

# Agenda – Constitutional and Legislative Affairs Committee

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Meeting Venue:	For further information contact:
Committee Room 2 – Senedd	Gareth Williams
Meeting date: Monday, 12 September 2016	Committee Clerk 0300 200 6565
Meeting time: 14.30	<a href="mailto:SeneddCLA@assembly.wales">SeneddCLA@assembly.wales</a>

**1 Introduction, apologies, substitutions and declarations of interest**

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

(Pages 1 – 3)

**CLA(5)–04–16 – Paper 1 – Statutory Instruments with clear reports**

Negative Resolution Instruments

**SL(5)007 – The Food for Specific Groups (Information and Compositional  
Requirements) (Wales) Regulation 2016**

**SL(5)010 – The National Curriculum (Miscellaneous Amendments) (Wales)  
Regulations 2016**

**SL(5)011 – The National Curriculum (Desirable Outcomes, Educational  
Programmes and Baseline and End of Phase Assessment Arrangements for the  
Foundation Phase) (Wales) (Amendment) Order 2016**

**SL(5)012 – Water Quality and Supply (Fees) (Undertakers Wholly or Mainly in  
Wales) Order 2016**



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

Negative Resolution Instruments

**SL(5)013 – The Food Hygiene (Wales) (Amendment) Regulations 2016**

(Pages 4 – 11)

**CLA(5)–04–16 – Paper 2 – Report**

**CLA(5)–04–16 – Paper 3 – Regulations**

**CLA(5)–04–16 – Paper 4 – Explanatory Memorandum**

### **4 Paper(s) to note**

**Wales Bill: Correspondence from the Committee to the Secretary of State for Wales**

(Pages 12 – 17)

**CLA(5)–04–16 – Paper 5 – Correspondence from the Committee to the Secretary of State for Wales, 5 July 2016**

**CLA(5)–04–16 – Paper 6 – Correspondence from the Committee to the Secretary of State for Wales, 18 August 2016**

**CLA(5)–04–16 – Paper 7 – Correspondence from the Secretary of State for Wales to the Committee, 7 September 2016**

**Wales Bill: Correspondence with the House of Lords Constitution Committee**

(Pages 18 – 20)

**CLA(5)–04–16 – Paper 8 – Correspondence to the House of Lords Constitution Committee, 14 July 2016**

**CLA(5)–04–16 – Paper 9 – Correspondence from the House of Lords Constitution Committee, 20 July 2016**

**Written Statement by the Cabinet Secretary for Economy and Infrastructure:  
Consultation on proposals for secondary legislation to support the Historic  
Environment (Wales) Act 2016 and various best-practice guidance documents**

(Pages 21 – 23)

**CLA(5)-04-16 – Paper 10 – Written Statement by the Cabinet Secretary for  
Economy and Infrastructure, 11 July 2016**

**SL(5)005 – The Waste (Meaning of Recovery) (Miscellaneous Amendments) (Wales)  
Regulations 2016: Correspondence from the Cabinet Secretary for Environment  
and Rural Affairs**

(Pages 24 – 28)

**CLA(5)-04-16 – Paper 11 – SL(5)005 – The Waste (Meaning of Recovery)  
(Miscellaneous Amendments) (Wales) Regulations 2016 – Correspondence from  
the Cabinet Secretary for Environment and Rural Affairs, 13 July 2016**

**Correspondence from the Llywydd: Committee Statements in Plenary**

(Pages 29 – 30)

**CLA(5)-04-16 – Paper 12 – Correspondence from the Llywydd, 21 July 2016**

**Remits of Committees: External Affairs and Additional Legislation Committee**

(Pages 31 – 36)

**CLA(5)-04-16 – Paper 13 – Correspondence from the Llywydd (Presiding Officer)  
to the External Affairs and Additional Legislation Committee, 22 July 2016**

**CLA(5)-04-16 – Paper 14 – Correspondence from the Chair of the External Affairs  
and Additional Legislation Committee, 25 August 2016**

**CLA(5)-04-16 – Paper 15 – Business Committee report on revising the remit of  
the External Affairs and Additional Legislation Committee**

**5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

(iv) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;

(ix) any matter relating to the internal business of the Committee, or of the Assembly is to be discussed.

**6 Wales Bill: Legal briefing and update**

(Pages 37 – 66)

CLA(5)-04-16 – Paper 16 – Update paper

CLA(5)-04-16 – Paper 17 – Legal briefing

CLA(5)-04-16 – Paper 18 – Legal briefing

**7 Constitutional and Legislative Affairs Committee: Ways of working**

(Pages 67 – 81)

CLA(5)-04-16 – Paper 19 – Ways of working

**Date of the next meeting**

19 September 2016

Statutory Instruments with Clear Reports

12 September 2016

**SL(5)007 – The Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016**

Procedure: Negative

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EU Regulation 609/2013 (the EU Regulation) regulates the compositional and labelling requirements of food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control. The EU Regulation has direct effect in Wales, meaning that the compositional and labelling requirements apply automatically in Wales without the need to enact domestic legislation.

The Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016 (the Wales Regulations) provides for the enforcement of certain parts of the EU Regulation. The Wales Regulations do this by providing for improvement notices to be given to persons who fail to comply with the requirements of the EU Regulation. Failure to comply with an improvement notice would be a criminal offence.

**Parent Act:** Food Safety Act 1990; The European Communities Act 1972

**Date Made:** 12 July 2016

**Date Laid:** 12 July 2016

**Coming into force date:** 2 August 2016

**SL(5)010 – The National Curriculum (Miscellaneous Amendments) (Wales) Regulations 2016**

Procedure: Negative

These Regulations amend 4 sets of regulations relating primarily to the collection and reporting of information on assessment in the Foundation Phase.

**Parent Act:** Education Act 1996; Education 2002

**Date Made:** 5 August 2016

**Date Laid:** 10 August 2016

**Coming into force date:** 1 September 2016



# SL(5)011 – The National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) (Amendment) Order 2016

Procedure: Negative

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This Order amends the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015.

Under section 108(2) of the Education Act 2002 the Welsh Ministers may specify, by Order, the areas of learning for the foundation phase and in relation to each of those areas of learning such desirable outcomes, programmes of study and assessment arrangements as they consider appropriate.

**Parent Act:** Education Act 2002

**Date Made:** 5 August 2016

**Date Laid:** 10 August 2016

**Coming into force date:** 1 September 2016

# SL(5)012 – The Water Quality and Supply (Fees) (Undertakers Wholly or Mainly in Wales) Order 2016

Procedure: Negative

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This Order provides for fees to be payable, and sets out how the amounts of such fees are to be determined, for the exercise of a function by an inspector appointed by the Welsh Ministers under section 86 of the Water Industry Act 1991. The functions are related to the following investigations and reporting requirements—

- checking water sampling and analysis arrangements;
- checking water supply management arrangements;
- investigating an event, incident, emergency or other matter arising from the quality or sufficiency of water;
- checking the handling and reporting of consumer complaints about water quality or sufficiency; and
- checking compliance with requirements to furnish information to, or to notify, the Welsh Ministers concerning these arrangements and matters.

**Parent Act:** Water Industry Act 1991



**Date Made:** 9 August 2016

**Date Laid:** 17 August 2016

**Coming into force date:** 8 September 2016



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Agenda Item 3.1

## Constitutional and Legislative Affairs Committee Draft Report

**Title:** The Food Hygiene (Wales) (Amendment) Regulations 2016

These Regulations amend the Food Hygiene (Wales) Regulations 2006 to provide for the execution and enforcement of EU Regulation 2015/1375 which lays down specific rules on official controls of *Trichinella* in meat. *Trichinella* is a minute parasitic nematode worm.

**Procedure:** Negative

### Technical Scrutiny

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

### Merits Scrutiny

One point identified is for reporting under Standing Order 21.3(ii) in respect of this instrument, in that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

The point is neatly summarised in the Explanatory Memorandum to the Regulations:

#### ***Matters of Special Interest to the Constitutional Affairs Committee***

*Paragraph 2 of Schedule 2 of the [European Communities Act 1972] provides a choice whether to use the affirmative or negative procedure. Minister for Social Services and Public Health is of the view that the Regulations should follow the negative procedure as the Welsh Ministers are only providing for the effective enforcement of the EU Regulation, and have no discretion as to the substantive rights and obligations imposed by the new Commission Regulation, which is directly applicable.*

Use of the negative procedure seems appropriate for these Regulations.

### Legal Advisers

**Constitutional and Legislative Affairs Committee  
September 2016**



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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2016 No. 845 (W. 214)**

**FOOD, WALES**

**The Food Hygiene (Wales)  
(Amendment) Regulations 2016**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make various amendments to the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W. 5)) to provide for the execution and enforcement in Wales of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat (OJ No L 212, 11.8.2015, p 7).

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

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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2016 No. 845 (W. 214)**

**FOOD, WALES**

**The Food Hygiene (Wales)  
(Amendment) Regulations 2016**

*Made* 16 August 2016

*Laid before the National Assembly for Wales*  
19 August 2016

*Coming into force* 15 October 2016

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food<sup>(2)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that is expedient for references to an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex as amended from time to time.

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) (“the 2008 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by Part 1 of 2008 Act and S.I. 2007/1388.

(2) S.I. 2005/1971. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the National Assembly for Wales by this designation order are transferred to the Welsh Ministers.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(1)</sup> during the preparation and evaluation of these Regulations.

#### **Title, application and commencement**

**1.**—(1) The title of these Regulations is the Food Hygiene (Wales) (Amendment) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 15 October 2016.

#### **Amendment of the Food Hygiene (Wales) Regulations 2006**

**2.**—(1) The Food Hygiene (Wales) Regulations 2006<sup>(2)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “the Community Regulations” for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and

(b) in the definition beginning “Decision 2006/766”—

(i) for ““Regulation 2075/2005” (*“Rheoliad 2075/2005”*)” substitute ““Regulation 2015/1375” (*“Rheoliad 2015/1375”*)”; and

(ii) omit ““Regulation 1109/2011 (*“Rheoliad 1109/2011”*)”.

(3) In Schedule 1 (definitions of EU legislation)—

(a) in the definition of “Regulation 854/2004” (*“Rheoliad 854/2004”*), for “Regulation 2075/2005” substitute “Regulation 2015/1375”;

(b) omit the definition of “Regulation 2075/2005” (*“Rheoliad 2075/2005”*);

(c) omit the definition of “Regulation 1109/2011” (*“Rheoliad 1109/2011”*); and

(d) at the end of the Schedule add the following definition—

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(1) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014.

(2) S.I. 2006/31 (W. 5) amended by S.I. 2010/893 (W. 92), S.I. 2011/1043, S.I. 2012/975 (W. 129), S.I. 2012/1765 (W. 225), S.I. 2013/479 (W. 55), S.I. 2013/3007 (W. 298), S.I. 2013/3049 (W. 308), S.I. 2014/1858 (W. 192), S.I. 2014/2303 (W. 227), S.I. 2014/3080 (W. 305).

““Regulation 2015/1375” (*Rheoliad 2015/1375*) means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat<sup>(1)</sup>.”

(4) In Schedule 2 (specified Community provisions)—

(a) in the first column of the final entry, for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and

(b) in the second column of the final entry, for the existing text substitute the following—

“Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings’ *Trichinella* status.”

*Rebecca Evans*

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers  
16 August 2016

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(1) OJ No L 212, 11.8.2015, p 7.

## **Explanatory Memorandum to the Food Hygiene (Wales) (Amendment) Regulations 2016**

This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Member's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Food Hygiene (Wales) (Amendment) Regulations 2016

Rebecca Evans  
Minister for Social Services and Public Health

19 August 2016

## **Explanatory Memorandum for the Food Hygiene (Wales) (Amendment) Regulations 2016**

### **1. Description**

These Regulations replace references in the Food Hygiene (Wales) Regulations 2006 to the now-repealed Regulation (EC) No. 2075/2005 with references to Commission Implementing Regulation (EU) No. 2015/1375 laying down specific rules on official controls for *Trichinella* in meat (“the new Commission Regulation”). The Regulations also remove the references in the Food Hygiene (Wales) Regulations 2006 to Regulation (EU) No. 1109/2011, which had amended the Annex to Regulation (EC) No. 2075/2005. The new Commission Regulation came into force in August 2015, consolidated the *Trichinella*-related EU law provisions in one Regulation, and repealed Regulation (EC) No. 2075/2005 as amended. The new Commission Regulation also re-enacts two flexibilities in relation to *Trichinella* testing which had originally been included in Commission Implementing Regulation (EU) No. 1114/2014; the first allows horse carcasses to be cut into a maximum of six parts in slaughterhouses or in a cutting plant on the same premises pending results from *Trichinella* testing. The second is the introduction of an additional testing method for *Trichinella* in domestic swine.

### **2. Matters of Special Interest to the Constitutional Affairs Committee**

Paragraph 2 of Schedule 2 of the 1972 Act provides a choice whether to use the affirmative or negative procedure. Minister for Social Services and Public Health is of the view that the Regulations should follow the negative procedure as the Welsh Ministers are only providing for the effective enforcement of the EU Regulation, and have no discretion as to the substantive rights and obligations imposed by the new Commission Regulation, which is directly applicable.

### **3. Legislative Background**

In June 2015 the Commission put forward a proposal that Regulation (EC) 2075/2005 and all of its amendments go through a codification process in order to create a new Regulation that consolidates the previous version and all of its amendments. The new Commission Regulation, which repealed Regulation (EC) No. 2075/2005 as amended, came into force in August 2015.

The powers enabling this instrument to be made by the Welsh Ministers are those in section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the 1972 Act”).

The Welsh Ministers are designated for purposes of section 2(2) of the 1972 Act in relation to measures relating to food (including drink) including the primary production of food. The relevant designation order is the European Communities (Designation No.2) Order 2005/1971, which conferred functions on the National Assembly for Wales. Those functions were transferred to the Welsh Ministers by paragraphs 28 and 30 of Schedule 11 to GOWA 2006.

These Regulations are made using the negative resolution procedure.

#### **4. Purpose and Intended Effect of the Legislation**

These Regulations replace references in the Food Hygiene (Wales) Regulations 2006 to the now-repealed Regulation (EC) No. 2075/2005 with references to the new Commission Regulation. The Regulations also remove references in the Food Hygiene (Wales) Regulations 2006 to Regulation (EU) No. 1109/2011, which had amended the Annex to repealed Regulation (EC) No. 2075/2005.

The new Commission Regulation repealed Regulation (EC) No. 2075/2005 as amended and consolidated the provisions at EU level that have applied since 2005 remaking them in the new codified Commission Regulation.

This codification includes minor changes to the specific rules on the controls for *Trichinella* that were initially made in Commission Implementing Regulation (EU) 1114/2014. These changes introduced two new flexibilities; the first allows horse carcasses to be cut into a maximum of six parts in slaughterhouses or in a cutting plant on the same premises pending results from *Trichinella* testing. The second is the introduction of additional testing method for *Trichinella* in domestic swine.

#### **5. Consultation**

The Food Standards Agency carried out a shortened six-week consultation that ran from the 25 January to 7 March 2016. There were no responses to the consultation in Wales.

#### **6. Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared to accompany these Regulations as it consolidates existing legislation, the latest of which was the subject of a full assessment in 2014, and does not change the requirements. As the interpretation of the Regulation remains the same and the flexibilities have no negative impact on UK practices, a further Regulatory Impact Assessment is therefore not required.

Rt Hon. Alun Cairns MP  
Secretary of State for Wales  
Wales Office,  
Gwydyr House,  
Whitehall,  
London,  
SW1A 2NP

5 July 2016

Dear Alun

## Wales Bill

Thank you for your letter sent to my predecessor, David Melding AM, dated 30 June, which we received on 5 July.

As you will be aware, we have expressed our serious concern and disappointment that you have to date been unable to accept our invitation to give evidence on the Wales Bill – a major constitutional piece of legislation that has significant implications for the Assembly.

Our concern has been compounded by two developments: first, the speed with which scrutiny is being undertaken in the House of Commons, reducing the amount of time for considered and measured thought on a significant piece of constitutional law; secondly, by the evidence we have already taken on the Bill from the First Minister and distinguished legal practitioners and academics, which we refer to below.

While we appreciate you have a very busy diary, we have been and remain extremely flexible in terms of a date and time. We have also offered the





opportunity for you to give evidence via video-conference as an alternative, and we hope that this may still be possible if you cannot attend in person.

We are aware that you are coming to address the Assembly on 6 July, and are still unclear why you are unable to give evidence to us on this day, particularly in light of your clear expressed desire – like your predecessor who did appear in front of this Committee – to adopt an open and constructive approach to the Bill.

This Bill is a significant constitutional development for Wales, and it is essential that the Assembly has the opportunity to consider the Bill and the implications for Wales. We have built relationships with key stakeholders and Welsh citizens, which helps inform our scrutiny, and we feel that bringing this expertise to bear on scrutiny of the Bill, will help the UK Government to deliver the lasting, durable settlement that you, and we, are seeking.

We have already heard clear and authoritative evidence that while the Bill is an improvement on the draft Bill in some areas, as currently drafted it could impact negatively on the current devolution settlement. Significant concerns remain over the Bill's unnecessary complexity, its durability, and the potential for a detrimental impact on the Assembly's ability to legislate in a coherent and joined up-manner. We believe that the opportunity to explore these issues with you directly would be of benefit to the development of the Bill and would help deliver our shared aim of seeking a fair settlement for Wales.

If we cannot persuade you to appear before us to explain the impact of the Bill on the existing devolution settlement, our report will have to make it clear that it has been materially affected by your decision not to attend.

I do hope you will look favourably on this further request.

Yours sincerely,

*Huw Irranca-Davies*

**Huw Irranca-Davies AM**  
**Chair**

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



Rt Hon. Alun Cairns MP  
Secretary of State for Wales  
Wales Office,  
Gwydyr House,  
Whitehall,  
London,  
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18 August 2016

Dear Alun

## **Wales Bill**

As you know, we have been working to come to an arrangement to take evidence from you on the Wales Bill.

We were heartened by your response during the debate on the Queen's Speech in Plenary in July about our invitation. We would like to now find a resolution which is mutually satisfactory, in the interest of improving this important legislation.

My committee has been following with keen interest the scrutiny of the Bill in the House of Commons. In doing this, we have been monitoring whether the issues raised with us by stakeholders have been adequately considered. We believe there are still a number of key issues that would benefit from being explored directly with you.

The nature of the Westminster scrutiny process means that crucial stakeholders in Wales have not had the opportunity to input directly and publicly during parliamentary consideration of the Bill. However, they have been able to do this as part of our detailed scrutiny of the Bill, and we would like to ensure their voice is heard as the final version of the Bill takes shape. We know that stakeholders



played a vital role in refining the draft Bill, and it is clear that some of the improvements in the current Bill are a direct result of their input. We believe that by talking to us in public, it would help improve the Bill further.

While we welcome your offer to speak to the Committee in private, we believe that for such a significant piece of constitutional legislation, which we all hope will be a durable and lasting settlement, it is important that our discussions are held in public. As well as ensuring the scrutiny process is transparent, it would deliver on commitments given by the former Secretary of State for Wales to work together to get the Bill right.

We are hoping to publish our findings in early October, and would like to have taken evidence from you before this. As we have previously stated, we can be flexible to accommodate your diary, and if necessary, we can take evidence via video-conference.

I do hope that we will be able to welcome you to the Committee in September.

Yours sincerely,

*Huw Irranca-Davies*

**Huw Irranca-Davies AM**  
**Chair**

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





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Ref: 61SOS 16

7 September 2016

Dear Huw,

## **WALES BILL**

Thank you for your letter of 18 August regarding the Constitutional and Legislative Affairs Committee's consideration of the Wales Bill. Your office has subsequently been in touch with mine to arrange for me to brief the Committee on the Wales Bill in private, via video conference.

I want work on the Bill to continue in the spirit of close co-operation that has been evident thus far and welcome the Committee's scrutiny of the Bill. However, the Wales Bill will conclude its Commons stages early next week, by when the UK Government will have confirmed policy on all its key provisions and MPs will have had a number of opportunities to modify the legislation. I intend to meet with Assembly Party Leaders individually and am happy to meet you on a similar basis.

More widely, I simply do not agree with your comments that stakeholders outside Parliament have not had sufficient opportunity to contribute to debate on the Bill. We published the Bill in draft almost twelve months ago to enable wide-ranging public debate on the future shape of Welsh devolution. We listened to, and acted on points raised during that debate and have continued to seek the views of stakeholders about further improvements.

The draft Bill also benefitted from pre-legislative scrutiny by the House of Commons Welsh Affairs Committee, and from scrutiny by your Committee in the last Assembly. All in all, this Wales Bill has been much more thoroughly scrutinised than its predecessors.

I suggest your diary secretary contacts mine to agree a mutually convenient date for me to brief you.

A handwritten signature in black ink, appearing to be 'Alun Cairns', with a horizontal line underneath.

**Rt Hon Alun Cairns MP**  
**Secretary of State for Wales**

The Rt Hon. the Lord Lang of Monkton  
Constitution Committee  
House of Lords

14 July 2016

Dear Lord Lang

### UK Government's Wales Bill

As you may be aware, the National Assembly's Constitutional and Legislative Affairs Committee is currently undertaking an inquiry into the UK Government's Wales Bill, which was introduced into the House of Commons on 7 June 2016 and has just completed its Committee Stage.

Our predecessor Committee in the Fourth Assembly examined the draft Wales Bill and I enclose a copy of its report.

While some of the concerns expressed in that report appear to have been addressed to some extent, the evidence we have taken to date from legal professionals and academics suggests that many have not.

There is still concern that some of the Assembly's legislative powers are being returned to Westminster. The Bill amends existing Government of Wales Acts and, in reserving powers, does so by referring to the subject matter of some 50 Acts of Parliament. As a result, there remain concerns that the resulting law will be exceptionally complex.

We are therefore becoming increasingly concerned that the Wales Bill, whether intentionally or not, could have a detrimental impact on the laws that are



proposed and made in Wales, as well hindering the accessibility of those laws to Welsh citizens.

As part of our consultation on the Bill, we are seeking written evidence over the summer and are using an online engagement platform to gauge the views of stakeholders during the passage of the Bill through Parliament.

My purpose in writing is to enquire whether it would be possible to meet with you to discuss the implications of the Bill for the Assembly in advance of any work you may undertake once the Bill has started its passage through the House of Lords. If it would be helpful, we could share our findings on the current Bill with you informally.

I look forward to hearing from you soon.

Yours sincerely

*Huw Irranca-Davies*

**Huw Irranca-Davies**  
**Chair**

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





# HOUSE OF LORDS

Select Committee on the Constitution

House of Lords  
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Huw Irranca-Davies  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
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CF99 1NA

20 July 2016

*Dear Mr Irranca-Davies,*

Thank you for your letter of 14 July on the Wales Bill currently passing through the House of Commons.

I would be happy to meet with you to discuss your concerns about the Bill in advance of its introduction into the House of Lords (which I understand is likely to be in October).

However, I believe it would be useful for the Constitution Committee as a whole to discuss these issues with you and your colleagues. Consequently, I wonder whether it might be possible for you and the other members of the Constitutional and Legislative Affairs Committee to meet with the Constitution Committee in an informal round-table discussion to talk through your findings on the Bill. The Constitution Committee is likely to undertake its legislative scrutiny of the Wales Bill in mid-October, and so it would be helpful if such a meeting could be arranged in either September or early-October.

Perhaps your committee staff could contact Antony Willott, Clerk to the Constitution Committee, to discuss the practicalities of such a meeting, and to come up with some suitable dates.

*Yours sincerely,  
Anthony*

The Rt Hon. the Lord Lang of Monkton, DL  
Chairman of the Constitution Committee



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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents</b>
<b>DATE</b>	<b>11 July 2016</b>
<b>BY</b>	<b>Ken Skates, Cabinet Secretary for Economy and Infrastructure</b>

The Historic Environment (Wales) Act 2016 received Royal Assent and became law on 21 March 2016 in the closing days of the Fourth Assembly. This ground-breaking legislation has placed Wales at the forefront of the UK nations in the protection and management of the historic environment.

From the outset of its development, the Act was conceived as the cornerstone of a wider package of policy, advice and guidance — all informed by the *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* published by the Welsh Government's Historic Environment Service (Cadw). Taken together, these will support the careful management of change in the historic environment, so that it can continue to deliver its many economic, social and environmental benefits to Wales while remaining responsive to the needs of our modern nation. Well-protected and sustainably managed, the historic environment will contribute to the attainment of the goals set out in the Well-being of Future Generations (Wales) Act and help to shape the Wales we want in the future.

During the remainder of this year and running into early 2017, we shall be holding a series of consultations to gather the views of historic environment stakeholders and members of the public on various measures framed to complement and support the provisions of the Act. The first of these consultations will be launched today, 11 July 2016, and will run for twelve weeks to finish on 3 October.

The first part of the consultation poses questions on four proposals for secondary legislation. Three relate to the introduction of procedural regulations specified in the Act. These cover:

- the interest rate on outstanding costs of urgent works to listed buildings,
- the compensation claim procedure for temporary stop notices to halt unauthorised works, and
- a simplified scheduled monument consent procedure.

The fourth proposal for secondary legislation merits more attention. During the consultation and research that informed the development of the Act, many stakeholders expressed support for the introduction of heritage impact assessment as an integral component of the application process when consent is sought for works to designated historic assets. Heritage impact assessment is a structured process to make sure that the significance of a historic asset is taken into account when developing and designing proposals for change. It will include the consideration of design and access issues as part of the wider evaluation of the impact of the planned works.

The proposed regulations will make a heritage impact statement, summarising the results of the assessment, a required element of any application for listed building or conservation area consent.

It is important that a heritage impact assessment is proportionate both to the significance of the historic asset and to the degree of proposed change. A guidance document, *Heritage Impact Assessment in Wales*, has been produced to help owners, occupiers and agents understand the assessment process and prepare a heritage impact statement. This guidance document is also part of the consultation.

The second part of the consultation seeks views on five more best-practice guidance documents:

- *Managing Change in World Heritage Sites in Wales*
- *Managing Change to Listed Buildings in Wales*
- *Managing Lists of Historic Assets of Special Local Interest in Wales*
- *Managing Conservation Areas in Wales*
- *Setting of Historic Assets in Wales.*

During the preparation of the Historic Environment (Wales) Act 2016, Assembly Members, stakeholders, and members of the public raised a wide range of issues affecting the Welsh historic environment. Some could be addressed through that legislation. In many cases, however, new policy, advice and guidance, shaped by current conservation philosophy and practice, offered a more appropriate and effective response.

Concurrently with this consultation, the Cabinet Secretary for Environment and Rural Affairs is seeking views on new planning advice for the historic environment contained in a draft *Technical Advice Note 24*. This follows a public consultation on an updated historic environment *Planning Policy Wales* Chapter 6, which closed on 13 June.

These consultations mark the first phase of a programme that, over the next two years, will give Wales an integrated body of policy, advice and guidance for the historic environment. Building upon the legislative foundation provided by the Historic Environment (Wales) Act 2016, this will put in place up-to-date and proportionate mechanisms for the careful and consistent management of change, so present and future generations can continue to enjoy, appreciate and be inspired by our precious historic environment.

<http://gov.wales/consultations/cultureandsport/proposals-for-secondary-legislation-to-support-the-historic-environment-wales-act-2016/?lang=en>

<http://gov.wales/consultations/planning/proposed-technical-advice-note-24-the-historic-environment/?status=open&lang=en>

# Agenda Item 4.4

Lesley Griffiths AC / AM

Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies AM  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff  
CF99 1NA

13 July 2016

Dear Huw

I have laid a Statutory Instrument Consent Memorandum (Memorandum) in relation to the Waste (Meaning of Recovery) (Miscellaneous Amendments) Regulations 2016 ("the Regulations") which were laid in Parliament on 12 July by the Secretary of State (SoS) for Defra on a UK basis to come into force on 3 August 2016. The regulations amend section 33(13) of the Environmental Protection Act 1990 and section 75(5) of the Marine and Coastal Access Act 2009 and include provisions for Wales and the other devolved administrations. Whilst I have laid the Memorandum, I do not intend to table a Statutory Instrument Consent Motion.

Energy from waste facilities dedicated to the processing of municipal solid waste must meet the 'R1 accreditation threshold', set out in Annex II of the EU Waste Framework Directive (Directive 2008/98/EC) ("the Waste Directive"), in order to be classed as recovery. This will allow facilities to receive and process waste from other Members States whilst non-R1 incinerator facilities cannot. The Regulation implements the changes made by Commission Directive 2015/1127 which amends Annex II of the Waste Directive by adding a Climate Correction Factor (CCF) into the R1 formula. This will help energy from waste operations in warmer climates across the EU, be classified as recovery and obtain the R1 accreditation as it is technically more difficult to produce electricity from waste in warmer climates than colder climates. The UK is required to transpose Commission Directive 2015/1127 by 31 July 2016.

The Regulations make consequential amendments to a number of statutory instruments and two Acts of Parliament to substitute references to the 'Waste Directive' for reference to the Waste Directive as amended by EU Directive 2015/1127. The Memorandum (a copy of which is enclosed) explains in more detail the background to the amendments to the EPA and MCAA which are technical in nature.

I have laid the Memorandum in accordance with the requirement under Standing Order (SO) 30A for “a member of the Welsh Government ..[to].. lay a memorandum (“a statutory instrument consent memorandum”) in relation to any relevant statutory instrument laid before the UK Parliament by UK Ministers”. I consider the Regulations to be a relevant statutory instrument because they make provision in relation to Wales amending primary legislation within the legislative competence of the Assembly, and are not incidental or consequential provisions relating to matters that are not within the Assembly’s legislative competence.

The SoS, in this case for Defra, has the choice to determine whether the instrument is made under negative or affirmative procedure. Given that these are minor and technical changes to implement EU obligations, the decision has been made by Defra to amend the two Acts of Parliament and make the changes in their instrument via the negative procedure. Therefore, the Regulations were made at the same time as they were laid, and provided no Member of Parliament “prays” against, they will come into force on 3 August. It is for you to decide whether you wish, as the responsible committee referred to under Standing Order 30A, to consider and report on the Memorandum.

I have considered carefully whether I should proceed to table a Statutory Instrument Consent Motion under SO 30A.10, to be debated after the 35 days allowed for scrutiny by the responsible committee has elapsed. There is no requirement for the Welsh Government to do so but normally, we would table a motion to debate so that the Assembly can give its consent, or not, before the relevant statutory instrument is made.

In this case, as the Regulations will already have been made before any such debate could be held by the Assembly, I have decided that I will not proceed to lay a motion to debate as any decision made by the Assembly in a later debate is unlikely to have any practical effect. Each case would have to be considered on its merits, however, in these Regulations, the amendments in question are minor and technical in nature, do not make substantive changes to policy and are unlikely to have any impact on operators in Wales. I do not think there is merit in holding an Assembly debate on whether consent should be given to provision in Regulations which have already been made and where the provision in question is consequential in nature and not a substantive policy change. It is of course still open to any Assembly Member, if they feel strongly that the Memorandum should be debated, to lay a motion to debate this in Plenary.

Regards  
Lesley

**Lesley Griffiths AC / AM**

Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs

## STATUTORY INSTRUMENT CONSENT MEMORANDUM

### The Waste (Meaning of Recovery) (Miscellaneous Amendments) Regulations 2016

1. This Statutory Instrument Consent Memorandum (“Memorandum”) is laid under Standing Order 30A.2. Standing Order 30A prescribes that a Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“Assembly”) if a UK statutory instrument makes provision, in relation to Wales, to amend primary legislation within the legislative competence of the Assembly.
2. The Waste (Meaning of Recovery) (Miscellaneous Amendments) Regulations 2016 were laid before Parliament on 12 July 2016 and come into force on 3 August 2016. The Regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2016/738/contents/made>

#### Summary of the Regulations and their objective

3. The objective of The Waste (Meaning of Recovery)(Miscellaneous Amendments) Regulations 2016 (“the Regulations”) is to amend relevant UK statutory instruments and Acts to implement changes to waste legislation required as a result of Commission Directive 2015/1127. This Directive makes changes to the ‘R1’ energy efficiency formula within Annex II of the EU Waste Framework Directive (2008/98/EC) (“The Waste Directive”).
4. Annex II of the Waste Directive sets out a non-exhaustive list of recovery operations, these are referred to as R1 to R13. Under the Waste Directive, recovery means “any operation, the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy”.
5. Operations which use waste principally as a fuel to generate energy are classed as R1 under Annex II. An incineration facility dedicated to the processing of municipal solid waste is only classified as recovery if it meets a specific energy efficiency threshold commonly known as the R1 formula. Commission Directive 2015/1127 amends Annex II of the Waste Directive by applying a Climate Correction Factor (CCF) to the R1 formula.
6. To transpose Directive 2015/1127, changes need to be made to UK legislation to give proper effect to EU legislation, in part because domestic legislation is drafted in such a way that it will not be automatically updated when relevant EU legislation changes. Legislation that contains references to the Waste Directive will need to be amended to ensure the references relate to the Waste Directive as updated by the EU Directive 2015/1127.

7. As a consequence of the changes made by Commission Directive 2015/1127, the Regulations amongst other things make amendments to Section 33 of the Environmental Protection Act (EPA) 1990 and Section 75 of the Marine and Coastal Access Act (MCAA) 2009. Section 33(13) of the Environmental Protection Act 1990 applies to England and Wales. Section 75(5) of the Marine and Coastal Access Act 2009 applies to the UK.
8. The Regulations also make amendments to a number of statutory instruments on an UK basis, save for the following paragraphs 6, 8-10 and 12 of the Regulations which extend to England only.

#### **Provision to be made by the Regulations for which consent is sought**

9. Section 33(13) of the Environmental Protection Act 1990 is amended by paragraph 2 of the Regulations which substitute the reference to Annex I or II of the Waste Directive to the Waste Directive as last amended by Commission Directive (EU) 2015/1127. Similarly, section 75(5) of the Marine and Coastal Access Act 2009 is amended by paragraph 3 of the Regulations which substitute the reference to Waste Directive to the Directive as last amended by Commission Directive (EU) 2015/1127.
10. It is the view of the Welsh Government that the provisions described in paragraph 9 above fall within the legislative competence of the National Assembly for Wales in so far as it relates to environmental protection, including pollution, nuisances and hazardous substances, and prevention, reduction, collection, management, treatment and disposal of waste under paragraph 6 (Environment) of Part 1, Schedule 7, to the Government of Wales Act 2006.

#### **Why is it appropriate for the Regulations to make this provision?**

11. The amendments are necessary to give effect to the recent changes made to the Waste Directive as outlined in paragraph 3. The changes are minor and technical in nature and do not afford any discretion in terms of policy or drafting as between Wales and the other administrations in the UK.
12. It is the view of the Welsh Government that it is appropriate to deal with the changes to the Environmental Protection Act 1990 and the Marine and Coastal Access Act 2009 in these Regulations as it provides the most practical and proportionate approach to making these technical amendments for Wales alongside amendments for the other devolved administrations in the UK. This ensures a common approach to transposing the Commission Directive across the UK.
13. This Statutory Instrument Consent Memorandum relates to regulations laid in the UK Parliament under the negative procedure which automatically become law unless there is an objection from a member of either House of Parliament. If there is no such objection, the regulations would come into force on 3 August 2016.

## **Financial implications**

14. There are no anticipated financial implications for the Welsh Government.

**Lesley Griffiths AM**  
**Cabinet Secretary for Environment and Rural Affairs**  
**July 2016**



Committee Chairs  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

21 July 2016

Dear Chair

## Committee Statements in Plenary

Over recent weeks, the Business Committee has started considering how greater variety could be introduced to Assembly time in Plenary. Part of the impetus for doing so came from the Legacy Report of the Business Committee of the Fourth Assembly which included the following recommendation:

“The new Business Committee should look at scheduling a greater variety of business during non-government time, including more committee business to increase the integration between Plenary and committees. Types of business could, for example, include statements at the beginning of committee inquiries, annual reports from committees, debate topics chosen by young people and other stakeholders, and series of debates on a particular theme.”

The view that Plenary time is not always used as effectively as it could be is one I share, and during the autumn term I will be bringing forward proposals for change for Business Managers to consider, with a view to expanding Members’ opportunities to scrutinise the government and represent their constituents.

The Committee has however taken an early decision that it would like to see greater integration between Plenary and committee work, and that one way of doing that would be to have committee Chairs make statements in Plenary from time to time regarding their committee’s work and priorities. Whilst it is up to Chairs, in consultation with their committees, to decide when they would wish to make a statement, examples we would like to encourage in the first instance include the beginning of inquiries, possibly to help scope out the committee’s



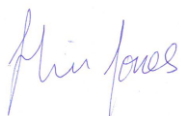
work, and follow-up work on the committee's recommendations, or when a committee was considering its work programme.

We consider that such statements would be a useful tool in increasing the profile of committees' work both among other Members and with the public more generally, and allow greater engagement with, and understanding of, committee inquiries by those who aren't directly involved with them. If properly used, we are confident that such statements and the response to them, could be a valuable tool in informing a committee's thinking and priorities. They would therefore serve a different purpose to the debates on committee reports which are a long-established feature of Assembly business, and which we would want to see continue.

The Business Committee meets weekly to agree the organisation of Assembly business, and while statements can be taken without notice with my permission, we would usually expect any request for time to be received at least a week before the statement is to be made, so that it can appear on the Business Statement and Announcement.

I'd be grateful if you would consider how you and your committee could make use of plenary statements, and I would encourage you to bring some forward in the near future. I am aware that many committees will be launching new inquiries and deciding on priorities during the autumn term, and so the coming period provides a perfect opportunity to trial the use of committee statements. I hope you can play your part in making it a success.

Yours sincerely



Elin Jones AM, Presiding Officer  
Chair, Business Committee



David Rees AM  
Chair  
External Affairs and Additional Legislation Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

22 July 2016

Dear David

## Revising the remit of the External Affairs and Additional Legislation Committee

As you will be aware, on 28 June 2016, the Business Committee established a Reserve Policy and Legislation Committee to undertake additional pressures from other committees and to scrutinise matters that might arise that are of public importance, but are not necessarily devolved. Business Managers re-considered the remit in light of the EU Referendum result and agreed that the Committee should prioritise its work around the effect that leaving the European Union will have on Wales. It was therefore decided to change the Committee's title to the External Affairs and Additional Legislation Committee, and the Assembly agreed to this change on 13 July 2016.

I am writing now to provide you with more details regarding your remit, as agreed by Business Committee, which is set out in the enclosed report. A motion to formally amend your remit accordingly will be tabled by the Business Committee for agreement by the Assembly on Wednesday 14 September.

As there is a consequential change to the remit of the Constitutional and Legislative Affairs Committee, I am copying this letter to the Chair of that committee.



Elin Jones AM, Presiding Officer  
Chair, Business Committee



Chair, Children, Young People and Education Committee  
Chair, Climate Change, Environment and Rural Affairs Committee  
Chair, Constitutional and Legislative Affairs Committee  
Chair, Culture, Welsh Language and Communications Committee  
Chair, Economy, Infrastructure and Skills Committee  
Chair, Equality, Local Government and Communities Committee  
Chair, Finance Committee  
Chair, Health, Social Care and Sport Committee  
Chair, Petitions Committee  
Chair, Public Accounts Committee

25 August 2016

Dear Committee Chairs,

### **Implications for Wales of the UK's withdrawal from the European Union**

You will be aware that an additional policy and legislation committee was established to relieve pressure on other committees and to scrutinise other matters of public importance.

Business Managers re-considered the remit in light of the EU Referendum result and agreed that the Committee should prioritise its work around the effect that leaving the European Union will have on Wales.

Consequently, its name was changed to the External Affairs and Additional Legislation Committee ('the External Affairs Committee').

I would like to draw your attention to the interim remit for the External Affairs Committee proposed by the Business Committee:

1. To examine the implications for Wales of the United Kingdom's withdrawal from the European Union and to ensure Welsh interests are safeguarded during the withdrawal process, in any new relationship with the European Union and in



the intra-UK post-withdrawal arrangements for relevant policy, finance and legislation.

2. To coordinate activity across Assembly committees in relation to point 1 above.
3. To carry out the functions of the responsible committee under Standing Orders 21.8 to 21.11.
4. To consider any other matter, including legislation, referred to it by the Business Committee.

Further information can be found in the report by the Business Committee on revising the remit of the Committee, which is enclosed with this letter.

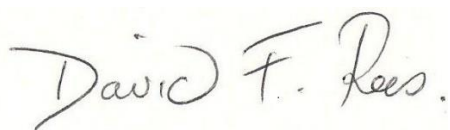
A motion to formally amend the remit of the External Affairs Committee will be tabled by the Business Committee for agreement by the Assembly on Wednesday 14 September 2016.

We will need to have a co-ordinated approach to the scrutiny of these matters across Assembly committees.

I would be grateful if you could indicate whether your committee is planning any work that relates to the United Kingdom's exit from the European Union, or any other aspect of our remit. I would also like to offer you an open invitation to attend any meeting of the External Affairs Committee that relates to matters within your committee's remit.

I look forward to building a constructive working relationship with you as this important work progresses.

Yours sincerely,



David Rees AM  
Chair

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



## **Business Committee report on revising the remit of the External Affairs and Additional Legislation Committee**

### **Purpose of the Committee**

The Committee will need to ensure that Welsh interests are safeguarded in negotiations and eventual decisions on:

- the UK's withdrawal from the European Union;
- the UK's future relationship with the European Union; and
- intra-UK post-withdrawal arrangements for policies, finance and legislation that stem from the European Union.

This work could be summarised as having three interdependent loci: Cardiff, London and Brussels.

### **Approach**

The approach could be phased accordingly:

*Understanding the implications* – A comprehensive assessment of the policy, financial, legislative and constitutional implications for Wales. Draw on Commission, Government, academic and third sector expertise to deliver this. It could convene an expert panel to assist with this aspect of its work.

*Understanding the practical steps* – Once the magnitude and detail of the implications are understood, the Committee could look at what needs to be done to ensure that Welsh interests are adequately represented and acted upon during the exit negotiations. In doing so, it would scrutinise the Welsh Government's strategy for managing this process and, if necessary, recommend alternative approaches.

*Understanding the Welsh interest* – the Committee could play a positive role in terms of providing a platform for dialogue between stakeholders and the exit negotiations – ensuring stakeholder views are heard and inform scrutiny of those involved in the negotiations. Additionally, feeding-back progress as negotiations progress can assist in ensuring stakeholders remain engaged

and that the Assembly stays ahead of the game in terms of representing the people of Wales.

*Holding the Welsh Government to account* – the Committee could use the knowledge it has developed in these first phases of its work to scrutinise the Welsh Government’s actions and influence on the exit process.

The focus throughout would be on ensuring the best possible outcome for the people of Wales.

Where a committee is able to support the Welsh Government, this cross-party endorsement could strengthen the Welsh position. If a committee makes constructive criticism, this too can strengthen the prospect of positive outcomes for Wales if acted upon by the Welsh Government.

The work to understand the implications and engage stakeholders could start immediately. It provides an opportunity to position the Assembly as the forum for debate about the Wales-specific issues surrounding the UK’s exit from the EU.

Other committees will wish to examine the implications for domestic policy of the negotiations. This Committee could co-ordinate that work and draw on this to augment its own work (rather than duplicating). The Business Committee notes that the Chairs’ Forum is due to discuss this in the Autumn.

In order to obtain the information and intelligence needed for this work, the Committee (and Chair in particular) will need to ensure that it is embedded in inter parliamentary networks such as the EC-UK forum, that they have a thorough understanding of the field of play in Brussels and London and to be in a position to respond with agility and pace to emerging developments.

The Business Committee could consider whether this Committee should be required to report on progress to the Assembly on a rolling basis.

## **Additional Legislation**

This Committee can also undertake the scrutiny of legislation, in any subject area referred to it by the Business Committee, where capacity does not enable it to be scrutinised within the existing Committee structure.

It would also be logical to reallocate the responsibilities for draft European Union legislation, which currently lie with the Constitutional and Legislative Affairs (CLA) Committee, to this Committee.

There is nothing to prevent the Business Committee reviewing these arrangements in the future.

## **Revised remit proposed by Business Committee to the Assembly**

Business Committee proposes the following remit:

1. To examine the implications for Wales of the United Kingdom's withdrawal from the European Union and to ensure Welsh interests are safeguarded during the withdrawal process, in any new relationship with the European Union and in the intra-UK post-withdrawal arrangements for relevant policy, finance and legislation.
2. To coordinate activity across Assembly committees in relation to point 1 above.
3. To carry out the functions of the responsible committee under Standing Orders 21.8 to 21.11.
4. To consider any other matter, including legislation, referred to it by the Business Committee.

A corresponding change will also be needed to the remit of the Constitutional and Legislative Affairs Committee.



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