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Agenda - Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 - Senedd

Meeting date: 26 February 2018

Meeting time: 14.30

For further information contact:

Gareth Williams

Committee Clerk

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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)-07-18 - Paper 1 - Statutory instruments with clear reports

Negative Resolution Instruments

2.1 SL(5)185 - The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2018

2.2 SL(5)186 - The Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018

Affirmative Resolution Instruments

2.3 SL(5)183 - The Children (Secure Accommodation) (Wales) (Amendment) Regulations 2018

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

Negative Resolution Instruments

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

3.1 **SL(5)184 - The Care and Support (Charging) (Wales) (Amendment) Regulations 2018**

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CLA(5)-07-18 - Paper 2 - Regulations

CLA(5)-07-18 - Paper 3 - Explanatory Memorandum

CLA(5)-07-18 - Paper 4 - Report

4 Instruments that raise issues to be reported to the Assembly under Standing Order 21.7

4.1 **SL(5)187 - Code of Practice on the Exercise of Social Services Functions in Relation to Part 4 (Direct Payments and Choice of Accommodation) and Part 5 (Charging and Financial Assessment) of the Social Services and Well-Being (Wales) Act 2014**

(Pages 19 - 20)

Code of Practice on the Exercise of Social Services Functions in Relation to Part 4 (Direct Payments and Choice of Accommodation) and Part 5 (Charging and Financial Assessment) of the Social Services and Well-Being (Wales) Act 2014

Code of Practice on the Exercise of Social Services Functions in Relation to Part 4 (Direct Payments and Choice of Accommodation) and Part 5 (Charging and Financial Assessment) of the Social Services and Well-Being (Wales) Act 2014 - Explanatory Memorandum

CLA(5)-07-18 - Paper 5 - Report

4.2 **SL(5)188 - Code of practice and guidance on the exercise of social services functions and partnership arrangements in relation to part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014**

(Pages 21 - 23)

Code of practice and guidance on the exercise of social services functions and partnership arrangements in relation to part 6 (looked after and

accommodated children) of the Social Services and Well-being (Wales) Act 2014

Code of practice and guidance on the exercise of social services functions and partnership arrangements in relation to part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 - Explanatory Memorandum

CLA(5)-07-18 – Paper 6 – Report

CLA(5)-07-18 – Paper 7 – Note from the Minister for Children and Social Care

5 Papers to note

5.1 SL(5)170 - The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018

(Pages 24 - 27)

CLA(5)-07-18 – Paper 8 – Letter from the Cabinet Secretary for Finance, 9 February 2018

CLA(5)-07-18 – Paper 9 – Letter to the Cabinet Secretary for Finance, 26 January 2018

5.2 SL(5)150 - The Agricultural Wages (Wales) Order 2017

(Pages 28 - 30)

CLA(5)-07-18 – Paper 10 – Letter from the Cabinet Secretary for Energy, Planning and Rural Affairs, 13 February 2018

CLA(5)-07-18 – Paper 11 – Letter to the Cabinet Secretary for Energy, Planning and Rural Affairs, 23 January 2018

5.3 Welsh Government Written Statement: Report on the implementation of Law Commission proposals

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CLA(5)-07-18 – Paper 12 – Welsh Government Written Statement: Report on the implementation of Law Commission proposals

5.4 Regulation of Registered Social Landlords (Wales) Bill: Letter from the Minister for Housing and Regeneration

(Pages 39 - 44)

CLA(5)-07-18 – Paper 13 – Letter from the Minister for Housing and Regeneration, 21 February 2018

5.5 UK governance post-Brexit: Letter from the First Minister

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CLA(5)-07-18 – Paper 14 – Letter from the First Minister, 19 February 2018

5.6 The European Union (Withdrawal) Bill: Letter from the Chair of the External Affairs and Additional Legislation Committee

(Pages 46 - 57)

CLA(5)-07-18 – Paper 15 – Letter from the Chair of the External Affairs and Additional Legislation Committee

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

7 Public Health (Minimum Price for Alcohol) (Wales) Bill: Draft Report

(Pages 58 - 81)

CLA(5)-07-18 – Paper 16 – Draft report

8 Public Services Ombudsman (Wales) Bill: Draft Report

(Pages 82 - 122)

CLA(5)-07-18 – Paper 17 – Draft Report

CLA(5)-07-18 – Paper 18 – Letter from the Cabinet Secretary for Finance, 15 January 2018

CLA(5)-07-18 – Paper 19 – Letter from Simon Thomas AM, 30 January 2018

CLA(5)-07-18 – Paper 20 – Letter from the Cabinet Secretary for Finance,8 February 2018

Date of the next meeting

5 March 2018

Statistical Instruments with Clear Reports

Part 3 of the 2015 Regulations contains general provisions about the placement of a looked after child, with regulation 12 making specific provision in relation to out of area placements.

Regulation 2 of these Regulations adds to the information which must be notified by the responsible authority to the out of area local authority or the local authority in England in whose area the child has been placed under regulation 12(8) of the 2015 Regulations, and which must be supplied not later than 24 hours after the placement is made.

Parent Act: Social Services (Wales) Act 2014

Date Made: 29 January 2018

Date Laid: 2 February 2018

Coming into force date: 2 April 2018

SL(5)183 – The Children (Secure Accommodation) (Wales) (Amendment) Regulations 2018

Procedure: Affirmative

These Regulations make amendments to the Children (Secure Accommodation) (Wales) Regulations 2015 ("the Secure Accommodation Regulations").

The amendment to the definition of "secure accommodation" in regulation 1 of the Secure Accommodation Regulations to include secure accommodation in Scotland has effect so that placement of a child by a Welsh local authority in secure accommodation in Scotland is subject to the same safeguards which apply to placements in England and Wales.

The amendment to paragraph (5) of regulation 1 is consequential on the coming into force of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act"). Secure accommodation services in Wales are regulated under the 2016 Act from 2 April 2018.

The amendment to regulation 4 makes clear who is able to apply for a secure accommodation order in cases which do not involve looked after children as provided for by regulation 16.

The amendments to regulations 6 and 7 clarify that the maximum periods set in those two regulations apply to an order of the court made in relation to secure accommodation in Wales.

The amendment to regulation 8 is consequential on the amendment to the definition of “secure accommodation” in regulation 1 and clarifies that the restriction applies in relation to placement of looked after children.

Regulations 9 and 12 are made under the power conferred by section 27 of 2016 Act.

The amendment to regulation 15 clarifies how the provision works for placements by English local authorities to secure accommodation in Wales.

Parent Acts: Social Services and Well-being (Wales) Act 2014; Regulation and Inspection of Social Care (Wales) Act 2016

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 2 April 2018

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Agenda Item 3.1

WELSH STATUTORY INSTRUMENTS

2018 No. 123 (W. 29)

SOCIAL CARE, WALES

The Care and Support (Charging) (Wales) (Amendment) Regulations 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 ("the 2015 Regulations").

The 2015 Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). The 2015 Regulations also contain parallel provisions setting out requirements which apply where a local authority makes direct payments to meet a person's need for care and support.

These Regulations amend Part 2 of the 2015 Regulations (charging under Part 5 of the Act) as follows:

— the amount of the maximum weekly charge for non-residential care and support is increased from £70 to £80,

— the relevant capital limit for residential care is increased from £30,000 to £40,000,

— the weekly minimum income amount where a person is provided with accommodation in a care home is increased from £27.50 to £28.50.

These Regulations amend Part 4 of the 2015 Regulations (contributions and reimbursements for direct payments) as follows:

— the amount of the maximum weekly contribution or reimbursement for non-

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residential care and support is increased from £70 to £80,

— the weekly minimum income amount where a person is provided with accommodation in a care home and receives direct payments under the Act is increased from £27.50 to £28.50.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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WELSH STATUTORY INSTRUMENTS

2018 No. 123 (W. 29)

SOCIAL CARE, WALES

The Care and Support (Charging) (Wales) (Amendment) Regulations 2018

Made *30 January 2018*

Laid before the National Assembly for Wales *2 February2018*

Coming into force *9 April 2018*

The Welsh Ministers in exercise of the powers conferred by sections 50, 52, 53(3), 61, 66 and 196(2) of the Social Services and Well-being (Wales) Act 2014(**1**), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Care and Support (Charging) (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 9 April 2018.

(3) These Regulations apply in relation to Wales.

Amendment of the Care and Support (Charging) (Wales) Regulations 2015

2. The Care and Support (Charging) (Wales) Regulations 2015(**2**) are amended as follows—

(a) in regulation 7 (maximum weekly charge for non-residential care and support), in paragraph (1), for "£70" substitute "£80";

(b) in regulation 11 (relevant capital limit), in paragraph (2)(a), for "£30,000" substitute "£40,000";

(c) in regulation 13 (minimum income amount where a person is provided with

(**1**) 2014 anaw 4.
(**2**) S.I. 2015/1843 (W. 271), as amended by S.I. 2017/214 (W. 58).

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accommodation in a care home) for "£27.50" substitute "£28.50";

(d) in regulation 22 (maximum weekly contribution or reimbursement for non-residential care and support), in paragraph (1), for "£70" substitute "£80"; and

(e) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home) for "£27.50" substitute "£28.50".

Huw Irranca-Davies
Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers
30 January 2018

Explanatory Memorandum to the Care and Support (Charging) (Wales) (Amendment) Regulations 2018

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Care and Support (Charging) (Wales) (Amendment) Regulations 2018 in relation to charging under Parts 4 and 5 of the Social Services and Well-being (Wales) Act 2014. I am satisfied that the benefits justify the likely costs.

Huw Irranca-Davies AM
Minister for Children and Social Care
2 February 2018

Part 1 – OVERVIEW

1. Description

The Social Services and Well-being (Wales) Act 2014 (the “Act”) brings together local authorities’ duties and functions in relation to improving the well-being of people who need care and support, and carers who need support. The Act provides the foundation, along with regulations and codes of practice made under it, to a statutory framework for the delivery of social care in Wales to support people of all ages as part of their families and communities.

Under the Act local authorities have discretion to charge for the care and support they provide or arrange for a person, or the support they provide or arrange for a carer. They also have discretion to set a contribution or reimbursement for direct payments they provide to a person to enable them to arrange their care and support themselves. This applies to care and support in a person’s own home, within the community, or in residential care. Where an authority wishes to apply this discretion to set a charge, contribution or reimbursement, regulations made under the Act govern the arrangements applicable to this.

The Care and Support (Charging) (Wales) Regulations 2015 (“the principal Regulations”) govern local authorities in discharging their discretion to set a charge, contribution or reimbursement under Part 4 (meeting needs) and Part 5 (charging and financial assessment) of the Act. These came into force on 6 April 2016.

Since then a number of policy changes have been agreed which required amendments to the principal Regulations. A set of amending regulations to effect these, the Care and Support (Choice of Accommodation, Charging and Financial Assessment) (Amendment) (Wales) Regulations 2017 came into force on 10 April 2017.

The regulations subject to this Explanatory Memorandum are required to introduce further updates to the principal Regulations to reflect uplifted sums of money that apply to specific areas of charging for social care and support.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no specific matters of special interest

3. Legislative background

The powers enabling the making of regulations in relation to setting a contribution or reimbursement for direct payments, and the financial assessment to determine these, are contained in Part 4 (sections 50, 52 and 53(3)) of the Act. Powers enabling charging for care and support, and support to a carer, are contained in Part 5 (sections 61, 62, 66, 67 and 69) of the Act.

These amending regulations are subject to the negative procedure. They will come into force on 9 April 2018.

4. Purpose & intended effect of the legislation

The overall purpose of the amending regulations is to effect a number of changes to the principal Regulations as result of certain policy decisions. These Regulations govern local authorities' determination of a charge for providing or arranging care and support, or support to a carer, where they use their discretion to charge. They also govern authorities' determination of a contribution or reimbursement for a person receiving direct payments to secure their own care and support, or a carer securing their own support, where authorities use their discretion to set these.

Regulation 2(a) to (e) of the amending regulations amend the principal Regulations as follows:

- uplift from £70 to £80 the maximum weekly charge applicable to non-residential care and support, and the maximum weekly contribution or reimbursement for receiving direct payments to secure this, by amending regulations 7(1) and 22(1) of the principal Regulations. This provision ensures that, where a local authority applies its discretion to charge a person for the non-residential care and support they receive, or the non-residential support a carer receives, there is a consistent maximum amount the local authority can charge. Equally, where a local authority applies its discretion to set a contribution or reimbursement for the receipt of direct payments to secure non-residential care and support, there is a consistent maximum amount the local authority can make for these;

- uplift from £30,000 to £40,000 the capital limit as it applies to charging for residential care by amending regulation 11 of the principal Regulations. This is to implement the second stage in delivering a key commitment in the Welsh Government's 'Taking Wales Forward' programme to put in place a £50,000 capital limit in charging for residential care by the end of its current term;

- uplift from £27.50 a week to £28.50 a week the level of the minimum income amount applied in charging for residential care, or in setting a contribution or reimbursement for direct payments to secure residential care, by amending regulations 13 and 28 of the principal Regulations. The minimum income amount is the sum of money a person in residential care, and who is supported financially by their local authority, is able to retain from their weekly income to spend on personal items as they choose. The sum is reviewed annually in the light of the weekly uplifts applied to UK state pension and welfare benefits.

5. Consultation

A five week consultation on the principle of the changes being made by the amending regulations ran between 21 December 2016 and 25 January 2017. In total 24 responses were received from a range of stakeholders covering individuals, representative groups, local authorities and professional organisations. Overall respondents were supportive of the policy behind these changes , seeing them as rebalancing the impact of charging upon those who are required to pay for their care and support. They did, however, raise a number of questions, such as the short period of the consultation held then, the level of the eventual increase planned for the maximum weekly charge and how the changes would be communicated to care recipients. These are being addressed in the implementation of the amendments.

A summary report of the consultation responses is available on the Welsh Government website at https://consultations.gov.wales/consultations/charging-social-care.

PART 2 – REGULATORY IMPACT ASSESSMENT

Introduction

The three changes being introduced by the amending regulations are considered in this Regulatory Impact Assessment. Introducing these changes will ensure the principal Regulations operate in accordance with the policy intention.

Options and Benefits

This Regulatory Impact Assessment considers two options in relation to the three changes identified above:

- Option 1 – "do nothing" and not make the amending regulations;
- Option 2 – "make the amending regulations" to introduce a number of changes to the principal Regulations relating to charging for care and support under the Act.

Maximum Weekly Charge

Under the Care and Support (Charging) (Wales) Regulations 2015 a person assessed as in need of care and support in their own home, or within the community, can be charged by their local authority where the authority provides or arranges this. Those receiving direct payments to secure such care and support for themselves can also have a contribution or reimbursement set by their local authority for receipt of these. Where authorities apply a charge, a contribution or a reimbursement in these circumstances, the principal Regulations limit these to a maximum amount. This is currently set at £70 per week. This provision was introduced in 2011 to address the wide variation which existed then in the charges, contributions and reimbursements authorities applied for non-residential care and support of a similar nature.

Ministers have committed to increase the maximum charge to £100 per week by the end of this Assembly. In order to achieve this at a steady pace, and in view of the increases to be received by care and support recipients through uplifted UK state pensions and welfare benefits, Ministers propose to uplift the level of the maximum by £10 a week to £80 a week from 9 April 2018. The additional income this will secure for local authorities will help meet increasing costs pressures associated with maintaining the level and quality of the care and support they provide or arrangement.

Option 1 – do nothing

This option retains the maximum charge at its current level and halts progression towards Ministers' intentions to apply a £100 a week maximum change by the end of the term of this Assembly. In addition, local authorities would have no ability to apply a higher charge, contribution or reimbursement for non-residential care and support or for direct payments, where a person had the financial means to pay a higher amount.

- Costs

There would be no new cost implication for local government from this option. It would, however, limit local authorities' ability to collect increased income from charging for care and support to meet the increased costs of maintaining the level and quality of this. This

is at a time when recipients' income would have increased due to uplifts in state penson and welfare benefits.

- Benefits

This option benefits care and support recipients who, despite their higher level of personal income, would continue to pay no more than £70 a week for the non-residential care and support they receive. It does, however, increase the financial pressures for local authorities in terms of being able to afford to maintain the level and quality of care provided.

Option 2 – make the amending regulations

This option would increase the level of the maximum charge by £10, from £70 per week to £80 per week. This would take account of increases applied from April 2018 to state pensions and welfare benefits and help fund increasing costs local authorities face in maintaining the level and quality of care provided.

- Costs

Under this option there would be an additional cost to some care recipients who currently pay the maximum. This option could generate up to an estimated £4.3 million per annum for local authorities in increased income from charging for care and support through the higher maximum. This increased income would only come from care recipients whose care and support costs over the current maximum of £70 per week and who have been financially assessed as being able to afford a charge above this up to the higher maximum. Those not in this position would see no change in their charge, contribution or reimbursement as a direct result of this change.

- Benefits

Based on data from local authorities on the number who currently pay the maximum, this option could raise up to £4.3 million per annum in increased income to help address the financial pressure in maintaining the level and quality of care provided. The financial protections in place under the principal Regulations ensure a person is not required to pay an amount that is unaffordable to them in meeting their daily living costs. The increase in the maximum under this option would not impact on these financial protections so that only those financially assessed as being able to afford the higher maximum would pay this.

Minimum Income Amount (MIA)

Where a person is in residential care, and is in receipt of financial support from their local authority towards the cost of their care, they are required to contribute towards this cost from the majority of their weekly income. However, under the Care and Support (Charging) (Wales) Regulations 2015 a person must be able to retain an amount of their income to spend on personal items as they wish. This is known as the MIA. The level of the MIA is reviewed annually to take account of annual uplifts to UK state pensions and welfare benefit payments, which form the basis of care home residents' weekly income. Taking these uplifts into account, Ministers proposed to increase the MIA from 9 April 2018 from its current level of £27.50 per week to £28.50 a week. This will allow residents to retain a slightly higher amount of their income to spend as they wish on personal items.

Option 1 – do nothing

This option maintains the level of the MIA at £27.50 per week. As a result all of the increase in a resident's weekly income from April 2018 as a result of uplifted state pension and welfare benefit payments would go to their local authority to pay for their care.

- Costs

There are no new cost implications for local government from this option. Instead authorities would receive up to an estimated £3 million per annum in increased resident contributions. This would be due to the increased income residents would have resulting from the uplifts in state pensions and welfare benefits. Residents in this position would not retain any of the uplifts made.

- Benefits

Care home residents supported by their local authority would be unable to retain any of the increase applied to their state pensions and benefits. Instead these funds would increase their contributions to local authorities for the cost of their care, so as to increase the income stream authorities receive from supported care home residents.

Option 2 – make the amending regulations

This option would make the amending regulations so as to increase the MIA from its current level of £27.50 per week to £28.50. This would allow local authority supported residents to retain a proportion of the uplifts to their state pensions and welfare benefits which would occur to spend on personal items as they wish.

- Costs

This option results in local authorities receiving a smaller increase in charge income through resident contributions. Instead authorities would receive up to an estimated £2.2 million per annum in increased resident contributions. This would be due to the increased income residents would have resulting from the uplifts in state pensions and welfare benefits. Residents would retain a proportion of these uplifts to spend on personal items as they wish.

- Benefits

This option splits the increased income which local authority supported residents would have from April 2018 as a result of uplifts to their state pension and welfare benefit payments. Residents in this position would be able to retain a £1 a week of these uplifts to spend on personal items as they wish, while authorities would receive the balance in increased contributions from residents towards the cost of their resident care.

Capital Limit

The capital limit used in relation to charging for residential care, determines whether a resident pays the full cost of their care and accommodation or whether their local authority is required to provide financial support towards this cost. Under the Care and Support (Charging) (Wales) Regulations 2015 the capital limit is set at £30,000. This current level applied the first stage of implementation of a key 'Taking Wales Forward' commitment to uplift the capital limit applicable in charging for residential care to £50,000 within the term of this Assembly. This is to enable residents to retain more of

their savings and other capital without this having to be used to pay for their care and accommodation.

Ministers plan to increase the capital limit in relation to charging for residential care from its currently level of £30,000 to £40,000 as the second stage of implementation of the commitment to have a capital limit of £50,000 in future years.

Option 1 – do nothing

This option involves the amending regulations not being made so that the capital limit applicable in charging for residential care remains at its current level of £30,000. This would also halt progress in delivering on a key Government commitment.

- Costs

There would be no new cost implications for local government from this option, neither would there be any change in the charging arrangements by which residents pay for their residential care and accommodation.

- Benefits

This option provides no new benefits to people in care homes. Individuals would be unable to retain any additional amount of their capital than at present.

Option 2 – make the amending regulations

This option would make the amending regulations so that the capital limit applicable in charging for residential care increase from £30,000 to £40,000 from 9 April 2018. People in residential care would from this date be eligible for local authority support towards the cost of their residential care earlier than at present.

- Cost

Based on independent research commissioned by the Welsh Government, it is estimated that this increase would cost local authorities an additional £7 million per annum from 2018-19. This would be to fund at an earlier point the residential placement of those affected by it. Consequently, an additional £7 million has been included in the Revenue Support Grant for local authorities for 2018-19 to support implementation.

- Benefits

This option enables people requiring residential care to retain a higher level of their capital to spend as they wish and is the second step in delivering the Welsh Government's commitment to increase the capital limit in charging for residential care to £50,000. Residents affected by this change would be able to retain up to an additional £10,000 of their capital without this having to be used to pay for their care.

Conclusion

Due to the financial benefit for local authorities in increasing the maximum weekly charge, the financial benefit for care home residents in increasing the minimum income amount and the capital limit, "Option 2 – make the amending regulations" is recommended in each case. A summary table showing the annual financial impact of the amending regulations is below:

	Welsh Government £m	Local Authorities £m	Care Recipients £m
Maximum Weekly Charge	0	4.3	(-4.3)
Minimum Income Amount	0	2.2	0.8
Capital Limit	(-7.0)	0	7.0
Total	**(-7.0)**	**6.5**	**3.5**

Consultation
A five week public consultation on the principle of the changes planned was held between 21 December 2016 and 25 January 2017. The documents can be found at:
https://consultations.gov.wales/consultations/charging-social-care

Competition Assessment

Competition Filter Test	
Question	Answer: yes/no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulations do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisations?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

Post Implementation Review
The Act contains provisions to allow Welsh Ministers to monitor functions of it carried out by local authorities and other bodies. The Welsh Ministers may require these bodies to report on their duties in implementing these amending regulations.

The Welsh Government will continue to monitor the impact of the amending regulations on areas such as the Welsh language, the UN Convention on the Rights of the Child, Older People and Equality.

SL(5)184 – The Care and Support (Charging) (Wales) (Amendment) Regulations 2018

Background and Purpose

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 ("the 2015 Regulations").

The 2015 Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). The 2015 Regulations also contain parallel provisions setting out requirements which apply where a local authority makes direct payments to meet a person's need for care and support.

These Regulations amend Part 2 of the 2015 Regulations (charging under Part 5 of the Act) as follows:

—the amount of the maximum weekly charge for non-residential care and support is increased from £70 to £80,

—the relevant capital limit for residential care is increased from £30,000 to £40,000,

—the weekly minimum income amount where a person is provided with accommodation in a care home is increased from £27.50 to £28.50.

These Regulations amend Part 4 of the 2015 Regulations (contributions and reimbursements for direct payments) as follows:

—the amount of the maximum weekly contribution or reimbursement for non-residential care and support is increased from £70 to £80,

—the weekly minimum income amount where a person is provided with accommodation in a care home and receives direct payments under the Act is increased from £27.50 to £28.50.

Procedure

Negative.

Technical Scrutiny

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

Merits Scrutiny

One point is identified 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.

Regulation 2(b) increases the capital limit which applies to charging for residential care from £30,000 to £40,000. The capital limit determines whether a person pays for the full cost of their residential care, or whether they receive financial support towards the cost from their local authority.

The move is part of the Welsh Government's Programme for Government commitment to increase the capital limit used by local authorities who charge for residential care from £24,000 to £50,000 during the current Assembly term.

The increase is being delivered in a phased approach, which commenced from April 2017 when the limit in relation to residential care was increased to £30,000.

Implications arising from exiting the European Union

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

Government Response

No government response is required.

Legal Advisers
Constitutional and Legislative Affairs Committee
2 February 2018

SL(5)187 – Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

Background and Purpose

This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (the "Act").

This code, and the regulations to which it refers, set out the requirements for local authorities in relation to:

- setting a contribution or reimbursement in connection with direct payments under sections 50-53 of the Act (Direct payments);
- the choice of accommodation for those in a care home, including payment of additional costs in certain circumstances, under section 57 of the Act (Cases where a person expresses preference for particular accommodation);
- charging and financial assessment under section 59 of the Act (Power to impose charges) on those who are to receive care and support, or in the case of carers support;
- the deferment of payments by those in a care home under section 68 of the Act (Deferred payment agreements);
- charging under 69 of the Act (Charging for preventative services and assistance) for the provision or arrangement of preventative services and assistance;
- the recovery of debts under section 70 of the Act (Recovery of charges, interest, etc) and the transfer of assets to avoid charges under section 72 of the Act (Transfer of assets to avoid charges); and
- reviews under section 73 (Reviews relating to charges) relating to charging determinations or charges made under the Act.

This code covers:

- designing a charging policy;
- common issues in relation to charging;
- charging for care and support in a care home;
- choice of accommodation when arranging care in a care home;
- making payments for additional costs for preferred accommodation;
- charging for care and support in the community;
- charging for support to carers.

Procedure

A draft of the code must be laid before the Assembly. If, within 40 days (excluding any time when the Assembly is dissolved or is in recess for more than 4 days) of the draft being laid, the Assembly resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

One point is identified for reporting under Standing Order 21.7 in respect of this code.

The Committee welcomes the clarity of the code in respect of things that "must" be done and things that "should" be done, and how the introduction to the code clearly sets the scene in respect of the difference between the use of "must" and "should" in the code.

Government Response

No government response is required.

Legal Advisers
Constitutional and Legislative Affairs Committee
9 February 2018

SL(5)188 – Code of Practice and guidance on the exercise of social services functions and partnership arrangements in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014. Including children and young people who are leaving or who have left care.

Background and Purpose

This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 ('the Act').

This code aims to set out local authority responsibilities under the Act for:

- care and support plans in relation to looked after children and young people, including education and health;
- the ways in which looked after children are to be accommodated and maintained, including placements of looked after children;
- contact and visits to looked after and previously looked after children, including independent visitors;
- arrangements for leaving care, personal advisers, pathway plans and assessments, suitable accommodation and support for higher education;
- secure accommodation;
- children accommodated in other types of establishment (by health and education authorities, or in care homes or independent hospitals).

Procedure

A draft of the code must be laid before the Assembly. If, within 40 days (excluding any time when the Assembly is dissolved or is in recess for more than 4 days) of the draft being laid, the Assembly resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

One point is identified for reporting under Standing Order 21.7 in respect of this code.

The Committee welcomes the clarity of the code in respect of things that "must" be done and things that "should" be done, and how the introduction to the code clearly sets the scene in respect of the difference between the use of "must" and "should" in the code.

Government Response

No government response is required.

Legal Advisers
Constitutional and Legislative Affairs Committee
9 February 2018

Dear Mick

I would like to acknowledge, with thanks, the Committee's positive feedback on the clarity of wording and intent within the (revised) Parts 4&5 and Part 6 codes of practice, under the Social Services and Well-being (Wales) Act, recently laid before the Assembly.

When co-developing with stakeholders the inaugural suite of codes under the Act, issued in December 2015, Ministers were keen to highlight the aspects with which local authorities – when exercising their social services functions – would be required to comply and those where the application of local discretion was more appropriate. This successful formula will continue as, from time to time, we revise existing codes and new codes are brought forward.

Huw Irranca- Davies AM
Minister for Children and Social Care

Agenda Item 5.1

Jeremy Miles AC/AM
Y Cwnsler Cyffredinol/Counsel General

Llywodraeth Cymru
Welsh Government

Mick Antoniw AC/AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales

9 February 2018

Dear Mick

LAND TRANSACTION TAX (TAX BANDS AND TAX RATES) (WALES) REGULATIONS 2018

Thank you for your letter of 26 January to the Cabinet Secretary for Finance; I am responding on behalf of the Government given the issues you have raised regarding accessibility of legislation.

This Government has committed to ensuring Welsh laws are accessible, and as such it is essential that they are intelligible, clear and predictable in their effect.

Our position in relation to definitions is that these should only be included where they aid clarity or certainty. So if a term is intended to have its ordinary dictionary meaning, or it is obvious from the context what the term is referring to, it might be positively confusing to include a definition.

Similarly, where section 11 of the Interpretation Act 1978 applies, we consider that repeating a definition from a parent Act in subordinate legislation could also create uncertainty in interpretation.

However, we certainly agree with the Committee that there are times that section 11 can be unhelpful to readers of legislation: the reader of subordinate legislation needs to know of the existence of the parent Act, the definition in that Act, and the rule that the definition applies in the subordinate legislation.

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

We have already begun to consider, as part of the next steps following the Government's consultation on an Interpretation Act for Wales, what actions might be taken to address this problem – and one option is to dis-apply the rule, which would mean that definitions would be required in subordinate legislation.

I am absolutely persuaded of the need for greater accessibility in legislation but I am not persuaded that doing so piecemeal is necessarily the best way to achieve the outcome we all desire. However even without legislative reform, there is scope for improving accessibility in other ways for example through use of footnotes referencing key definitions in the parent legislation (as you note in your letter). We will certainly look to make greater use of such approaches in future where that can improve accessibility. We will also be looking at how the explanatory notes can be better used to highlight for the reader of legislation where definitions can be found.

I hope this reassures the Committee of our commitment to taking action to improve the accessibility of Welsh law, and to good drafting practice.

Yours sincerely

Jeremy Miles
Y Cwnsler Cyffredinol
Counsel General

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

National Assembly for Wales
Constitutional and Legislative Affairs Committee

Mark Drakeford AM
Cabinet Secretary for Finance

26 January 2018

Dear Mark

The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018

I am writing in relation to The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018. The Constitutional and Legislative Affairs Committee considered this Statutory Instrument at its meeting on 22 January 2018.

The Committee has, on more than one occasion, raised concerns around reliance on legal rules (as found in section 11 of the Interpretation Act 1978). The majority of readers of legislation are not familiar with such rules.

The Welsh Government may be surprised at the range of queries the Committee's clerks and legal advisers receive from members of the public who have misunderstood the meaning and application of legislation that passes through the Assembly. There have even been examples of lawyers who have failed to understand our legislation because of difficulties relating to definitions and how those definitions apply in relation to Wales. This is quite understandable – not everyone is a public lawyer who deals with the intricacies of Welsh legislation on a day to day basis.

The Committee believes that if something small can be done to help readers understand legislation (including something as small and simple as including a footnote in these regulations) then that should always be done.

We expect that these issues will come up again on a regular basis, and the Committee will continue to report where it thinks that legislation could be made more accessible and easier to read. We also expect that these issues would form part of our considerations should the Welsh Government introduce an Interpretation Bill for Wales.

I am copying this letter to the Counsel General.

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Yours sincerely,

Mick Antoniw
Chair

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

Agenda Item 5.2

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Ein cyf/Our ref LG/0055/18

David Melding AM, CBE
Temporary Chair
Constitutional and Legislative Affairs Committee

SeneddCLA@assembly.wales

13 February 2018

Dear David

Thank you for your further letter of 23 January regarding the Agricultural Wages (Wales) Order 2017. You have requested clarification of the Welsh Government's response to technical reporting point 3, on the retrospective effect of the Order.

The Welsh Government takes incredibly seriously the need for retrospective provisions which appear in legislation to be justified.

The Counsel General's consent to such provisions is required given the need for special justification. That consent was given by the Counsel General for Wales at the time and with that consent in mind and, as I have previously reassured you, my consideration of all relevant interests, I decided this to be an appropriate course of action in accordance with the justification tests set out by the Supreme Court.

Regards
Lesley

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

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

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

National Assembly for Wales
Constitutional and Legislative Affairs Committee

Lesley Griffiths AM
Cabinet Secretary for Energy, Planning and Rural Affairs

23 January 2018

Dear Lesley

Agricultural Wages (Wales) Order 2017

Thank you for your letter of 16 January 2018. The Committee was disappointed not to see a more focused response to the four questions it posed in its letter of 4 December. The Committee chose those questions for good reason, having particular concern around the need for special justification of retrospective legislation (that concern stemming from the lesson the Assembly learned as a result of the Supreme Court judgment in the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill case [2015] UKSC 3]).

The Committee is keen to have transparency and open debate around human rights issues, not least because such transparency and open debate would actually help resist any legal challenge to legislation that passes through the Assembly. Given that the Welsh Government has considered a range of matters and balanced the competing interests, the Welsh Government must have this information at hand. Therefore, the Committee is unsure as to why the letter does not use that information in order to give a more focused response to the four questions.

Yours sincerely

David Melding AM
Temporary Chair

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

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Agenda Item 5.3

Report on the implementation of Law Commission proposals

February 2018

Presented to the National Assembly for Wales
pursuant to Section 3C of the Law Commissions Act 1965
as inserted by Section 25 of the Wales Act 2014

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Introduction

I am pleased to present this report which relates to the implementation of Law Commission proposals. This is the third annual report to be presented following the passing of the Wales Act 2014.

The Act amended the Law Commissions Act 1965 to place a duty on the Welsh Ministers to report to the National Assembly for Wales each year on the extent to which Law Commission proposals relating to Welsh devolved matters have been implemented by the Welsh Ministers. This report covers the period from 17 February 2017 to 16 February 2018.

This report provides an update on the work of the Welsh Government over the last year in relation to Law Commission proposals, including those contained in the report on the Form and Accessibility of the Law Applicable in Wales. I also look forward to the outcome of other Law Commission reviews that relate to Welsh devolved matters, including the project relating to planning law in Wales.

The progress highlighted in this report demonstrates the importance with which the Welsh Government regards the proposals of the Law Commission.

The Right Honourable Carwyn Jones AM
First Minister of Wales

16 February 2018

Scope of the report

1. Section 3C of the Law Commissions Act 1965, as inserted by Section 25 of the Wales Act 2014, places a duty on the Welsh Ministers to report to the National Assembly for Wales each year on the extent to which Law Commission proposals have been implemented by the Welsh Government.

2. This is the third annual report to be published by the Welsh Ministers under the Act. The report covers the period from 17 February 2017 to 16 February 2018.

3. As stipulated by the Act, the report covers Law Commission proposals relating to Welsh devolved matters that have been implemented by the Welsh Government during the year, and proposals relating to Welsh devolved matters that have not been implemented, including plans for implementation and decisions taken not to implement proposals.

4. The report only covers the reports of the Law Commission of England and Wales as far as they relate to Welsh devolved matters.

Proposals that have been implemented

Regulating Health and Social Care Professionals

5. The Regulation and Inspection of Social Care (Wales) Act 2016 was informed by the Law Commission 2014 report and draft bill on the regulation of health workers in the UK and social care workers in England. The resultant Act, which received Royal Assent on 18 January 2016, seeks to improve the quality of care and support in Wales and strengthens protection for citizens.

6. The 2016 Act is being brought into force and implemented in three stages. The first of these stages took effect on 3 April 2017. It gave effect to the reconstitution, broadening of the remit and renaming of the Care Council for Wales as Social Care Wales and the regulation of the social care workforce. The second and third stages, both now commenced, address the regulatory regime for care and support services and other related matters.

Proposals that have not yet been implemented

The Form and Accessibility of the law applicable in Wales: Advisory project

7. The Law Commission published their report on the form, presentation and accessibility of the law relating to Wales on 29 June 2016. The report made a number of recommendations to the Welsh Government that seek to secure improvements in those aspects of both the existing law and future legislation in Wales.

8. The Welsh Government issued its final response on 19 July 2017. The report provides a helpful blueprint as to how the Welsh Government and others can take action to ensure the laws of Wales are more accessible. The Welsh Government was able to accept, or accept in principle, all except one of the recommendations for the government. The Welsh Government has already begun to implement these recommendations by starting a pilot programme of consolidation, codification and better publication.

Mental Capacity and Deprivation of Liberty

9. The UK Government's Department of Health sponsored a Law Commission project on the law of mental capacity and deprivation of liberty. The project relates to mental capacity law in England and Wales. Whilst the Mental Capacity Act is a UK Act the Welsh Ministers do have regulation-making powers under it in respect to Wales.

10. The Law Commission published its Final Report "*Mental Capacity and Deprivation of Liberty*" on 13 March 2017 making recommendations for legal reform including a draft Bill. The UK Government's Department of Health published an interim response on 30 October 2017 setting out a process of engagement with a range of stakeholders in England and Wales to understand in greater detail how changes can be implemented. It announced that a Final Response will be published in Spring 2018 with a more detailed response to the specific recommendations set out by the Law Commission at that time.

11. The Welsh Government will consider in detail any proposals put forward by the UK Government on this issue, to establish whether any fall within the legislative competence of the National Assembly for Wales.

Current and Future Law Commission Projects

13th Programme of Law Reform

12. The Law Commission published its 13th Programme of Law Reform on 14 December 2017. The Programme includes 14 new areas of law which will be the subject of Commission reviews. The Commission and the Welsh Government have been in discussion with a view to identifying a Wales-only law reform project. At the time of publication these discussions had not yielded a specific area suitable for a Wales-only law reform project. However, the Commission has put aside resources to support at least one Wales-only project in the Programme, and the Welsh Government and Commission are confident that we will be able to identify an appropriate area of work, which would be taken on by the Commission as a Ministerial reference from the Welsh Government and conducted alongside the main Programme.

13. The 13th Programme can be found here:

    https://www.lawcom.gov.uk/13th-programme-of-law-reform/

Planning Law in Wales

14. This project reviews the law relating to town and country planning in Wales. It will make recommendations on the terms of simplified and consolidated planning legislation, with the aim of replacing and integrating existing primary legislation into a new consolidated Act or Acts to form part of a Planning Code for Wales.

15. Informed by the responses to the Planning Law in Wales: Scoping Paper (June 2016) and a comprehensive review of the legislation and relevant case law, the Commission finalised for consultation their conclusions as to the scope of the project and their proposals for technical reform. The detailed consultation paper was published on 30 November 2017 with responses to be submitted to the Commission before 1 March 2018. A programme of engagement with key stakeholders from the private, public and third sectors has also been undertaken by the Commission during this three month consultation period.

16. Informed by the responses received to the consultation the Commission will produce a final report for publication during summer 2018 setting out their final recommendations for consideration by the Welsh Government.

Decisions taken not to implement

17. The Welsh Government has taken no decisions not to implement a Law Commission report during this reporting period.

Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA(L)/RE/0073/18

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff
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21 February 2018

Dear Mick,

I would like to thank the Constitutional and Legislative Affairs Committee for its scrutiny of the Regulation of Registered Social Landlords (Wales) Bill during Stage 1 of the legislative process. I have set out responses to the ten recommendations made in the Committee's Stage 1 scrutiny report on the Bill below.

1) *We recommend that the Minister justifies during the Stage 1 debate the reasons for introducing a Bill that amends existing UK legislation rather than one that is consolidated and free-standing.*

I accept this recommendation and am happy to reiterate and add to the points I made in my opening speech in the General Principles debate as to the reasons why we did not introduce a Bill to consolidate legislation in this area.

The Welsh Government is grateful for the Constitutional and Legislative Affairs Committee's continued interest in, and support for, the consolidation of devolved law.

We are very conscious of the benefits of consolidating the devolved law of Wales, thereby making that law easier to find and easier to understand, and increasing the amount of bilingual law in devolved areas. Our response to the Law Commission's recommendations in the Commission's report on the Form and Accessibility of the Law Applicable in Wales was clear about the benefits of consolidation.

However, as I am sure the Committee appreciates, there is likely to be a continuing need for Bills to change the law for particular purposes and, even though our long term aim is to consolidate devolved Welsh law, this does not mean we can commit to consolidate the law in a particular area each time we need to make changes to that law.

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

This is because the question of whether to undertake consolidation will always need to be considered on a Bill-by-Bill basis. This means taking into account the availability of resource, and whether it is the right time (in the light of factors such as other changes happening to the area of law) to consolidate.

If we had attempted to consolidate the whole of the law relating to RSLs as part of this Bill, it would not only have given rise to a resource issue, we would have run the risk that the consolidation process would not have been completed in time to avoid the consequences of ONS' reclassification of RSLs. Given the significance of those consequences, in my view it would have been wrong to run that risk.

As the Welsh Government's response to the Law Commission highlighted, consolidation is a major task which requires significant resource. As I know the Committee fully appreciates, consolidation is not a simple matter of copying existing legislation and transferring it into a new Bill. When legislative provisions which have been in place for many years are examined during a consolidation process, it is inevitable that they will throw up many questions about their meaning and accessibility, and whether they still operate properly in the current legislative landscape. This is particularly true where devolution has intervened since provisions were originally enacted.

The Committee has asked whether the Welsh Government could have started working on this project in October 2015 when ONS decided that English housing associations should be reclassified. The Committee also suggests that we might have been able to obtain a longer window to carry out a consolidation project, relying on an assurance from the Treasury that they could extend their temporary disapplication of accounting controls beyond March 2018, provided that we had made sufficient progress with the legislative changes considered necessary by ONS.

As I said during the debate, RSLs are of course governed by different legislation and a different regulatory regime from housing associations in England, and it was not until September 2016 that ONS published the outcome of its review in respect of RSLs. That was followed by a process of establishing with ONS exactly what legislative changes we needed to make to achieve the reclassification of RSLs.

Even if it had been technically possible to commence the project in October 2015, it would have been necessary to find significant additional policy, legal, drafting and translation resources to carry it out. At that point our existing resources were already committed elsewhere in the legislative programme.

Leaving aside the issue of the resources which would have been needed, the period starting in September 2016 would have provided much too short a window to use this Bill for a consolidation project. As regards the possibility of persuading the Treasury to extend its temporary disapplication of accounting controls on the basis that we were making sufficient progress with the legislative changes to facilitate reclassification, consolidation would have slowed that progress considerably. It is my view that it would have been inappropriate to take the risk that the Treasury would be prepared to grant an extension covering the longer process of consolidation.

2) *We recommend that the Welsh Government gives careful consideration to consolidating the law in this area when the next opportunity to do so arises.*

I accept this recommendation as the Welsh Government is actively considering the issue of the consolidation of devolved Welsh law, and how that could be taken forward. However, as I also said in response to Recommendation 1, the question of whether to undertake consolidation will always need to be considered on a Bill-by-Bill basis.

The availability of resources and how to prioritise their use will be a major factor in the decision as to whether to take forward a particular consolidation. However, another significant factor will be whether ongoing reforms are already underway in a particular area, and whether it would be sensible to wait until those reforms are fully implemented before embarking on consolidating legislation.

The law on RSLs is of course part of the much larger devolved area of housing. It is an area which covers a very significant amount of legislation and it is an area which the Welsh Government recognises as one which would very much benefit from consolidation.

It is an area in which we have already made significant legislative changes, and tried to make the law more accessible, for example through the Renting Homes (Wales) Act 2016, the Housing (Wales) Act 2014 and the Mobile Homes (Wales) Act 2013. Very recently of course, the Assembly passed the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018.

The breadth of the area of housing means that any consolidation would require significant resource, and that issue will need to be addressed before we can take a consolidation forward.

3) *We recommend that the Minister should table an amendment to the Bill to the effect that any appointments made under sections 6 or 8 end when the relevant requirement is complied with or the relevant failure has been remedied to the satisfaction of the Welsh Ministers.*

I am not minded to bring forward an amendment to address this issue as I am concerned it could give rise to a number of difficulties.

Having an 'automatic' termination of appointment triggered by a particular circumstance could give rise to uncertainty about when a person's appointment had ended. Furthermore, it would not allow for a transition period in which the officer would remain in post while, for example, the Welsh Ministers satisfied themselves that the RSL was now capable of operating without the officer's assistance.

The current regulatory regime contains safeguards and operates in such a way that officers or managers appointed by the Welsh Ministers to deal with a specific problem will not stay in post longer than necessary.

4) *We recommend that the Minister should table an amendment to section 13(2) of the Bill to make it clear that section 81 of the Housing Act 1988 is only repealed in respect of Wales.*
5) *We recommend that the Minister seeks confirmation from the UK Government of the timescales for the removal of references to England in the Housing Act 1988*

I have considered this issue carefully and I am content that section 13(2) of the Bill, as it stands, is correct.

I appreciate that where legislation which applies in England and Wales is amended by an Act of the Assembly, the accessibility and clarity of the legislation which will continue to apply in England is of the utmost importance.

However, in respect of section 81 of the Housing Act 1988, once the requirement for an RSL to obtain consent to a disposal of land is removed, the section will no longer have any effect in relation to England.

Section 81 applies only to disposals of land by RSLs, where the RSL acquired that land from a Housing Action Trust. RSLs are registered in Wales and must be principally concerned with Welsh housing. However, this does not preclude RSLs from owning and managing property in England (although, in practice, owning and managing land in England accounts for a very small proportion of RSL operations).

In order to remove central government controls to the extent necessary to achieve the reclassification of RSLs, it is necessary to repeal section 81 in its entirety. It has already been repealed in relation to non-profit registered providers (the RSL equivalent in England).

The repeal will remove the function of the Secretary of State to consent to the disposal of former Housing Action Trust land by an RSL if that land is in England. This repeal of the Secretary of State's function raises no separate issue of principle and we are content that its effect is incidental to, or consequential on, the main purpose of the repeal which is to remove the requirement for RSLs to obtain central government consent for disposals.

6) *We recommend that the Minister should table an amendment so that it is clear on the face of the Bill that the new definition of "notify" is to be inserted into section 63 of the Housing Act 1996 after the definition of "notice" and before the definition of "public sector landlord".*

I am satisfied that the provision which inserts the definition of "notify" into section 63 of the Housing Act 1996 is drafted in the most appropriate way.

When inserting a new definition into a list of definitions, it is common drafting practice to provide that the new definition should be inserted "in the appropriate place", rather than identifying which existing definitions it should appear between. This is because it is possible that, before the amendment is commenced, another piece of legislation may insert another definition in the space where the amendment was going to insert a definition.

By providing that the new definition is to be inserted "in the appropriate place", it means that it can be inserted in the correct alphabetical position at the time the insertion is commenced.

7) *We recommend that the Minister should table an amendment to the Bill to compel the Welsh Ministers to, within 14 days after a direction is given under section 5 or 14, cause the text of the direction to be laid before the National Assembly together with a written statement to explain the purpose of the direction.*

I have considered this issue and I am content that, given the nature and the content of the directions to be given under the new provisions in sections 5 and 14 of the Bill, the provision as it currently stands is proportionate in the circumstances. Therefore I have decided against bringing forward an amendment in respect of this issue.

However, I am more than happy to give a commitment that directions given under the new provisions will be published on the Welsh Government's website.

The scope of the directions to be given under these provisions is very limited. The directions will deal with the delivery, form and content of notifications to be given to the Welsh Ministers, and the deadlines for doing so. The directions therefore deal with administrative matters.

There are already a number of other direction making powers in the Housing Act 1996, and across a wide variety of legislation, which are not required to be laid before the Assembly.

8) *We recommend that the Minister should table an amendment to replace the wording of section 18(1) of the Bill to state that regulations may make any incidental or consequential provisions that the Welsh Ministers consider necessary for the purpose of, or in connection with, or for giving full effect to, any provision contained in or made under the Bill.*

The power in section 18 is a narrow one. It could not be used to do anything which is not closely connected with the Bill's provisions.

Regarding the Committee's recommended wording, my view is that a requirement for an amendment to be "necessary", rather than "appropriate", before it can be made under this power is too strict a test to apply. There may be several ways of dealing with a particular provision which is affected by the Bill, and the Welsh Ministers need to be able to choose the one which is most appropriate to make the law clear and operate properly.

If the Welsh Ministers could do no more than was strictly necessary in making an amendment, it may limit their ability to make the existing law work effectively following the changes made by the Bill.

In relation to a recommendation from the External Affairs and Additional Legislation Committee, I have asked my officials to develop an amendment to indicate more clearly the scope of the power.

9) *We recommend that the Minister should table an amendment to state that the powers provided by this provision shall lapse upon the date that confirmation is published by the ONS that RSLs are reclassified as private non-financial corporations.*

It may be helpful if I confirm that this power cannot be used to make further amendments for the purposes of facilitating the reclassification of RSLs by ONS. It is for the purpose of making amendments which arise as a result of the changes to the law which are specifically made by the Bill.

If the power to make amendments were to lapse as suggested by the Committee and the amendment regulations had not yet been made, our ability to make them would be at an end.

Furthermore, although we do our utmost to identify all the provisions which need amending and deal with them in a single set of regulations, it is always possible that a provision may come to light subsequently. It is also possible that provisions made after the date of reclassification need to be amended.

I consider therefore that an amendment power that lapses as suggested by the Committee would be too restrictive to ensure we are able to amend all the provisions which may be affected by this Bill.

10) *We recommend that the Minister should table an amendment to Schedule 1 of the Bill to delete the words "but the landlord may not remove an appointee until after the two month period expires" from section 7C(3) to be inserted into the Housing Act 1996.*

I have accepted this recommendation in principle and will bring forward an amendment to address the issue raised by the Committee.

I would also like to take this opportunity to clarify one point raised in the report regarding paragraph 9 of Schedule 2 to the Bill and the interaction with the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (the 2018 Act). The date for final abolition has now been set as the 26 January 2019 (see the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (Commencement and Saving Provisions) Order 2018). If this Bill progresses as anticipated, it should come into force before final abolition takes place. Therefore, section 16 of the Housing Act 1996 will need to be amended by this Bill, before being repealed by the 2018 Act on 26 January 2019.

I hope this letter is helpful in setting out responses to the Committee's report. I will also be writing to the Chairs of the External Affairs and Additional Legislation Committee and the Finance Committee with regard to their Stage 1 reports, and will copy the letters to all three Committee Chairs.

I look forward to continuing to work with Members as the Bill progresses through the Assembly process.

Yours sincerely,

Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Y Gwir Anrh/Rt Hon Carwyn Jones AC/AM
Prif Weinidog Cymru/First Minister of Wales

Llywodraeth Cymru
Welsh Government

Mick Antoniw
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales

SeneddCLA@Assembly.Wales

19th February 2018

Dear Mick

I am writing in response to your letter of 8 February, enclosing a copy of the Committee's report on UK governance post Brexit. I am grateful to the Committee for the work it has undertaken; the Counsel General will set out the Welsh Government's response during the debate on 28 February.

Yours sincerely

CARWYN JONES

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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.

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

National Assembly for Wales
External Affairs and Additional Legislation Committee

Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee

19 February 2018

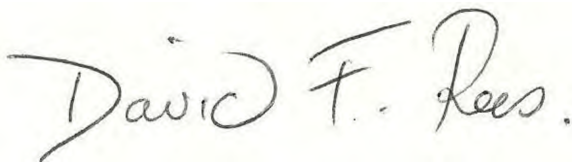
Dear Mick,

European Withdrawal Bill – Output to the House of Lords

Please find attached correspondence that the External Affairs and Additional Legislation Committee have circulated to members of the House of Lords regarding the EU Withdrawal Bill.

The correspondence includes the Committee's six objectives that we believe need to be met in order for the Committee to recommend that the Assembly grants its consent for the Bill.

Yours sincerely,



David Rees AM,

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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National Assembly for Wales
External Affairs and Additional Legislation Committee

House of Lords
London
SW1A 0PW

19 February 2018

Dear Member of the House of Lords,

European Union (Withdrawal) Bill

I am writing to seek your support for the changes to the European Union (Withdrawal) Bill that we, the Assembly's External Affairs Committee, believe are necessary.

These changes are set out as six objectives. These objectives are those of a cross-party committee of the National Assembly for Wales. The External Affairs Committee is, in short, the Assembly's Brexit Committee. It was established by the Assembly to consider the implications for Wales of exiting the European Union and to safeguard Welsh interests in the withdrawal process and in the setting of post-exit arrangements.

The objectives are based on written and oral evidence received from a wide range of stakeholders and have benefitted from the input of constitutional and legal experts from across the United Kingdom. Further information is available from our website. This work builds on the report we published in June 2017 on the White Paper associated with the Withdrawal Bill: *The Great Repeal Bill White Paper: Implications for Wales*.

Before setting-out our objectives, I wish to emphasise again that **we are not, in any way, seeking to frustrate the UK's withdrawal from the EU**. As we stated in our

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report on the White Paper, we understand the need to retain and convert EU law and to make it operable from the day of exit. Our concern lies in the treatment of the devolution settlement and the lack of engagement with the Assembly, through its committees, in relation to the delegation of powers to Welsh Ministers and the setting of scrutiny arrangements.

We have a formal role in the Assembly's process for considering whether to grant its legislative consent for the Bill.

We have published an interim report on the Legislative Consent Memorandum attached to the Bill. In this report, **we recommended that the Assembly withhold its consent for the Bill in its current form**.

Parliament's response to the six objectives set out below will have a significant bearing on whether we are able to revise our position and recommend that the Assembly grants its consent.

Our six objectives are to:

1. **Remove the Clause 11 restriction on the devolution settlement.**
2. **Ensure the Welsh Ministers and the Assembly are responsible for correcting all aspects of EU-derived law in areas of devolved competence.**
3. **Ensure powers available to Welsh Ministers under the Bill are strictly limited and far more tightly drawn than those currently set out in the Bill.**
4. **Prevent UK Ministers from amending aspects of EU-derived law that affect Wales unless reserved.**
5. **Prevent UK or Welsh Ministers amending the Government of Wales Act using delegated powers.**
6. **Ensure that the Assembly can set its own scrutiny arrangements.**

Attached to this letter is a paper that explains each of these objectives. Whilst we maintain our desire to see each objective met in full, we have reflected on the debate and response to them in the House of Commons.

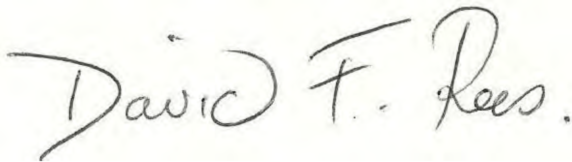
To that end, we remain open to considering pragmatic suggestions to move closer to our position in some areas.

Where this is the case, we have indicated this in the attached paper.

We are aware that further amendments are likely to be tabled, including amendments from the UK Government. We will consider these once tabled and hope that they might contribute to meeting our objectives.

Please contact me if you require any further information, or wish to discuss these objectives in more detail.

Yours sincerely,



David Rees AM, Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

The Objectives explained

Objective 1: Remove the Clause 11 restriction on the devolution settlement

Explanation

Whilst the Committee believes that UK-wide frameworks will be necessary in a number of policy areas, it also believes that these should be agreed on a parity of esteem basis between the governments and legislatures of the United Kingdom and not imposed by the UK Government, even on a time-limited basis.

Clause 11, as drafted, places a new and significant constraint on the devolution settlement and shifts the power dynamic around setting common UK frameworks firmly in the direction of the UK Government. The UK Government has provided no information on how these common frameworks will be agreed, the timetable for agreeing them, or how Parliament and the devolved legislatures will be involved in this process.

This is further complicated by the fact that the UK Governments is also, in a number of European Union policy areas, acting as the government of England. This leads to a possible conflict of interest when it comes to imposing pan-UK structures.

Professor John Bell told the Committee that "*Clause 11 is drafted in such a way as to hide the extent of the restriction on the future competences of devolved assemblies*".

The Institute for Welsh Affairs stated in evidence that:

> *"It is no-one's interest for a Withdrawal Bill not to be enacted and provide a legal safety net when the UK leaves the jurisdiction of EU law. However, in its current form, this Bill fails to respect the power already granted to the elected governments in Scotland and Wales, and to respect the democratic legislatures in Northern Ireland, Wales and Scotland."*

The Committee is aware of the UK Government's commitment to table amendments to Clause 11 before the Bill leaves the House of Lords.

Should these amendments meet this objective, then the Committee will write again to confirm this.

Objective 2: Ensure the Welsh Ministers and the Assembly are responsible for correcting all aspects of EU-derived law in areas of devolved legislative competence

Explanation

The most constitutionally appropriate and efficient route to correcting EU law is to ensure that the Welsh Ministers and the Assembly are responsible for making corrections to all areas of transferred EU law that fall within devolved legislative competence.

The narrower option (as provided for in the Bill) of restricting the involvement of the Welsh Ministers and the Assembly to correcting only EU-derived domestic legislation in devolved areas makes for a less efficient exit process. EU-derived domestic legislation includes UK domestic laws that have already been passed by the UK Parliament or devolved legislatures to implement requirements of EU law.

Welsh Government and Welsh public bodies are responsible for implementing EU law in devolved areas, and have been for 20 years. They hold the knowledge that is required to make sensible corrections to EU law in devolved areas. If UK Ministers were to seek to make corrections in devolved areas, they would need to seek the expert input of the Welsh Government and Welsh public bodies before drafting such corrections. Enabling the Welsh Ministers and the Assembly to correct all aspects of EU-derived law in devolved areas is a more efficient, and constitutionally appropriate, approach to correcting EU-derived law in devolved areas.

Cytûn provided the following assessment in evidence:

> *"Provisions which permit Ministers of the Crown, in their role as ministers with responsibility for matters in England which are devolved to the other nations, to amend the law in England while ministers in Wales are restricted from amending laws in the same areas in Wales. This creates an unfairness and inequality between the nations of the UK, and could endanger the smooth functioning of the UK single market, the maintenance of which is one of the key policy aims of the Bill."*

Objective 3: Ensure powers available to Welsh Ministers under the Bill are strictly limited and far more tightly drawn than those currently set-out in the Bill

Explanation

We recognise the case for a power to be delegated to the Welsh Ministers, and that this power will need to be wide in terms of the legislation it applies to. However, **this power must be strictly limited to the uses for which it is intended.**

As many Members of Parliament noted in their contributions at Second Reading, the powers proposed for the executive in this Bill are extraordinarily wide and subject to limited controls.

Unless the Bill is amended to place appropriate constraints on these powers, it risks unbalancing the power dynamic between the executive and the legislature at both a UK and devolved level. In terms of the relationship between Parliament and UK Ministers, the Delegated Powers Scrutiny Committee in the House of Lords found that:

> "The European Union (Withdrawal) Bill gives excessively wide law-making powers to Ministers, allowing them to make major changes beyond what is necessary to ensure UK law works properly when the UK leaves the EU."

The External Affairs Committee believes that the same is true for the powers proposed, and sought, for Welsh Ministers.

Whilst the Welsh and Scottish Governments have sought to align the powers they would receive under the Bill with those to be granted to UK Ministers, they have not sought to place any limitation on these powers.

They acknowledge, in the explanatory notes that accompany their suggested amendments, that:

> *"We are aware that there are significant concerns in Parliament about the very broad scope of the Henry VIII powers proposed in the Bill, and would be supportive of amendments which sought to define these more narrowly."*

The Learned Society for Wales submitted in writing that:

> *"The discretion given to Ministers of the Crown to adjust retained EU law is however very wide. Arguably, it is wider than is necessary. […] The breadth of the discretion effectively makes it impossible to challenge its exercise other than by internal procedures within the UK Parliament."*

The Committee's view is that the discretion offered to Welsh Ministers should be limited to only "essential" provision. A note on why the Committee has arrived at this formulation, rather than suggesting "necessary" (as has been proposed in other amendments tabled in the House of Commons) is provided after the committee suggested amendments for this Objective.

Whilst the Committee's interest is in controlling the powers granted to Welsh Ministers, the mechanics of the Bill make it difficult to achieve without also placing limitations on those available to UK Minsters (and other devolved Ministers). The Committee's preference is to restrict its suggested amendment to the powers delegated to Welsh Ministers. Where possible, this has been done, but has not been practically possible in all instances given how the Bill is constructed.

Note on the use of "essential" rather than "necessary" or "appropriate"

The amendments suggested above would reduce the current wide discretion for using delegated legislation and limit it to those aspects which are truly unavoidable, by replacing the power to make "such provision as the Minister considers appropriate" with a power to make "such provision as is essential". The discretion is reduced in two ways. First, the word "essential" is, clearly, significantly narrower than the word appropriate. It does indeed focus on what is unavoidable; what must be done in order to make EU-derived law operate effectively after Brexit. Secondly, the amendment would apply an objective test of what is essential, not the test of what a Minister "considers" essential. The latter necessarily includes an element of subjectivity, even with the proviso that the courts will always require Ministers' consideration to be "reasonable".

The amendment would limit the discretion for all devolved Ministers. This is simply dictated by the structure of the current Schedule 2.

Other amendments have already been tabled with the same purpose, as regards the powers of UK Government Ministers. However, those amendments seek to replace the word "appropriate" with the word "necessary". The Committee is of the view that this would still give Ministers too wide a discretion in the context of these extremely broad-ranging Henry VIII powers, and in the extremely important constitutional context of Brexit. This is because the word "necessary" is capable of a range of meanings. True, it can be interpreted as meaning "essential". But it has also been interpreted by the courts as meaning "proportionate" (notably, in a Human Rights and indeed an EU-law context). And "proportionate" is very little different from the current term, "appropriate", which has attracted so much criticism from constitutional experts.

The term "essential" has been used in many pieces of Westminster legislation, e.g. the Consumer Rights Act 2015, the Investigatory Powers Act 2016 and the Financial Services and Markets Act 2000 (now amended). In the Acts mentioned, the term is used in a context involving an element of discretion – as it would be in the Bill. Clearly, therefore, Parliament has considered it an appropriate word where the aim is to strictly limit, but not eliminate, discretion.

Objective 4: Prevent UK Ministers from amending aspects of EU-derived law that affect Wales unless reserved

Explanation

As stated against Objective 2 above, the External Affairs Committee believes that the most constitutionally appropriate and efficient route to correcting EU law would be to ensure that the Welsh Ministers and the Assembly are responsible for making corrections to all areas of transferred EU law that fall within devolved legislative competence.

As drafted, the Bill provides UK Ministers with exclusive powers to amend direct EU legislation in devolved areas (though amendments to Schedule 2 made in the Commons create a mechanism for devolved ministers to be granted correcting powers for limited aspects of direct EU legislation in the future). The Bill also provides concurrent powers for UK Ministers to amend EU-derived domestic legislation in devolved areas.

Objective 2 (above) seeks to widen the powers available to Welsh Ministers so that Welsh Ministers can amend direct EU legislation in devolved areas.

This objective 4 seeks to remove the concurrent powers granted to UK Ministers to allow them to amend EU-derived domestic legislation in devolved areas.

This objective goes further than the Welsh Government amendments as it seeks to remove the possibility of UK Ministers amending EU-retained law in devolved areas.

As a mature legislature, the Assembly should not be seeking UK Parliamentary time to address issues for which it is responsible. The Assembly should be responsible for scrutinising legislation for which it is accountable to the electorate for delivering.

The External Affairs Committee believes that all devolved legislatures should be enabled to play their full part in the process of legislating for Brexit.

This approach would not prevent the Welsh Government and UK Government from working together in the preparation of subordinate legislation.

Our position was not shared by the UK Government when responding to amendments tabled by Stephen Kinnock MP in the House of Commons (amendments based on the Committee’s suggested amendments to fulfil this objective)

Without moving away from the principle of our positon, we would consider amendments to the Bill that required the consent of the Assembly for the use of concurrent powers to legislate in devolved areas to be a meaningful step towards our positon.

Objective 5: Prevent UK or Welsh Ministers amending the Government of Wales Act using delegated powers

Explanation

As a point of constitutional principle, the foundation statues for devolution in Wales should only be amended through the use of primary legislation or, in limited circumstances, through the use of a Section 109 Order (as provided for in the Government of Wales Act 2006 "GoWA").

The Committee has received evidence from a number of sources in relation to both the White Paper and the Withdrawal Bill that emphasise that it should not be possible for the Government of Wales Act 2006 ('GoWA') to be amended through the use of delegated powers.

The Withdrawal Bill would currently provide UK Ministers with a power to amend GoWA through the use of subordinate legislation.

The Welsh Government amendments restrict the ability of the UK Government to amend the GoWA through the use of subordinate legislation in most circumstances.

However, the Welsh and Scottish Government amendments allow UK Ministers the ability to amend the GoWA with the consent of Welsh or Scottish Ministers when it comes to implementing a withdrawal agreement.

As a minimum, this should require the consent of the Assembly. However, the more constitutionally appropriate route would be to remove this power altogether and this aligns with the approach taken to the Human Rights Act in the Bill.

Objective 6: Ensure that the Assembly can set its own scrutiny arrangements

Explanation

As acknowledged by the powers provided to the Assembly by Government of Wales Act 2006, it is for the Assembly alone, as the democratically accountable institution for Wales, to set its own procedures.

The Bill as drafted would undermine this constitutionally crucial principle by seeking to set, on behalf of the Assembly, the procedures that will apply to scrutiny of secondary legislation. This cannot be right.

In its report on the White Paper, the Committee stated:

> *"It would be of grave concern to us if the UK Government were to impose procedure on the Assembly, particularly as it has not consulted the Assembly about this."*

The UK Government has not responded to the Committee's calls for it to engage constructively with the Assembly.

The Withdrawal Bill seeks to impose procedure on the Assembly without any consultation and in the absence of acknowledging the Committee's view as expressed in its report on the White Paper.

The procedure the UK Government is proposing (principally for Parliament and, by extension, the devolved legislatures) falls far short of the Committee's expectations, as expressed in its report on the White Paper.

Professor Bell suggested in writing that:

> *"The provisions on Scrutiny are inadequate. […] The Bill does not recognise the magnitude of the task and therefore the need to have differently designed procedures to ensure adequate scrutiny. […] The Bill assumes current procedures will be used, but that is simply not possible. Very serious attention needs to be given to how scrutiny will operate."*

The Institute for Welsh Affairs wrote:

> *"Corresponding powers are conferred on devolved institutions by clause 10 and schedule 2, meaning that Welsh Government Ministers could also take Henry VIII powers under this Bill should they wish. It would of course be unsatisfactory to see this power replicated in Wales, without action to rebalance the scrutiny mechanisms available to the National Assembly for Wales.* ***Defects in parliamentary scrutiny ought not to be replicated in Cardiff."***

The amendments made in the House of Commons, at the instigation of the Chair of the Procedure Committee, have improved the scrutiny arrangements for Parliament. They do not apply to the devolved legislatures, though the Committee

understands that the UK Government is willing to consider amending the Bill to apply enhanced Assembly scrutiny arrangement on the face of the Bill.

The Committee proposed amendments in the House of Commons (tabled by Stephen Kinnock MP) that would allow the National Assembly for Wales to set scrutiny arrangements through its Standing Orders. The Committee saw this as enabling a pragmatic option for establishing Assembly scrutiny arrangements quickly.

The amendments were not agreed.

The Committee also acknowledged that its approach would not preclude other avenues being pursued to establish scrutiny arrangements.

The Assembly's Constitutional and Legislative Affairs Committee is due to report on its preferred scrutiny arrangements in late February. We will write again with a view on these once the view of that committee is known.

Agenda Item 7

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

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Agenda Item 8

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

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