda Item 9

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

Document is Restricted

Elin Jones MS
Y Llywydd
Chair, Business Committee

27 March 2025

Annwyl Lywydd,

Legislative Consent Memorandum for the Border Security, Asylum and Immigration Bill

You will be aware that on 18 February, the Business Committee agreed to invite the Local Government and Housing Committee, the Children, Young People and Education Committee, the Equality and Social Justice Committee and the Legislation, Justice and Constitution Committee to consider the Legislative Consent Memorandum on the Border Security, Asylum and Immigration Bill (the "LCM"), with a reporting deadline of 2 May.

We considered the LCM at our meeting on 19 March. The LCM states that clauses 38 and 51 require consent. We noted that clause 51 relates to the validation of fees charged in relation to the recognition of professional qualifications, which is outside our remit.

We noted that in relation to clause 38, the LCM is concerned with the specific repeal of sections 4, 20, 21, 57 and 58 of the Illegal Migration Act 2023. Whilst we note that these sections could have had an impact on local authority functions, we are of the view that it would be unreasonable for us to report on every UK or Senedd Bill that could have an effect on Welsh local authorities' duties and powers.

We also noted that the LCM will be considered by the three other committees to whom it was referred. On that basis, and for the reasons outlined above, we have decided not to report on this LCM. This is in line with our previous approach on the Illegal Migration Bill LCM.

I am copying this letter to the other committees the LCM has been referred to for information.

Yours sincerely

John

John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Jane Hutt AS/MS
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-JH-0452-25 / JH/PO/174/25

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee

11 April 2025

Dear Mike,

Thank you for your letter of 20 March, seeking further information about our position in relation to clause 53 of the Border Security, Asylum and Immigration Bill LCM. I have also responded to a separate letter about this LCM from the Chairs of the Equality and Social Justice Committee and the Children, Young People and Education Committee.

Why are you not seeking consent for clause 53 of the Bill? Clause 53 contains a regulation making power for the Secretary of State to make consequential provision. These regulations may amend, repeal or revoke any enactment. Clause 53(3)(c) states that “enactment” includes an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru.

Clause 53 was not included in the LCM as it is a narrow power which is restricted to making required amendments to existing legislation as a direct consequence of the provisions of the Bill coming into force. This power will primarily be used in relation to reserved subject matters, as the majority of the Bill is outside legislative competence.

I hope this response assists the Committee in considering the LCM.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first name.

Jane Hutt AS/MS
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

21 March 2025

Dear Jane

Welsh Government's Legislative Consent Memorandum on the Border Security, Asylum and Immigration Bill

You will know that the Committee is currently considering the Welsh Government's Legislative Consent Memorandum on the Border Security, Asylum and Immigration Bill. At our meeting on 17 March 2025 the Committee noted that, in the Memorandum, you state that the Senedd's consent is required for clauses 38 and 51 of the Bill.

Clause 53 of the Bill contains a regulation-making power for the Secretary of State to make consequential provision. Regulations made under this provision may amend, repeal or revoke any enactment; clause 53(3)(c) states that "enactment" includes an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru. As such, the Committee would be grateful if you would clarify why consent is not being sought for clause 53 of the Bill.

We would welcome a response by 17 April 2025.

I am copying this letter to the Children, Young People and Education Committee, the Equality and Social Justice Committee, and the Local Government and Housing Committee.

Yours sincerely,



Mike Hedges

Chair

Agenda Item 10

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

Document is Restricted

Agenda Item 11

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

Document is Restricted