

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 4, Tŷ Hywel

Meeting date: 29 September 2025

Meeting time: 13.00

For further information contact:

P Gareth Williams

Committee Clerk

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SeneddLJC@senedd.wales

Hybrid

Public meeting

(13.00 – 16.15)

1 Introduction, apologies, substitutions and declarations of interest

(13.00)

2 Building Safety (Wales) Bill: Evidence session with the Cabinet Secretary for Housing and Local Government

(13.00 – 14.00)

(To Follow)

[Building Safety \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Statement of policy intent](#)

[Supporting material for Sections 3 and 4 of the Bill](#)

[Additional supporting documents for the Bill](#)

Jayne Bryant MS, Cabinet Secretary for Housing and Local Government

Tania Nicholson, Deputy Director, Housing Quality, Welsh Government

Jo Newth, Lawyer, Welsh Government

Kim Phelps, Head of Building Safety Occupation Phase Policy, Welsh
Government

Steve Pomeroy, Head of Fire Services, Welsh Government



Attached Documents:

LJC(6)-26-25 – Paper 1 – Briefing paper

Break

(14.00 – 14.15)

3 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Evidence session with the Law Commission for England and Wales

(14.15 – 15.45)

(Pages 1 – 21)

Professor Alison Young, Law Commissioner for Public Law and the Law in Wales

Henni Ouahes, Head of Public Law for England and Wales

Attached Documents:

LJC(6)-26-25 – Paper 2 – Briefing Paper

Break

(15.45 – 15.50)

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

(15.50 – 15.55)

(Page 22)

Attached Documents:

LJC(6)-26-25 – Paper 3 – Draft report

Affirmative Resolution Instruments

4.1 SL(6)646 – The Corporate Joint Committees (Amendment to the Local Government Act 2003) (Wales) Regulations 2025

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

(15.55 – 16.00)

Made Negative Resolution Instruments

5.1 SL(6)647 – The School Teachers’ Pay and Conditions (Wales) Order 2025

(Pages 23 – 25)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-26-25 – Paper 4 – Draft report

Affirmative Resolution Instruments

5.2 SL(6)645 – The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2025

(Pages 26 – 29)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-26-25 – Paper 5 – Draft report

5.3 SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025

(Pages 30 – 31)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-26-25 – Paper 6 – Draft report

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

(16.00 – 16.05)

6.1 SL(6)615 – The Senedd Cymru (Representation of the People) Order 2025

(Pages 32 – 35)

Attached Documents:

LJC(6)-26-25 – Paper 7 – Letter to the Counsel General and Minister for

Delivery, 24 September 2025

LJC(6)-26-25 – Paper 8 – Letter from the Counsel General and Minister for
Delivery, 22 July 2025

7 Inter-Institutional Relations Agreement

(16.05 – 16.10)

8 Papers to note

(16.10 – 16.15)

8.1 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

(Pages 36 – 37)

Attached Documents:

LJC(6)-26-25 – Paper 9 – Welsh Government response, September 2025

9 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting

(16.15)

Private meeting

(16.15 – 17.20)

10 Building Safety (Wales) Bill: Consideration of evidence

(16.15 – 16.30)

11 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Consideration of evidence

(16.30 – 16.45)

12 International Agreements

(16.45 - 16.55)

(Pages 38 - 42)

Attached Documents:

LJC(6)-26-25 - Paper 10 - Research Briefing

13 Annual report 2024-25: Draft report

(16.55 - 17.20)

(To Follow)

Attached Documents:

LJC(6)-26-25 - Paper 11 - Draft report

Document is Restricted

Agenda Item 4

Statutory Instruments with Clear Reports 29 September 2025

SL(6)646 – [The Corporate Joint Committees \(Amendment to the Local Government Act 2003\) \(Wales\) Regulations 2025](#)

Procedure: Affirmative

Section 31 of the Local Government Act 2003 allows the Welsh Ministers to pay grants to local authorities in Wales. The definition of “local authorities” for the purposes of that section is set out in section 33 of that Act.

These Regulations add corporate joint committees (established under Part 5 of the Local Government and Elections (Wales) Act 2021) to the list of local authorities to which the Welsh Ministers may provide grant funding under the powers set out in the 2003 Act.

Parent Act: Local Government and Elections (Wales) Act 2021

Date Made:

Date Laid:

Coming into force date: 20 October 2025



SL(6)647 – The School Teachers’ Pay and Conditions (Wales) Order 2025

Background and Purpose

The School Teachers’ Pay and Conditions (Wales) Order 2025 (“the Order”) makes provision for the remuneration and conditions of employment of school teachers in Wales, to be determined by reference to the provisions set out in section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2025 and guidance on school teachers’ pay and conditions (“the Document”). The Document can be found on the Welsh Government [website](#).

Following consideration of the recommendation in the Independent Welsh Pay Review Body’s sixth report, a 4% uplift will be applied to all scale points and allowances.

The Order introduces new pay and allowance ranges in the national pay framework for school teachers in maintained schools in Wales only. Non-maintained schools in Wales have the freedom and flexibility to adopt pay and allowance ranges for their teachers which best reflect their local circumstances.

The Order will come into force on 7 October 2025. However, the provisions on teachers’ pay and conditions under section 2 of the Document will have retrospective effect from 1 September 2025 (such retrospective effect being permitted under the Education Act 2002).

The Order revokes the School Teachers’ Pay and Conditions (Wales) Order 2024 [S.I. 2024/1119 (W. 186)].

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

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

Merits Scrutiny

The following point is 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**



The Welsh Government's Regulatory Impact Assessment ("RIA") sets out the various options it identified when considering the remuneration and conditions of employment of school teachers in Wales. The options include implementing changes as recommended by the Independent Welsh Pay Review Body ("the IWPRB"), including a pay award of 4.8% (Option 2), and implementing a pay award of 4% (Option 3).

The Welsh Government outlines the costs associated with Option 2 in the RIA:

An increase of 4.8% across all teacher scale points and allowances equates to an estimated increase to the overall pay bill of £52.818m for financial year 2025-26 (September 2025 to March 2026) and £90.546m for the full academic year from financial year 2026-27.

Meeting the cost of teachers' pay is part of the core funding provided by local authorities as supported by the Local Government Settlement. However, where the pay award is higher than forecast in budgeting agreements, the Welsh Government has previously provided additional grant funding in-year to cover costs of higher pay settlements.

However, following careful consideration of the financial context, it is not affordable within Welsh Government budgets to provide full funding for the additional grant funding in-year. In this context, if the Welsh Government were to agree 4.8%, an element of this would be unfunded and create additional pressure on local authority and school budgets. This could result in redundancies which are already a concern to teaching unions and schools.

The Welsh Government also outlines the costs associated with Option 3 in the RIA:

An increase of 4% across all teacher scale points and allowances equates to an estimated increase to the overall pay bill of £10.4m for 7 months of 2025-26 and £17.8m for the full academic year (2026-27 Financial Year impact).

However, to mitigate the impact of these costs on school and local authority budgets, which have already been set for 2025-26, the Welsh Government will provide additional in-year grant funding via the Local Authority Education Grant, to support local authorities and schools with the pay uplift.

The Welsh Government states that Option 3 was chosen in view of the benefits and costs outlined in the RIA.

We note the Welsh Government's comments in the RIA in relation to consultation with stakeholders:

Overall, the response to the consultation was generally not supportive of the award of 4% due to it being lower than the IWPRB recommendation. However, all consultees stressed that the award needs to be fully funded.



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

24 September 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 5.2

SL(6)645 – The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2025

Background and Purpose

Under section 303 of the *Town and Country Planning Act 1990*, the Welsh Ministers may prescribe fees or charges in connection with planning functions.

Fee categories for planning applications are detailed in the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015* (the “**2015 Regulations**”).

The Explanatory Memorandum (“**EM**”) explains that such fees are intended to recover the cost of discharging the Development Management functions by Local Planning Authorities. It further explains that fee increases have not kept up with inflation or the direct cost of processing applications.

These Regulations (the “**2025 Regulations**”) amend the 2015 Regulations. The EM states that:

The purpose of this legislation is to make provision that will allow the Government to address the existing deficit between the cost of determining applications and the income received for providing this service by making provision for a more fair, effective and efficient system of updating and publicising fees.

The effect of the 2025 Regulations is that the existing established fee categories and structure set out in the 2015 Regulations (as amended) is retained, but any monetary values attributed to them are removed and will hereafter be published, amongst other information, in a Fee Document by the Welsh Ministers.

An example Fee Document which includes “the proposed fees for all categories” is contained in Annex A to the Explanatory Memorandum. A disclaimer states that it may be subject to “minor updates”.

Procedure

Draft Affirmative.

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



Technical Scrutiny

The following five 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 fails to fulfil statutory requirements

In regulation 2(3), in the new regulation 2ZA(2)(e), the reference is incorrectly described as "paragraphs (a), (c) and (d)". However, the reference should be described as "sub-paragraphs (a), (c) and (d)" because they are divisions of paragraph (2) in the new regulation 2ZA. It also means that the description is inconsistent with that found in regulation 2ZA(4) where similar divisions are correctly described as "sub-paragraphs (a) to (j) below" when referring to divisions of paragraph (4) in the new regulation 2ZA.

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

In regulation 2(3), in the new regulation 2ZA(4)(g), there is a difference between the English and Welsh text. In the English text, the provision is listed as "*regulation 15(1)(a) and (b) (fees for applications made under planning condition);*". However, the provision listed by the Welsh text is "*regulation 15(1)(a) and (b) (fees for applications made under planning condition) and Part 2 of Schedule 1 (scale of fees in respect of applications made or deemed to be made);*". Therefore, an additional provision is listed in the Welsh text of the new regulation 2ZA(4)(g) which is not found in the English text.

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

In regulation 3(9)(e)(i) and (ii), the locations for the textual amendments are incorrectly described as "in sub-paragraph (a)" and "in sub-paragraph (b)" respectively. However, the locations should be described "in paragraph (a)" and "in paragraph (b)" because they are divisions of sub-paragraph (3) in paragraph 5A of Part 1 of Schedule 1 to the 2015 Regulations.

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

In regulation 3(10)(c), it appears that the amendment fails to achieve its intended effect in the Welsh text of category 9(b) in the "fee payable" column of the Table in Part 2 of Schedule 1 to the 2015 Regulations.

This is because the phrase "*subject to a maximum in total*" is expressed as "*yn ddarostyngedig i uchafswm o*" in the existing Welsh text of category 9(b) rather than "*yn ddarostyngedig i'r cyfanswm uchaf o*" which is found in the other categories of that Table. As a result, the textual amendment in the Welsh text of regulation 3(10)(c) appears to fail to amend category



9(b) because it is described as only amending the sum which follows the specific words "cyfanswm uchaf o".

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

In regulation 4(2)(a), there is a difference between the English and Welsh text. In the English text, the amendment replaces the existing references to 2.5 hectares with new references to "**1.2** hectares". However, the Welsh text replaces those existing references with new references to "**1.5** hectares". In addition, in the Welsh text of regulation 4(2)(a) the phrase "each reference to" is not included in the description of the amendments although it is included in the amendment made by regulation 4(2)(b).

Merits Scrutiny

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

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

The Welsh Government consulted on proposals to update planning application fees in November 2024. The Committee notes that the EM contains a link to the relevant documentation and contains a summary of the details in section 5 of the EM.

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

A Regulatory Impact Assessment for the 2025 Regulations is contained in section 6 of the EM. Three substantive options were considered:

- Option 1 – do nothing (and retain the existing 2020 fee level);
- Option 2 – Increase fees to Full Cost Recovery ("**FCR**");
- Option 3 – Implement a gradual increase in fees to achieve FCR over a 3-5 year period, except for larger households.

In summary, the EM states:

7.1 It is recognised that periodically increasing planning fees by a certain percentage, including the retention of the current imbalance between smaller and householder applications and major applications, is no longer sustainable. The current fee regime does not address the changes to, and the complexities of running a development management service at the local level. LPAs are unable to resource their development management services adequately when the fee regime is constantly playing 'catch up' and as a result, LPAs are moving further away from cost recovery. If this situation is allowed to continue, it is likely to have a detrimental impact on the development and



management of land in Wales, and our ability to make economic, social and environmental progress as a nation. [...]

7.3 There was considerable support across all sectors for increases to planning fees from all sectors for a fee structure based on FCR and annual inflationary updates (based on CPI) by publication. On this basis both Options 2 (FCR) and 3 (FCR Pathway) would achieve the policy intent.

7.4 Option 3 has been selected as the preferred option. This is because Option 3 allows for fees to be implemented on a phased basis. It ensures that fees for planning applications are set at or close to FCR, but through a gradual approach. The timeframe for reaching FCR has been carefully considered. Most application types will reach FCR within 3 years, while the remaining types will do so in approximately 5 years. This approach involves modest and incremental fee increases, progressing towards the goal of FCR. It aims to balance ensuring applicants can plan for and absorb these costs, while also providing financial relief to struggling LPAs.

Welsh Government response

A Welsh Government response is required for the technical points only.

Legal Advisers

Legislation, Justice and Constitution Committee

22 September 2025



Agenda Item 5.3

SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025

Background and Purpose

Part 6 of the Public Health (Wales) Act 2017 (“the 2017 Act”) makes provision for listed public bodies to undertake Health Impact Assessments (HIAs). A HIA is defined as an assessment of the likely effect, both in the short and long term, of a proposed action or decision on the physical and mental health of all or some of the people of Wales.

Under section 108(1) of the 2017 Act the Welsh Ministers must specify the circumstances in which a HIA, and the way in which a HIA is carried out, within regulations. These Regulations make that provision. They require a public body carries out a HIA when it proposes to make a decision of a strategic nature about how to exercise its functions. They provide that the HIA must:

- identify the decision to which it relates;
- identify the population group potentially affected and the effects of the decision on that group;
- identify and assess any measures that may prevent, reduce or mitigate negative effects or increase positive ones;
- identify and assess anything else the public body considers relevant to the HIA.

The regulations also:

- require Public Health Wales issue guidance to assist public bodies carrying out a HIA;
- require publication of a HIA as soon as reasonably practicable after it is carried out;
- amend the list of public bodies required to carry out a HIA under section 110(1).

Procedure

Draft Affirmative.

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

Technical Scrutiny

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

- 1. Standing Order 21.2(ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made**



Section 108(4) of the 2017 Act provides that Welsh Ministers regulations may require Public Health Wales to give assistance to another public body carrying out a HIA. Section 108(5) provides that the regulations may set out how the assistance is to be given. Regulation 5 of these regulations provides that Public Health Wales must publish guidance to assist public bodies carrying out a HIA, and that is the full extent of the provision made under section 108(4) and (5).

Paragraph 4.32 of the Explanatory Memorandum laid before the Senedd in relation to these Regulations says:

"In addition to guidance, PHW will be required to provide a programme of support to public bodies to include training, toolkits, maintenance of a HIA practitioner network and other activities beneficial to public bodies."

The Welsh Government is asked to explain the basis upon which PHW will be required to provide this additional support and to clarify why these obligations have not been specified in these Regulations.

Merits Scrutiny

The following 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

The 2017 Act received Royal Assent on 3 July 2017. Pursuant to section 126 a small number of sections came into force on Royal Assent leaving the majority to be commenced by Order of the Welsh Ministers. The Welsh Ministers made the Public Health (Wales) Act 2017 (Commencement No. 9) Order 2025 on 16 September 2025 to commence Part 6 of the 2017 Act on 19 September 2025, a little over 8 years after Part 6 was enacted. Please can the Welsh Government explain why Part 6 has not been commenced until now?

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

24 September 2025



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**Legislation, Justice and
Constitution Committee**

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Julie James MS
Counsel General and Minister for Delivery

24 September 2025

Dear Julie

The Senedd Cymru (Representation of the People) Order 2025

Thank you for your letter of 22 July 2025 regarding the Committee's scrutiny of the draft Senedd Cymru (Representation of the People) Order 2025 (the Order). We note your comments.

The Committee is unanimous in its view that it is not a matter for the Welsh Government to suggest how a Senedd Committee should exercise its scrutiny function and hold the Welsh Government to account. Specifically, as regards automatic voter registration, as the Committee responsible for scrutiny of constitutional matters, it is legitimate for the Committee to question the Welsh Government on this subject and to do so alongside our scrutiny of the Order; we consider both matters to be relevant to Senedd Elections.

In your letter you state:

"I am concerned that the Committee's focus on minor drafting and typographical points, and minor inconsistencies between the English and Welsh texts diminishes its wider and more important scrutiny role and had a detrimental impact on the quality of the debate on this Order as this, rather than the content of the Order, was the focus of proceedings."

Reporting on drafting and linguistic inconsistencies fulfils our obligations under Standing Order 21.2 and the Welsh Government should therefore expect members of this Committee to speak to such matters in the debate. We recognise the benefits the Order brings in terms of greater accessibility and its bilingualism; however, that accessibility and bilingualism is impacted negatively by the points made in our report and for such an important Order the issues we raised were legitimate matters of concern.

You will be aware that, in providing a draft report to the Welsh Government on a particular statutory instrument, Senedd Legal Services will (where appropriate) provide any additional points for consideration that do not meet the threshold for reporting but that might be helpful to the government. Such points are provided in a spirit of cooperation and a shared endeavour to produce a robust body of Welsh law. As these additional points do not form part of the Committee's formal scrutiny, they are not normally mentioned in Committee reports laid before the Senedd. However, you will no doubt know that, alongside our draft report on the draft Order which contained 42 reporting points, 86 additional points that did not meet the reporting threshold were drawn to the Welsh Government's attention.

You also made reference to the practice of the UK Parliament's Joint Committee on Statutory Instruments. Our Committee's predecessor, the Constitutional and Legislative Affairs Committee, adopted a similar approach until 2018. Instead, by exception, informal checks are now only carried out by our officials on instruments that are considered to be lengthy, novel or complex. Given the constitutional significance and the complexity of the Order, the Welsh Government was provided with informal comments on the draft Order 11 weeks in advance of the draft report being sent through formally.

Our scrutiny role is focused on complying with our obligations under Standing Orders and, more widely, helping to ensure that bilingual statutory instruments are accurate, accessible and leave the reader in no doubt as to their meaning.

This Committee has continued to express concerns about the number of inaccuracies in legislation laid before the Senedd; we would therefore welcome a meeting to discuss how this situation could be improved.

I am copying this letter to the Llywydd and to the First Minister.

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



Mike Hedges, Chair
Legislation, Justice and Constitution
Committee
Tŷ Hywel
Senedd
CF99 1NA

22 July 2025

Dear Mike,

The Senedd Cymru (Representation of the People) Order 2025

You wrote on 7 July to the Cabinet Secretary for Housing and Local Government regarding The Senedd Cymru (Representation of the People) Order 2025. As the Cabinet member responsible for the Legislative Programme, I am responding on behalf of the Government.

The Order has been redrafted as a single instrument which reflects modern drafting practices, is more concise than its predecessor Orders and employs suitable and modern terminology. Very importantly, the Order has been made bilingually for the first time, meaning the rules for the elections to our Parliament are written in the two official languages of our nation for the first time. Our electoral reform principles of accessibility, equity, improving citizen experience, participation, simplicity, and integrity have been at the forefront of the work of consolidating and modernising the Order.

The extensive consultation and developmental work undertaken has resulted in an excellent piece of legislation. Neither the Reform Bill Committee nor the Legislation, Justice and Constitution Committee identified any issues with the explanatory material, and there was no challenge to the policy that underpins the Order in either their initial reports or in subsequent correspondence. I am therefore very disappointed that rather than focusing on the merits of the Order, the Legislation, Justice and Constitution Committee used their scrutiny as an opportunity to consider wider electoral policy. Automatic Voter Registration is a separate matter, and the First Minister outlined the Government's position during First Minister's Questions on 8 July.

I strongly reject the assertion in your letter that the Welsh Government mishandled the drafting of the Order. Your letter referred to errors that the Committee identified in the draft Order but, as you are aware, these are not errors. They are points identified for reporting under Standing Order 21.2 that the Committee brought to the Government's attention and the Government responded appropriately. The Government agreed with 20 of the 36

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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.

technical reporting points and the proposed changes to the Order were set out in the Government response that was made available to Senedd Members via the Plenary agenda. However, we did not agree with the remaining 16 technical reporting points.

Due to the extensive and complex nature of the Order, there was always the potential for reporting points, and I reject any notion that the number of amendments is considerable given the size of the Order, which is over 800 pages in length and almost 270,000 words in aggregate across both languages.

During the debate on this Order, you noted that ‘the Welsh Government has previously given a commitment to the Senedd that corrections would only be made to an instrument after its approval by the Senedd and prior to being signed into law by a Welsh Minister when the error in question is very minor’. These amendments are very minor in nature, and they do not change the meaning or legal effect of any of the provisions being amended. Even taken as whole, the effect of the amendments do not substantially change the Order and the Order would remain fit for purpose without these changes. I am therefore content that the use of the correction process is appropriate.

The Legislation, Justice and Constitution Committee plays an important role in the legislative scrutiny process, and Members of the Senedd rely on the advice that it provides. I am concerned that the Committee’s focus on minor drafting and typographical points, and minor inconsistencies between the English and Welsh texts diminishes its wider and more important scrutiny role and had a detrimental impact on the quality of the debate on this Order as this, rather than the content of the Order, was the focus of proceedings.

I am also extremely concerned about some of the regrettable language used at points during the scrutiny process and in correspondence with the Cabinet Secretary for Housing and Local Government which I do not feel is an appropriate form of expressing views.

The Welsh Government is keen to continue to work collaboratively with the Senedd and the Legislation, Justice and Constitution Committee and I would welcome a meeting with you and the Llywydd to consider how we can work together to improve the scrutiny process. In the UK Parliament for example, the Joint Committee for Statutory Instruments undertakes pre-scrutiny of some statutory instruments which provides the Government and the legislature with an opportunity to identify and resolve these minor points before the legislature formally considers the item. If we were to adopt a similar process, this would have a significant impact on the quality of scrutiny and debate in the Senedd on subordinate legislation.

I have copied this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, and the Rt Hon Elin Jones MS, Llywydd.

Yours sincerely,



Julie James AS/MS

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

Agenda Item 8.1

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

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

September 2025

In September 2025 the Legislation, Justice and Constitution Committee submitted its report on the Supplementary Legislative Consent Memorandum for the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill. The report includes one conclusion and one recommendation. This is the Welsh Government response to that report.

Introduction

The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill ("the Bill") was introduced in the House of Commons on 16 October 2024. The Bill is a Private Members' Bill, introduced by Dr Danny Chambers MP and is supported by the Department for Environment, Food and Rural Affairs. The Bill makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom from third countries on animal welfare grounds. The Bill completed its passage through the House of Commons on 4 July 2025 and received its Second Reading in the House of Lords on 5 September.

Legislative consent is required as the Bill makes provision with regard to devolved matters in so far as it applies to Wales, notably, animal welfare. A Legislative Consent Memorandum (LCM) was laid before the Senedd on 21 May 2025 with a supplementary LCM laid on 7 August 2025.

On 16 September 2025, the Bill was debated in the Senedd and was passed with no objections.

The Legislation, Justice and Constitution Committee (LJCC) agreed its report on the supplementary LCM on 16 September 2025. The Report contained one conclusion and one recommendation.

With thanks to the members of the LJCC for their report on the Bill, I have set out my response to the Report's conclusion and recommendation below.

Conclusion 1

The Committee concludes:

“We agree with the Welsh Government’s assessment, as set out in Memorandum No. 2, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.”

Response: The Welsh Government notes this conclusion.

Recommendation 1

The Committee recommends:

“The Cabinet Secretary should explain what representations were made to the UK Government for the inclusion of commencement powers for the Welsh Ministers in the Bill.”

Response: Commencement powers are needed to allow for a coordinated, streamlined approach across the UK. A GB-wide approach delivers clear operational benefits, ensuring consistency on export and import controls at borders and avoiding unnecessary complexity for animal keepers, transporters and enforcement bodies. Alignment strengthens enforcement, prevents loopholes and provides legal clarity.

My officials have worked closely with their Defra counterparts on the development of the Bill and representations on commencement powers were raised during these discussions. I have received assurances that this close collaboration will continue as the Bill progresses and we will be consulted on commencement matters, including the commencement date.

This is now the third time seeking to pass this Bill and I have committed not to seek any amendments in order to support its successful passage through Parliament. My priority is to see this important Bill finally realised, and for these reasons, I did not pursue a separate consent mechanism.

Financial Implications: None.

Agenda Item 12

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

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