

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 3, Senedd

Meeting date: 6 May 2025

Meeting time: 09.15

For further information contact:

P Gareth Williams

Committee Clerk

0300 200 6565

SeneddLJC@senedd.wales

On-site

Public meeting

(09.15 – 09.25)

- 1 Introduction, apologies, substitutions and declarations of interest
(09.15)

- 2 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.7

No Procedure Instruments

- 2.1 SL(6)610 – The Tertiary Education and Research (Wales) Act 2022
(Commencement No. 5 and Transitory and Transitional Provisions) Order
2025

(Pages 1 – 4)

[Order](#)

Attached Documents:

LJC(6)-14-25 – Paper 1 – Draft report

LJC(6)-14-25 – Paper 2 – Written Statement by the Minister for Further and
Higher Education, 3 April 2025



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

Made Negative Resolution Instruments

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

(Pages 5 – 7)

Attached Documents:

LJC(6)-14-25 – Paper 3 – Report

LJC(6)-14-25 – Paper 4 – Welsh Government response

4 Inter-Institutional Relations Agreement

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

(Pages 8 – 9)

Attached Documents:

LJC(6)-14-25 – Paper 5 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Tourism Inter-Ministerial Group, 29 April 2025

LJC(6)-14-25 – Paper 6 – Letter from the Cabinet Secretary for Economy, Energy and Planning: The Inter-Ministerial Group for Business and Industry, 30 April 2025

4.2 Correspondence from the First Minister of Wales: Celtic Heritage Agreement Annual Report

(Pages 10 – 11)

Attached Documents:

LJC(6)-14-25 – Paper 7 – Letter from the First Minister of Wales, 30 April 2025

4.3 Correspondence and Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025

(Pages 12 – 14)

Attached Documents:

LJC(6)-14-25 – Paper 8 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 1 May 2025

LJC(6)-14-25 – Paper 9 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 29 April 2025

4.4 Written Statement by the Cabinet Secretary for Finance and Welsh Language: The Public Procurement (Revocation) Regulations 2025

(Page 15)

Attached Documents:

LJC(6)-14-25 – Paper 10 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 30 April 2025

4.5 Correspondence with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Persistent Organic Pollutants (Amendment) Regulations 2024

(Pages 16 – 19)

Attached Documents:

LJC(6)-14-25 – Paper 11 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 30 April 2025

LJC(6)-14-25 – Paper 12 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 21 March 2025

5 Papers to note

5.1 Correspondence from the Counsel General and Minister for Delivery: Commitments to correct statutory instruments

(Pages 20 – 62)

Attached Documents:

LJC(6)14-25 – Paper 13 – Letter from the Counsel General and Minister for Delivery, 28 April 2025

LJC(6)14-25 – Paper 14 – Letter to the Counsel General and Minister for Delivery, 16 January 2025

5.2 Correspondence from the Welsh Government: The Welsh Government's Legislative Consent Memorandum on the Employment Rights Bill

(Pages 63 – 67)

Attached Documents:

LJC(6)-14-25 – Paper 15 – The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Employment Rights Bill, April 2025

LJC(6)-14-25 – Paper 16 – Letter from the Minister for Culture, Skills and Social Partnership to the Economy, Trade & Rural Affairs Committee, 30 April 2025

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

(09.25)

Private meeting

(09.25 – 10.50)

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

(09.25 – 09.35)

(Pages 68 – 72)

Attached Documents:

LJC(6)-14-25 – Paper 17 – Legal Advice Note

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

(09.35 – 09.50)

(Pages 73 – 95)

Attached Documents:

LJC(6)-14-25 – Paper 18 – Legal Advice Note

LJC(6)-14-25 – Paper 19 – Draft report

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

(09.50 – 10.00)

(Pages 96 – 101)

Attached Documents:

LJC(6)-14-25 – Paper 20 – Legal Advice Note

10 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Data (Use and Access) Bill

(10.00 – 10.10)

(To Follow)

Attached Documents:

LJC(6)-14-25 – Paper 21 – Legal Advice Note

LJC(6)-14-25 – Paper 22 – Draft report

11 Forward Work Planning

(10.10 – 10.20)

(Pages 102 – 110)

Attached Documents:

LJC(6)-14-25 – Paper 23 – Forward Work Programme

12 Update in relation to HM Prison Parc

(10.20 – 10.25)

13 Monitoring report

(10.25 – 10.30)

(Pages 111 – 133)

Attached Documents:

LJC(6)-14-25 – Paper 24 – Monitoring report

14 Statutory instruments previously considered

(10.30 – 10.40)

(Pages 134 – 161)

Attached Documents:

LJC(6)-14-25 – Paper 25 – Paper

15 Legislative Consent Memorandum on the Planning and Infrastructure Bill

(10.40 – 10.50)

(Pages 162 – 177)

Attached Documents:

LJC(6)-14-25 – Paper 26 – Legal Advice Note

SL(6)610 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025

Background and Purpose

The Tertiary Education and Research (Wales) Act 2022 (“the Act”) provides for a new statutory framework for publicly funded tertiary education and research in Wales. In particular, the Act establishes a new Commission for Tertiary Education and Research (“the Commission”) in place of the Higher Education Funding Council for Wales.

In accordance with section 148(1) of the Act, certain provisions came into force on 9 September 2022, the day after the day on which the Act received Royal Assent. Section 148(2) provides that the other provisions of the Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025 (“the Order”) is the sixth order made by the Welsh Ministers using the power in section 148(2).

Part 2 of the Order brings provisions of the Act into force on 5 April 2025. Part 3 of the Order brings provisions of the Act into force on 1 January 2026 and 31 July 2026. Some provisions are brought into force fully, some are brought into force to the extent specified and some are subject to transitory or transitional provisions.

Part 4 of the Order makes transitory and transitional provision relating to the Higher Education (Wales) Act 2015. According to the Explanatory Note, these are modifications in relation to the system for providers to register with the Commission under Part 2 of the Act.

Procedure

No procedure

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of this Order.

1. It is noted that the Order, which is not subject to any Senedd scrutiny procedure, makes extensive transitory and transitional provision, including in relation to primary legislation.

Government response

A Welsh Government response is not required.



Legal Advisers
Legislation, Justice and Constitution Committee
24 April 2025





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|--|
| TITLE | Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025 |
| DATE | 3 April 2025 |
| BY | Vikki Howells MS, Minister for Further and Higher Education |

I am pleased to inform Members that I have made the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025 ('the Order'), along with the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2025, following the agreement of the latter in plenary this week.

Following on from Medr becoming operational last summer, these instruments deliver the next phase of Medr's functions, as provided for in the Tertiary Education and Research (Wales) Act 2022 ('the 2022 Act'), and also ensures the necessary amendments are reflected in the statute book.

The Order brings into force, on 5 April 2025, a range of duties on Medr which will help deliver a number of key reforms, these relate to:

- the development of a learner engagement code, setting out how providers are to engage learners in the making of decisions and ensure the views of learners are reflected in those decisions. Providers funded by, or registered with, Medr will be required to comply with the Code and Medr will monitor compliance with the Code and report on its effectiveness.
- the development of guidance to support providers of tertiary education in the preparation of learner protection plans. Medr will be able to require certain providers to submit learner protection plans to it, for approval by Medr. These plans will set out the arrangements being made by providers to protect the interests of students who are on courses that cease to be provided or who wish to transfer to another course.
- the preparation of a statement setting out how it intends to exercise its funding functions, with a specific focus on ensuring transparency in relation to its funding decisions.

The Order also brings into force amendments to the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act') in respect of the reorganisation of school sixth forms. These amendments remove the Welsh Ministers' powers to make proposals to restructure local authority maintained school sixth form education and gives Medr powers in relation to the restructuring of sixth form education.

The amended 2013 Act provides Medr with a legislative framework that enables it to take a strategic approach, offering a wider perspective to school sixth-form provision and ensuring it can support choice, progression and avoid unnecessary duplication. These amendments do not, however, remove protections or safeguards – for example in respect of Welsh language provision – these remain as requirements within that Act and also within the statutory school organisation code

A core aspect of the 2022 Act is the establishment, by Medr, of a register of tertiary education providers, which will provide the legal mechanism for the regulatory oversight of registered providers in Wales in receipt of public funds. The Order brings into force all provisions within TERA that are necessary to enable Medr to progress with the establishment of the register, including its development of its full regulatory regime and the acceptance and processing of applications to the register.

To support its regulatory oversight, Medr is provided with a range of intervention functions relating to monitoring the compliance of registered providers with the registration conditions and assessing the quality of the tertiary education being provided. The 2022 Act requires Medr to prepare a statement setting out how it will exercise each of its intervention functions, and this duty will come into force on 5 April 2025.

Looking ahead, I will be issuing a consultation on the 8th of this month setting out our proposed approach to the remaining subordinate legislation necessary to complete the legislative framework that will underpin the register. This comprises of two statutory instruments, the first of which will prescribe the tuition fee limits, with the second specifying both 'qualifying persons' and 'qualifying courses' for the purposes of the fee limits

The consultation will also set out the proposed approach to the designation of higher education courses for Welsh Government student support following the establishment of the register.

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.

Committee Consideration

The Committee considered the instrument at its meeting on 28 April 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Building etc. (Amendment) (Wales) Regulations 2025

Technical Scrutiny point 1: The Welsh Government consider that the 2-year period referred to in regulation 44ZAA(2)(c)(ii) would only be considered if paragraph RA1(1)(c)(i) or (ii) was being relied upon and in those circumstances, the reader would first need to consider the requirements of paragraph RA1(1)(c)(i) and (ii). Having done so, we consider that the reader would understand that the “notice” being referred to in regulation 44ZAA(2)(c)(ii) is either a building notice, initial notice or public body notice, as described in the definition of “the relevant 2-year period” in paragraph RA1(3). For these reasons, no legal consequences have been identified, and we therefore consider that an amendment is not necessary.

Technical Scrutiny point 2: The Welsh Government consider that the term “public electronic communications service” is self-explanatory. We also consider that the definition of “public electronic communications network” which has been inserted into the regulations (by reg 4(3)(e)) directs the reader to the wording of that definition in section 151(1) of the Communications Act 2003. That definition includes reference to “electronic communications services” which would then direct the reader to look at the definition of “public electronic communications service” within section 151(1). For these reasons, no legal consequences have been identified, and we therefore consider that an amendment is not necessary.

Agenda Item 4.1

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



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
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29 April 2025

Dear Mike,

Further to my correspondence regarding the Tourism Inter-Ministerial Group (IMG), scheduled for 7 May 2025, I am now writing to notify you that the meeting has been postponed.

I will write again in due course when a new date for the Tourism IMG has been agreed.

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

Copy 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.

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Caerdydd • Cardiff
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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.

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



Llywodraeth Cymru
Welsh Government

Our ref: DC-RE-00412-25

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

30 April 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you of the Inter-Ministerial Group for Business and Industry (IMG) and the meeting which will take place on 6 May 2025.

The Welsh Government is hosting the next meeting, which I will Chair. The discussion will focus on the Industrial Strategy, offering devolved nations an opportunity to provide a strategic overview of their place-based economic priorities.

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

I will provide an update after the meeting.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans".

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

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

SeneddLJC@senedd.wales

29 April 2025

Dear Mike,

Inter-Institutional Relations Agreement: Celtic Heritage Agreement Annual Report

In accordance with the inter-institutional relations agreement, I am writing to notify you that the Celtic Heritage – Cornwall-Wales Collaboration Agreement: Annual Report 2023 – 2024 has been published on Cornwall Council's website and is available [here](#).

Cornwall Council and the Welsh Government signed the Celtic Heritage – Cornwall-Wales Collaboration Agreement on 17 July 2023. The Agreement, which runs for an initial five-year period, builds on existing partnership working between Cornwall Council and the Welsh Government by encouraging further cooperation and understanding in areas of mutual interest and for mutual benefit. Four areas were identified as providing significant opportunity to grow the relationship between Cornwall and Wales. These were:

- a) Sustainable housing provision.
- b) Achieving Net Zero.
- c) Thriving rural economies.
- d) Celebrating culture and language.

This first Annual Report, co-produced by the Welsh Government and Cornwall Council, covers a longer than usual timeframe (July 2023-December 2024), to include a six-month initiation period.

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

I have also copied this letter to the chairs of the following Committees: Climate Change, Environment, and Infrastructure Committee; Culture, Communications, Welsh Language, Sport, and International Relations Committee; Local Government and Housing Committee; and Economy, Trade, and Rural Affairs Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan

Agenda Item 4.3

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/0636/25

Mike Hedges MS
Chair,
Legislation, Justice and Constitution Committee
Welsh Parliament
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1 May 2025

Dear Mike,

Further to my letter of 25 March 2024. I am writing to inform the Committee that I have given my consent to the Minister of State to lay the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025 in relation to Wales. I have laid a Written Statement which can be found at:

<https://laiddocuments.senedd.wales/ws-ld17140-en.pdf>

Consent has been given for the UK Government to make these Regulations to avoid a gap between easements ending, and new policies coming into effect. This ensures that certain EU SPS goods are not subject to default official controls from 1 July 2025. The Regulations intersect with devolved policy and will apply to Wales. The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 29 April 2025.

I have written similarly to Andrew R T Davies MS, the Chair of 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

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

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**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

| | |
|--------------|--|
| TITLE | The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025 |
| DATE | 29 April 2025 |
| BY | Huw Irranca-Davies MS/AS 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 Minister of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

The Minister of State for Biosecurity, Animal Health and Welfare, Baroness Sue Hayman, sought my agreement to make a Statutory Instrument (SI) titled the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2025 (“the 2025 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by, Baroness Hayman, in exercise of the powers conferred under article 144(6) of, and paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council (‘the OCR’).

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model (BTOM) between the three governments in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain to protect biosecurity and ensure food safety standards are maintained.

The purpose of 2025 Regulations is to extend the implementation period of import checks on certain sanitary and phytosanitary (‘SPS’) goods entering Great Britain (‘GB’) from certain countries, until 31 January 2027. This will allow sufficient time to transition to a permanent legislative basis for the BTOM. The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose, and effect of the 2025 Regulations are available here:

<https://www.legislation.gov.uk/uksi/2025/526/contents/made>

The Transitional Savings Provision (TSP) provides for four key areas of flexibility to ensure outstanding BTOM policies are implemented in a controlled way. These are prenotification, certification, (enabling the running of the certification logistics pilot/scheme) location of checks (i.e. away from a BCP), and frequency of checks. If the TSP expired on 1 July 2025, any outstanding policies that had not yet transitioned to a permanent legislative basis under the BTOM 'would default' to the current controls required by the OCR. In this eventuality, the current provisions of the OCR would apply and SPS checks would be imposed on imports arriving into Wales.

The 2025 Regulations were laid before the UK Parliament on 29 April and will come into force on the 20 May 2025.

The 2025 Regulations do 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. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-UK coordination, and consistency.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE THE PUBLIC PROCUREMENT (REVOCATION) REGULATIONS 2025

DATE 30 April 2025

BY Rt Hon Mark Drakeford AS/MS

Members of the Senedd will wish to be aware that I have given consent to the Parliamentary Secretary, Cabinet Office to exercise a subordinate legislation-making power in devolved areas in relation to Wales.

Agreement was sought by the Parliamentary Secretary, Cabinet Office to make a Statutory Instrument (SI) titled the Public Procurement (Revocation) Regulations 2025.

The Statutory Instrument relates to five pieces of legislation specified within the Schedule which are being revoked either in their entirety or to the extent specified because they no longer produce any legal effect in England and Wales and Northern Ireland.

The above titled Statutory Instrument (SI) was laid before the UK Parliament by the Minister for the Cabinet Office on 25 April 2025 in exercise of the power conferred by Section 14 (1) of the Retained EU Law (Revocation and Reform) Act 2023 and will come into force on 15/05/2025.

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

The Regulations do 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. On this occasion, I have given my consent to these Regulations for reasons of efficiency and cross-government coordination, and consistency.

The Regulations are available here: [The Public Procurement \(Revocation\) Regulations 2025](#)

Agenda Item 4.5

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-0130-25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
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30 April 2025

Dear Mike,

I appreciate the Committee's consideration of my letter dated 7 March 2025 and your subsequent request for an explanation regarding the timing of my communication and the delay in making the Persistent Organic Pollutants (Amendment) Regulations 2024 (renamed to reflect the year in which they were made (2025)) ("the 2024 Regulations").

Firstly, I apologise for the lack of opportunity provided to the Committee for it to express a view before my consent was formally given. This was due to the Statutory Instrument ("SI") being scheduled for laying on the 12 March 2025, requiring Welsh Ministers' consent prior to that date and an urgent request from Defra officials for a decision by 6 March 2025. Although Baroness Hayman of Ullock, Defra's Parliamentary Under-Secretary of State, wrote to me on 8 January 2025 the final SI was not received until February 2025. Understandably, my officials needed time to fully assess and evaluate the SI and its implications, which provide time-limited exemptions for Dechlorane Plus and UV-328 in specific circumstances.

With regard to the delay in making the 2024 Regulations Defra informed us that, following the laying in draft of the 2024 Regulations, it received information from industry manufacturers and retailers indicating the need for further exemptions. Unexpected changes can occur when restrictions impact key sectors in unforeseen ways. Industries are complex and can face new challenges or receive new information that wasn't anticipated which can result in regulations needing adjustments to avoid disrupting operations or economic stability. Such flexibility is crucial for maintaining a balance between regulatory objectives and the practical realities faced by different sectors.

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

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

The sequencing of the two instruments was necessary to ensure there was no gap between the provisions coming into force under the 2024 Regulations and the additional exemptions provided for in the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025.

In addition to the above, I would like to inform the Committee of recent communication from Baroness Hayman of Ullock regarding the need for a further SI in this area – The Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025 (“the No.3 Regulations”).

On 8 April 2025, Baroness Hayman sought Welsh Ministers’ consent for the No. 3 Regulations to apply in relation to Wales. My officials are currently advising me on this matter. If I provide my provisional consent I will update the Committee further as per the standard process set out within the [Inter-Institutional Relations Agreement](#) (“the IIRA”) between Welsh Government and the Senedd.

I hope this explanation provides clarity on the reasons for the timing and delay in making the regulations. Please let me know if you require any further information.

Yours sincerely,

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

Huw Irranca-Davies AS/MS

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

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

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for

Climate Change and Rural Affairs

21 March 2025

Dear Huw

The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025

At its meeting of 10 March 2025, the Committee considered your [letter of 7 March 2025](#) in respect of your intention to consent to the UK Government making and laying the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 (the No. 2 Regulations). I note from your letter of 12 March 2025 that you subsequently gave your consent, and that the No. 2 Regulations were made and laid on 11 March 2025.

The Committee noted your statement in your letter of 7 March that the Baroness Hayman of Ullock wrote to you on 8 January 2025 to request your consent to the No. 2 Regulations. Given that the timing of your letter meant that the Senedd was provided with a only very limited window of opportunity to express a view before your consent was formally given, the Committee would be grateful to receive an explanation as to why you were unable to communicate your intention to consent to the Committee at an earlier point.

The Committee also noted your explanation that the (then titled) Persistent Organic Pollutants (Amendment) Regulations 2024, which were approved by the UK Parliament on 4 December 2024, had not been made by the Secretary of State at the time of your letter. You proceeded to state in your letter that these regulations: would be made on 11 March; would come into force 21 days later and immediately before the No. 2 Regulations; and would be retitled the Persistent Organic Pollutants (Amendment) Regulations 2025. It would appear to us that an inordinate amount of time elapsed between the approval of these regulations in the UK Parliament and their making by the UK Government. In this respect, I would be grateful if you could provide your understanding of why this

was the case, and the legal basis for such a delay, in the interests of transparency and the promotion of good law-making.

I would be grateful to receive your response in respect of these two matters 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 5.1

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

28 April 2025

Annwyl Mike

Commitments to correct statutory instruments

As the Committee will be aware, the Government is committed to improving the accessibility of Welsh law and this includes ensuring legislation is easy to understand and certain in its effect. Nonetheless, there are occasions when errors are made and in such cases the Government will seek to remedy those matters where necessary. We aim to do that using the most appropriate legislative vehicle available.

To that end, work is well underway on developing the first set of 'omnibus' statutory instruments that will make amendments to various earlier instruments. We are currently expecting these to take the form of one set of Regulations and separately an Order, both subject to the "negative" procedure. The current intention is that these instruments will be laid before the Senedd ahead of summer recess. Both instruments will meet a number of the commitments in the table annexed to your letter of 16 January, as well as amend certain other minor matters that it would be appropriate to deal with at the same time. Some of the instruments listed in your annex have already been resolved or will be dealt with by other amending instruments.

I note the Committee aims to routinely update its own analysis of commitments, and I therefore annex an update on the matters in your table to assist with that. Please be aware that the inclusion of any matter in one of the omnibus statutory instruments is contingent upon final Ministerial decisions. However, the attached tables represent our current proposals.

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

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

Yn gywir,



Julie James AS/MS

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

ANNEX

Table 1 – Update on instruments set out in Annex to Committee’s correspondence of 16 January 2025

| Issue | SI number | Title of instrument | Update |
|-------|--------------|---|--|
| 1 | SI 2022/1348 | The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 | In line with the Deputy First Minister’s letter of 18 October 2024, the correction for reporting point 25 was made in the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) (Amendment) Order 2025 (SI 2025/403). That Order was made on 27 March 2025. |
| 2 | SI 2023/1303 | The Building Control Profession (Charges) (Wales) Regulations 2023 | The Government intends to address reporting point 3 in one of the omnibus amending instruments. |
| 3 | SI 2023/1349 | The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 | The errors were corrected by the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2025 (SI 2025/16) that were made on 8 January 2025. |
| 4 | SI 2023/1421 | The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023 | The Government intends to address reporting points 5 to 8 together with amendments to the 2023 Regulations following contract negotiations during 2024/25; this instrument will be brought forward in the coming months and these amendments will therefore not form part of either of the omnibus amending instruments. |
| 5 | SI 2024/13 | The Firefighters’ Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024 | As noted by the Committee, these have been amended (see: SI 2024/972). |
| 6 | SI 2024/28 | The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 | The Government intends to address reporting point 1 in one of the omnibus amending instruments. |
| 7 | SI 2024/119 | The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of | As noted by the Committee, these have been amended (see: SI 2024/1214). |

| Issue | SI number | Title of instrument | Update |
|-------|-------------|--|--|
| | | Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2024 | |
| 8 | SI 2024/135 | The National Health Service Joint Commissioning Committee (Wales) Regulations 2024 | The Government intends to address reporting points 2, 4, 5 and 6 in one of the omnibus amending instruments. |
| 9 | SI 2024/388 | The Special Schools Residential Services (Service Providers and Responsible Individual) (Wales) Regulations 2024 | In line with the original response to the Committee, the Government has now reviewed the need to make an amendment to the 2024 Regulations to address reporting point 3. It would not be appropriate to alter the wording as this would create an unwelcome difference with the same wording used in five other sets of Regulations. No further action will therefore be taken. |
| 10 | SI 2024/316 | The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 | As set out in the Cabinet Secretary for Education's letter to the Committee of 29 January 2025, the intention is to address reporting point 3 on SI 2024/316 by making an amendment to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (SI 2003/3227) and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 (SI 2003/3246). These will be taken forward in one of the omnibus amending instruments. Future updates will be made against SI 2003/3227 and SI 2003/3246 not SI 2024/316. |
| 11 | SI 2024/339 | The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024 | The Government intends to address reporting point 2 on SI 2024/339 by making amendments to the Home Energy Efficiency (Wales) Regulations 2011 (SI 2011/656). This will be taken forward in one of the omnibus amending instruments. Future updates will be made against SI 2011/656 not SI 2024/339. |
| 12 | SI 2024/698 | The Education (Coordination of School Admission Arrangements and Miscellaneous | As noted by the Committee, these have been amended (see: SI 2024/1002). |

| Issue | SI number | Title of instrument | Update |
|-------|--------------|--|--|
| | | Amendments) (Wales) Regulations 2024 | |
| 13 | SI 2024/782 | The Procurement (Wales) Regulations 2024 | The Procurement (Miscellaneous Amendments) (Wales) Regulations 2025 (SI 2025/181) made the amendments to the 2024 Regulations (and see also Table 2 below). |
| 14 | SI 2024/767 | The Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024 | In relation to reporting points 3, 5, 7, 10, 11, 14, 15, 16 and 17, the Government originally intended to bring forward amendments in Spring 2025. The intention is now to address these matters in one of the omnibus amending instruments. |
| 15 | SI 2024/774 | The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2024 | As noted by the Committee, these have been amended (see: SI 2024/1065). |
| 16 | SI 2024/797 | The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024 | The Government addressed reporting points 3, 5, 6 and 7 in the Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025 (SI 2025/230) that were made on 27 February 2025. |
| 17 | SI 2024/810 | The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2024 | The Government addressed reporting points 1 and 4 in the Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025 (SI 2025/193) that were made on 19 February 2025. |
| 18 | SI 2024/930 | The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 | As noted by the Committee, these have been amended (see: SI 2024/1258) |
| 19 | SI 2024/924 | The Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024 | |
| 20 | SI 2024/1045 | The Nutrition and Health Claims (Wales) | In relation to reporting points 2, 3, 4, 5 and 6 the Government originally intended to bring forward amendments during the early |

| Issue | SI number | Title of instrument | Update |
|-------|--------------|--|---|
| | | (Amendment) Regulations 2024 | part of 2025, and we now confirm these will be dealt with in one of the omnibus amending instruments. |
| 21 | SI 2024/1109 | The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024 | The Government intends to address reporting point 1 on SI 2024/1109 by making amendments to the Animal Gatherings (Fees) (Wales) Order 2018 (SI 2018/645). This will be taken forward in one of the omnibus amending instruments. Future updates will be made against SI 2018/645 not SI 2024/1109. |

Table 2 – Additional matters

| | SI number | Title of instrument | Update |
|----|-----------|--|--|
| 1. | 2015/1844 | The Care and Support (Financial Assessment) (Wales) Regulations 2015 | The Government's response to the Committee's report on the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025 (SI 2025/151) notes that an amendment will be made to SI 2015/1844. This will be included in one of the omnibus amending instruments. |
| 2. | 2023/1393 | The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 4) Regulations 2023 | The Government's response to the Committee's report noted we would be seeking a correction slip to address reporting point 3. This will now be dealt with in one of the omnibus amending instruments by amending the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (SI 2021/77). Future updates will be made against SI 2011/656 not SI 2024/339. |
| 3. | 2025/88 | The Bread and Flour (Wales) Regulations 2025 | The Government's response to the Committee's draft report on these Regulations has confirmed one of the omnibus amending instruments will be used to address reporting points 1, 3, 4 and 5. |
| 4. | 2025/181 | The Procurement (Miscellaneous Amendments) (Wales) Regulations 2025 | The Government has advised the Committee it intends to amend the 2025 Regulations to address reporting point 1 as part of further regulations to finalise the implementation of the Procurement Act 2023. This remains the Government's |

| | SI number | Title of instrument | Update |
|----|-----------|---|--|
| | | | intention, and as such this will not form part of either of the omnibus amending instruments. |
| 5. | - | The Welsh Elections Information Platform Regulations 2025 | The Government's response to the Committee's report notes that an amendment to these Regulations will be made (in relation to technical reporting point 1) when the Senedd Cymru (Representation of the People) Order 2025 ("the Conduct Order") is made later this year. |
| 6. | - | "Healthy food environment regulations" | <p>In the Committee's letter of 16 January there was reference to the Government's letter of 1 July 2024, which explained our intention to lay Regulations before the end of 2024 and for there to be a 12-month implementation period before the coming into force of the regulations.</p> <p>The Food (Promotion and Presentation) (Wales) Regulations 2025 were laid on 11 February and approved by the Senedd on 25 March. The intended coming into force date is 26 March 2026.</p> |

Julie James MS
Counsel General and Minister for Delivery

16 January 2025

Dear Julie

Statutory instruments considered by the Legislation, Justice and Constitution Committee

You will be aware that the Committee has been monitoring when and how the Welsh Government corrects errors in Welsh statutory instruments that have been identified by the Committee in its reports to the Senedd.

At our meeting on 13 January 2025, we discussed the statutory instruments considered by the Committee during 2024 where the Welsh Government has indicated that it will bring forward an amending instrument to rectify errors the Committee has identified.

Our discussion also included the Committee's consideration of The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022, and the subordinate legislation which was expected in 2024 relating to a healthy food environment.

The Committee agreed that it will write to the relevant Welsh Ministers in relation to instruments where it would appear that amending instruments are overdue.

In addition, the Committee agreed that its analysis should be shared with you for information. The analysis we considered is included in the enclosed Annex.

The Committee's intention is to routinely update its analysis and discuss on a termly basis what, if any, action may be required.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair



| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|---|--|-------------------|---|---|-------------------------------------|
| 1. | 292, 22 Nov 2022 | <u>The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022</u> | 25 – “In Direction 2009/156, in relation to the query as to why Article 5(5)(a) is not listed, the Government have reviewed and confirm that it has been omitted by oversight and should be included in the list of functions in the Schedule. The Government proposes remedying this by amending statutory instrument early in 2023.” | No | <u>Latest letter from the Welsh Government, 18 October 2024:</u> ““You request a definitive timetable for introducing an amendment Statutory Instrument (SI) to resolve Reporting Point 25. My officials are working to introduce this within the next six months.” 6 months will expire in mid-April 2025 | Rural affairs | Due within next 6 months |
| 2. | 427, 5 Dec 2023 | <u>The Building Control Profession (Charges) (Wales) Regulations 2023</u> | 3 - “We will insert the missing wording into the Welsh regulation when the Regulations are next updated, we | No | | Climate Change | Promised but no timeframe specified |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|---|---|-------------------|--|---|---------|
| | | | do not have a timeframe for this currently." | | | | |
| 3. | 431, 12 Dec 2023 | <u>The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023</u> | <p>2 – "we will look to make a future amendment to assist the reader in the next appropriate instrument, that is likely to be made in the autumn."</p> <p>6 – "We agree that there is a historical error that requires correction and will look to make the necessary amendments in the next appropriate instrument. We anticipate that being in the autumn."</p> <p>7 – "We agree that this is an error and will look to make the necessary amendment in the</p> | No | <p>Corrections should have been made in the autumn of 2024.</p> <p>See <u>SL(6)510</u></p> <p>The Committee's advisers believe that points 7 and 8 were resolved via a correction slip in August 2024, although this was not drawn to the attention of the Committee.</p> | Education | Overdue |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|---|--|-------------------|---|---|-------------------------------------|
| | | | <p>next appropriate instrument. We anticipate that being in the autumn.”</p> <p>8 – “We agree that the omission of the italicised Welsh definitions following the corresponding English definitions is an error and will be corrected in the next appropriate instrument. We anticipate that being in the autumn.”</p> | | | | |
| 4. | 437, 20 Dec 2023 | <u>The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023</u> | 5-8 – “The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises.” | No | <u>Letter to the Welsh Government</u> , 31 January 2024, and <u>Letter from the Welsh Government</u> , 19 February 2024 | Health | Promised but no timeframe specified |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|--|---|--|---|---|------------------|
| | | | | | See also <u>SL(6)504</u> and <u>SL(6)542</u> | | |
| 5. | 441, 10 Jan 2024 | <u>The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024</u> | 3 – “The Welsh Government notes that the text of the Welsh and English provisions of new rule 5C(7) (inserted by paragraph 6(3) of Schedule 1 to the Order) produce opposite meanings. The English text identified is correct, and the equivalent Welsh text should read “Where the authority do not hold records of that person’s pay for that period...” (emphasis added). The Welsh text will be amended accordingly | Yes <u>SL(6)530</u> laid 23 Sept 2024 | <u>Letter to the Welsh Government</u> , 7 February 2024, and <u>Letter from the Welsh Government</u> , 22 February 2024 In laying <u>SL(6)530</u> , the <u>Welsh Government wrote</u> to the Committee re: reporting point 6 on <u>SL(6)441</u> : “On reflection I think it is more appropriate to allow that heading | Social Partnership | Amending SI laid |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|---|---|--------|
| | | | <p>at the next available opportunity.”</p> <p>6 – “The Welsh Government notes that there is a difference in the headings for paragraph 1 of Schedule 2 to the Order, between the Welsh and English texts. The reference to “Part 1” in the English text is correct, and the Welsh translation should reflect that. The Welsh text will be amended accordingly at the next appropriate opportunity.”</p> | | <p>in the Welsh language text to remain. The amendment required to address Technical Scrutiny point 3 is best dealt with by amending the Firefighters’ Pension Scheme (Wales) Order 2007. So, to address Technical Scrutiny point 6, we would additionally have to amend the Firefighters’ Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024. Given that the heading in issue is inoperative, and it is not carried through to the amended</p> | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|---|---|-------------------|---|---|-------------------------------------|
| | | | | | instrument (the Firefighters' Compensation Scheme (Wales) Order 2007), any benefit to be gained in making such an amendment would be negligible and I do not consider it would be proportionate." | | |
| 6. | 444, 15 Jan 2024 | <u>The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024</u> | 1 – "The Welsh Government notes the Committee Report and agrees that it would have been helpful to refer to the definition in section 167A(6)(b) of the Education Act 2002. The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 Regulations will be | No | | Education | Promised but no timeframe specified |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|----|--------------------------|--|--|--|-----------------------------------|---|-------------------------------------|
| | | | amended to address this point at the next available opportunity. " | | | | |
| 7. | 453, 2 Feb 2024 | <u>The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2024</u> | 1 – "A further statutory instrument is planned that will substitute an updated Annex 2 to that Regulation; that instrument is anticipated to be made in the fourth quarter of 2024." | Yes <u>SL(6)552</u> , laid 27 Nov 2024 | | Wellbeing | Amending SI laid |
| 8. | 454, 9 Feb 2024 | <u>The National Health Service Joint Commissioning Committee (Wales) Regulations 2024</u> | 2 – "The Welsh Government agrees that including a definition of these bodies would have been more precise, however, in context, the intention and legal effect is clear and correct. We will take the opportunity the | No | | Health | Promised but no timeframe specified |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|-----------------------------------|---|--------|
| | | | <p>next time the Regulations are amended to address this issue as necessary.”</p> <p>4 – “The Welsh Government agrees that including a definition of Integrated Care Board may have been more precise, however, in context, the intention and legal effect is clear and correct. We will take the opportunity the next time the Regulations are amended to address this issue as necessary.”</p> <p>5 – “The Welsh Government agrees that the reference to section 11 of the Act</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>within Schedule 2, in paragraph 6(1)(a) was unnecessary, however, the provision has the correct legal effect. We will take the opportunity the next time the Regulations are amended to address this issue as necessary."</p> <p>6 - "The Welsh Government agrees with the point raised by the Committee, however, the intention and legal effect is clear and correct. We will take the opportunity the next time the Regulations are amended to address this issue as necessary."</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|-----|--------------------------|---|--|-------------------|---|---|-------------------------------------|
| 9. | 457, 20 Feb 2024 | <u>The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024</u> | 3 – “A small alteration to the wording may assist the reader, but this is not an urgent amendment required to the regulations and will be reviewed at the earliest opportunity to amend. ” | No | | Social Services | Promised but no timeframe specified |
| 10. | 466, 8 March 2024 | <u>The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024</u> | 3 – “The Welsh Government acknowledges that there is an error in the Welsh text of the Schedule to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (“the Maintained School Regulations”). The reporting point does not relate to an error | No | Corrections should have been made by the end of 2024. | Education | Overdue |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>in the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Amendment) Regulations 2024 ("the 2024 PRU Regulations") but to an error in the Maintained School Regulations.</p> <p>The purpose and effect of the 2024 PRU Regulations is to change the law in relation to PRUs. We will make the necessary amendment to the Maintained Schools Regulations to correct the error the next time those Regulations are amended, which is anticipated to be later this year."</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|-----|--------------------------|---|--|--|-----------------------------------|---|-------------------------------------|
| 11. | 470, 11 March 2024 | <u>The Home Energy Efficiency Schemes (Wales) (Amendment) Regulations 2024</u> | 2 – “We note the merit points concerning regulation 6 of the Regulations and the historical error in regulation 9(1)(a) of the principal Regulations. However, we do not think the current drafting creates any uncertainty or lack of clarity to the reader such that any amendments are required at this stage, but these errors will be corrected the next time the principal Regulations are amended.” | No | | Climate Change | Promised but no timeframe specified |
| 12. | 489, 29 May 2024 | <u>The Education (Co-ordination of School Admission Arrangements and Miscellaneous Amendments)</u> | 2 – “The Welsh Government agrees with the reporting point. Whilst we do not consider that the minor error will | Yes <u>SL(6)536</u> , laid 9 Oct 2024 | | Education | Amending SI laid |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|--|---|-------------------|-----------------------------------|---|--------|
| | | <u>(Wales) Regulations 2024</u> | <p>mislead anyone the 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible.”</p> <p>6 – “The Welsh Government agrees that a better approach would be to rely on the definition of “working day” in the Legislation (Wales) Act 2019. The 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible.”</p> <p>8 – “The Welsh Government agrees</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|-----------------------------------|---|--------|
| | | | <p>with the reporting point which arose as a result of reliance on an error on the legal database, Lexis. Whilst we do not consider that the minor error will mislead anyone the 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible."</p> <p>10 – "The Welsh Government agrees with the reporting point. The 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible."</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|-----|--------------------------|----------|---|-------------------|---|---|---------|
| | | | <p>11 – “The Welsh Government agrees with the reporting point. The 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible.”</p> <p>12 – “The Welsh Government agrees with the reporting point. The 2024 Regulations will be amended to address the point before the end of the current Senedd Cymru term at the latest and sooner if possible.”</p> | | | | |
| 13. | | | 2 – “The Government agrees with the point raised and we will | No | <u>Letter to the Welsh Government</u> , 1 July | Finance | Overdue |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|--|--|-------------------|--|---|--------|
| | 493, 11 June 2024 | <u>The Procurement (Wales) Regulations 2024</u> | <p>amend this via a statutory instrument that is intended to be made in the Autumn ahead of this regulation coming into force."</p> <p>6 – "The Government notes the reporting point and whilst we think the intended meaning is clear here, we will look to amend this by adding 'or' via a statutory instrument that is intended to be made in the Autumn ahead of this regulation coming into force, this amendment will be included in that instrument."</p> <p>7 – "The Government agrees with the reporting point on</p> | | <p>2024, and <u>Letter from the Welsh Government</u>, 2 September 2024</p> <p>2 September letter states "I can confirm this work is being progressed and Regulations to update the names will be laid in September 2024 with the intention that, subject to the will of the Senedd, they will be made in October to commence on 28 October 2024."</p> | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>regulation 28(2)(e)(vi), we will look to amend this via a further statutory instrument intended to be made in the Autumn ahead of this regulation coming into force. Regulation 41(3) signposts the reader to the provision which requires contracting authorities to publish contracts as modified or modifications in certain cases.”</p> | | | | |
| | | | <p>9 – “The Government agrees the reporting point in respect of regulation 46(3)(b) and (c) and regulation 49, we will look to amend this via a further statutory instrument intended to be made in the Autumn ahead</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | of these regulations coming into force and these amendments will be included within that instrument." | | | | |
| 14. | 503, 26 June 2024 | <u>The Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024</u> | 3 – "In relation to point a), the Welsh Government accepts the point raised and will take steps to correct this. The Welsh Government is satisfied these minor differences do not undermine the legal effect of the instrument. In relation to point b), a line of text has been erroneously omitted from the definition. An amendment will be brought forward to rectify this." | No | <p>The Welsh Government response to the report concluded – "The Welsh Government aim to bring forward legislation which will make the required corrections by Spring 2025."</p> <p>The SI breached the 21 day rule - <u>letter to Llywydd</u>, 26 June 2024</p> | Rural Affairs | Due within next 6 months |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>5 – “In article 8(3) the intention is to refer to the period of any given permit period and not to the definition of the “single permit period”. The term “permit period” takes its ordinary meaning. The Welsh Government are satisfied no additional definition is required. However, steps will be taken to ensure equivalence between the English and Welsh texts.”</p> | | | | |
| | | | <p>7 – “The Welsh Government agrees with the point raised. An amendment will be brought forward to rectify this.”</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|-----------------------------------|---|--------|
| | | | 10 – “The Welsh Government agrees with the point raised and will take steps to correct this typographical error.” | | | | |
| | | | 11 – “The Welsh Government agrees with the reporting point and will take steps to address this. “Bernir” is the better term and “barnu” is the glossary term for “deem”.” | | | | |
| | | | 14 – “The Welsh Government agrees with the reporting point and steps will be taken to correct the omission.” | | | | |
| | | | 15 – “The Welsh Government agrees with the reporting | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>point and steps will be taken to remove remaining references to "cockle" from Byelaw 13A of the Byelaws of the former North Western and North Wales Sea Fisheries Committee."</p> <p>16 – "The Welsh Government agrees with the reporting point and steps will be taken to correct the reference to the Byelaws."</p> <p>17 – "In relation to article 9(4), the Welsh Government agrees with the reporting point and steps will be taken to replace the verb "will". In relation to article 12(1)(b) and (c), the Welsh</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|-----------------------------------|---|--------|
| | | | <p>Government agrees with the reporting point and steps will be taken to replace the verb "will". In relation to article 16(2), the Welsh Government agrees with the reporting point and steps will be taken to replace the verb "will".</p> <p>20 – "As indicated in the Explanatory Memorandum, maps have been made available online. Maps of the individual fisheries are also provided with permit conditions. However, the point is noted and the Welsh Government will consider an</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | amendment to the Order to add clarity." | | | | |
| 15. | 504, 28 June 2024 | <u>The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2024</u> | 2 – "The Welsh Government is grateful to the Committee for raising this point and accepts further clarity is required. We will seek to make the provision clearer at the next available opportunity, and within the next 12 months." | Yes <u>SL(6)542</u> , laid 25 Oct 2024 | | Health | Amending SI laid |
| 16. | 507, 18 July 2024 | <u>The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024</u> | 3 – "The Welsh Government notes the point raised, but do not consider it to have any practical impact on the operation of the provision or instrument. However, as amending regulations are required to address reporting point 6, we | No | Corrections should have been made by the end of 2024. | Rural Affairs | Overdue |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | will take that opportunity to amend the provision.” | | | | |
| | | | 5 – “The Welsh Government notes the point raised, but do not consider it to have any practical impact on the operation of the provision or instrument. However, as amending regulations are required to address reporting point 6, we will take that opportunity to amend the provision.” | | | | |
| | | | 6 – “The Welsh Government notes the point and will amend these Regulations to achieve a consistent reference to a “period of 4 months”. This will | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | be addressed by amending regulations which we aim to introduce before the end of 2024.” | | | | |
| | | | 7 – “The Welsh Government notes the point raised, but do not consider it to have any practical impact on the operation of the provision or instrument. However, as amending regulations are required to address reporting point 6, we will take that opportunity to amend the provision.” | | | | |
| 17. | 510, 19 July 2024 | <u>The Education (Student Finance) (Miscellaneous Amendments)</u> | 1 – “We agree that there is a historical error and an error made by these Regulations that | No | The corrections are not technically overdue, but the same issues were raised during the | Education | Due within next 6 months (but see entry no.3) |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | <u>(Wales) Regulations 2024</u> | require correction and will look to make the necessary amendments in the next appropriate instrument. We anticipate that being in early 2025.” | | scrutiny of 431 (see entry no.3 above). | | |
| | | | 4 – “We agree that there is a historical error that requires correction and will look to make the necessary amendment in the next appropriate instrument. We anticipate that being in early 2025.” | | | | |
| 18. | 516, 11 Sept 2024 | <u>The Listed Buildings and Conservation Areas (Procedure and Interest Rate)</u> | 4, 5, 6 – WG response did not suggest amending the SI, but see correspondence | Yes <u>SL(6)555</u> , laid 29 Nov 2024 | <u>Letter to the Welsh Government</u> , 11 October 2024, and <u>Letter from the Welsh</u> | Culture | Amending SI laid |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | <u>(Wales) Regulations 2024</u> | | | Government , 24 October 2024 24 October letter states "we will address these points in a correcting instrument before the end of the year" | | |
| 19. | 517, 11 Sept 2024 | <u>The Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024</u> | 1 – "The Welsh Government notes the point and will consider whether to make any change when drafting the amending Regulations referred to in point 6." 3 – "The Welsh Government accepts the point. It is suitable for a correction slip but given the response to point 6 we will seek to include it in an amending instrument | Yes <u>SL(6)555</u> , laid 29 Nov 2024 | | | Amending SI laid |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | <p>before the end of the year.”</p> <p>6 – “The Welsh Government accepts the point and will make an amending instrument before the end of the year.”</p> <p>8 – “The Welsh Government accepts that it would be preferable to maintain the chronological order of the list. But the Welsh Government also notes that the amendment achieves the intended legal effect. Given the response to point 6, we will address the point in an amending instrument before the end of the year.”</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|-----|--------------------------|--|--|-------------------|--|---|--------------------------|
| | | | <p>9 – “The Welsh Government notes the point. The Welsh Government agrees that it is clear from the context that the intention is to refer to regulation 4(1) to (7) and regulation 5. Given the response to point 6 we will seek to include an amendment in an amending instrument before the end of the year.”</p> | | | | |
| 20. | 538, 18 Oct 2024 | <u>The Nutrition and Health Claims (Wales) (Amendment) Regulations 2024</u> | <p>The original response from the Welsh Government said correction slips would be sought.</p> <p>2 – “The Welsh Government agrees that the term “specified provision of the</p> | No | <u>Letter to the Welsh Government</u> , 28 November 2024, and <u>Letter from the Welsh Government</u> , 6 January 2025 | Wellbeing | Due within next 6 months |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|---|---|--------|
| | | | <p>Regulation" in the modified text of the 1990 Act has not been given a meaning. We are investigating with the SI Registrar the possibility of making the change by correction slip.</p> <p>3 – "The Welsh Government agree that the location of the modification to the 1990 Act is not correctly described and the numbering of "(1B)" should instead refer to "(1A)". We are investigating with the SI Registrar the possibility of making the change by correction slip.</p> <p>6 – "The Welsh Government agrees that the modification</p> | | <p>The Deputy Minister's letter of 6 January states that "the Welsh Government will now prepare further amending regulations to be laid early in the new year to correct all three points within one Statutory Instrument to aid in the accessibility of the law"</p> | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | to section 37(1) inserted by paragraph 5 of the new Schedule in relation to "unauthorised" is incorrect and should instead be "authorised". We are investigating with the SI Registrar the possibility of making the change by correction slip." | | | | |
| 21. | 544, 8 Nov 2024 | <u>The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024</u> | 1 – "The Welsh Government accepts that there is an inconsistency between the wording of the entries in Column 1 of Table 1 and will take steps to correct this when the instrument is next amended. However, the Welsh Government is satisfied | No | | Rural Affairs | Promised but no timeframe specified |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|---|-------------------|-----------------------------------|---|--------|
| | | | <p>that this difference does not undermine the legal effect of the instrument. The wording replicates that of the Animal Gatherings (Fees) (Wales) Order 2018 (the "2018 Order"), which is amended by this instrument. The 2018 Order makes provision for the determination of fees payable to the Welsh Ministers for the issue, amendment or renewal of licences for animal gatherings under the Animal Gatherings (Wales) Order 2010, amongst other provisions. At present, the prescribed fees included in the 2018 Order are scheduled to be</p> | | | | |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
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| | | | reviewed in 2026. However, in the meantime, should the powers under section 84(1) of the Animal Health Act 1981 be exercised by statutory instrument to prescribe other fees, the Welsh Government will consider amending Column 1 of Table 1 in that earlier instrument, if appropriate." | | | | |
| 22. | NA | Healthy food environment regulations | NA | NA | <u>Latest letter</u> , 1 July 2024 1 July letter states that the Welsh Government intended to lay the Regulations before the end of 2024. "The intention is for there to be a 12- | Health | Overdue |

| | SI number, and date laid | SI title | Relevant reporting points, and Welsh Government response | Amending SI laid? | Notes and relevant correspondence | Welsh Government department / policy area | Status |
|--|--------------------------|----------|--|-------------------|--|---|--------|
| | | | | | month implementation period, which would allow industry the time to make the necessary changes before, subject to Senedd approval, the coming into force of the regulations towards the end of 2025" | | |

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

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

April 2025

The Employment Rights Bill ("the Bill") was introduced in the House of Commons on 10 October 2024. Certain elements of the Bill require the legislative consent of the Senedd, and on 5 December 2024, I laid a Legislative Consent Memorandum for the Bill ('the LCM') before the Senedd. On 19 December I laid a supplementary LCM in respect of certain Government amendments to the Bill ('the SLCM').

On 31 January, the Legislation, Justice and Constitution Committee ('LJCC') wrote to me requesting further information on certain matters related to the Bill, to which I responded on 7 February. On 26 March the LJCC published a report ('the Report') on the LCM and the SLCM.

Responses to recommendations

This response addresses the single conclusion and two recommendations of the Report and uses the section numbering found in the Bill as amended at Public Committee in the House of Commons (which was used in the Report).

The Bill has not yet been debated by the Senedd.

LJCC Conclusion 1 - We agree with the Welsh Government's assessment that clauses 25, 26 and 61 of the Bill as introduced (clauses 27, 28 and 65 of the Bill as amended at Public Bill Committee) require the consent of the Senedd in accordance with Standing Order 29.

No response required.

LJCC Recommendation 1 - The Welsh Government should provide further information outlining why the consent of the Senedd is required for clauses 49, 52, 54 and 71 of the Bill as introduced (clauses 53, 56, 58 and 76 of the version as amended at Public Bill Committee).

Response: Accept

I am of the view that clauses 53, 56 and 58 have regard to devolved matters because they have an impact on Senedd legislation. These clauses make provision for Wales, England and Scotland identical to that made by parts of the Senedd's Trade Union (Wales) Act 2017. Therefore, these provisions render those parts of the Trade Union (Wales) Act 2017 redundant. Whilst the legal position will not be changed by these amendments, that position will no longer be the result of Senedd legislation – it will be the result of UK legislation.

Moreover, as the committee has identified, after the amendments come into force, the legal effect currently achieved by a Senedd Act will be achieved by an Act, the subject-matter of which is reserved by operation of paragraph 141 of Schedule 7A. Clause 76 amends the Trade Union (Wales) Act 2017 (by repealing section 1). It is the view of the Welsh Government that this direct amendment of a Senedd Act is inherently linked to the effect of clauses 53, 56 and 58 discussed above and so also requires an LCM.

LJCC Recommendation 2 – The Welsh Government should make representations to the UK Government to seek the Bill's amendment for the purposes of removing the Senedd Commission from the scope of clause 26 of the Bill as introduced (clause 28 in the version of the Bill as amended at Public Bill Committee).

Response: Reject

The UK Government is already able to make regulations on equalities matters which would apply to the Senedd Commission under section 153(1) of the Equality Act 2010.

Therefore, the creation of a new power for the Secretary of State to impose equalities-related duties on the Senedd Commission would be congruent with the existing legislative landscape. Moreover, excluding the Senedd Commission from the scope of that new power would create significant inconsistency for two reasons.

First, the Scottish Parliamentary Corporate Body and the Parliamentary Commissioner for Administration (the only other two entities listed as “Parliamentary and devolved bodies” in Schedule 19 to the Equality Act 2010) will be subject to regulations made under clause 28. It would be anomalous for the Senedd Commission to be excluded from the scope of that provision when other similar bodies are included, particularly when one of those bodies is the equivalent of the Senedd Commission for a different devolved administration.

Second, even if the Senedd Commission were carved out from the scope of clause 28, the Secretary of State would still be able to require it to do various things under section 153(1) of the Equality Act 2010 but not under the new section 78A of the same legislation. It would be incongruous if the Secretary of State could make regulations applicable to the Commission under section 153(1) but not under the new section 78A, given that both provisions deal with similar equalities-related issues.

Separately, were the Senedd Commission to be excluded from the scope of clause 28, the Welsh Ministers would not be able to impose equalities-related duties on the Senedd Commission via section 153(2) of the Equalities Act 2010. This is because the Senedd Commission is not listed in Part 2 of Schedule 19 to that Act. The result would be that the Senedd Commission would not be required to produce an equality action plan in relation to gender equality under any provision. This would essentially place it in a unique position as compared to other public bodies.



Eich cyf/Your ref
Ein cyf/Our ref

Andrew RT Davies MS
Chair, Economy, Trade & Rural Affairs Committee

30 April 2025

Dear Andrew RT Davies MS,

I am writing to thank you and your colleagues on the Economy, Trade and Rural Affairs Committee for considering the Welsh Government's legislative consent memoranda on the Employment Rights Bill.

In your report and letter to the Chair of the Legislation, Justice and Constitution Committee dated 13 February, you expressed concerns about the Senedd Commission being within scope of clause 26 (now clause 31 in the version of the Bill brought from the Commons to the Lords) of the Employment Rights Bill.

The Welsh Government believes it is appropriate and consistent with other legislation for the Senedd Commission to be within scope. The UK Government can already make regulations on equalities matters that apply to the Senedd Commission under section 153(1) of the Equality Act 2010.

The Senedd Commission, as with the Scottish Parliamentary Corporate Body, is listed under Part 1 of Schedule 19 to the Equality Act 2010. It is not listed with other relevant Welsh authorities in Part 2 of Schedule 19. It would be inconsistent for the Senedd Commission to be treated in a different manner to other equivalent parliamentary bodies.

Additionally, the Welsh Ministers cannot place equalities-related duties on the Senedd Commission via section 153(2) of the Equalities Act 2010. This is because the Senedd Commission is not listed in Part 2 of Schedule 19 to that Act. Excluding the Senedd Commission from the scope of clause 26 would place the Senedd Commission in an anomalous position.

I will be writing to the Llywydd and Chair of the Senedd Commission about this matter and the points raised in her letter dated 13 February to the Chair of the Legislation, Justice and Constitution Committee.

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

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

I am copying this letter to the Llywydd, to the Chair of the Legislation, Justice and Constitution Committee, and to the Chair of the Equality and Social Justice Committee.

Yours sincerely

A handwritten signature in black ink that reads "JACK SARGEANT". The signature is written in a cursive style with a large initial 'J'. A horizontal line is drawn underneath the signature, starting from the left and extending to the right, ending with a small dot.

Jack Sargeant AS/MS

Minister for Culture, Skills and Social Partnership

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

Agenda Item 7

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

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Agenda Item 9

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

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Agenda Item 11

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

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Agenda Item 14

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

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Agenda Item 15

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

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