

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 17 September 2018

Meeting time: 14.30 – 15.20

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5004>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Dai Lloyd AM David Melding AM
Witnesses:	
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Mike Lewis (Deputy Clerk) Gareth Howells (Legal Adviser)

1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Mandy Jones AM.



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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

2.1 SL(5)238 – The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) (Amendment) Order 2018

2.2 SL(5)244 – The Education Workforce Council (Membership and Appointment) (Wales) (Amendment) Regulations 2018

2.3 SL(5)245 – The Landfill Disposals Tax (Wales) Act 2017 (Site Restoration Relief) (Amendment) Regulations 2018

The Committee considered the instruments and was content.

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

3.1 SL(5)237 – The Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018

The Committee considered the instrument and will report to the Assembly in line with reporting point identified.

3.2 SL(5)239 – The Education (Student Loans) (Repayment) (Amendment) (No.3) Regulations 2018

The Committee considered the instrument and will report to the Assembly in line with the reporting point identified. The Committee noted the Explanatory Memorandum refers to a consultation undertaken however, there is no summary of the consultation made available. The Committee will write to the Cabinet Secretary to seek Education for clarification.

3.3 SL(5)240 – The Education (Student Support) (Wales) (Amendment) Regulations 2018

The Committee considered the instrument along with the Government response and will report to the Assembly in line with the reporting point identified. The Committee noted that the Government state in its response that there is no policy change,

however, the Regulatory Impact Assessment states, in relation to both regulations 8 and 9, that “the regulation has been made more permissive”. The Committee will write to the Cabinet Secretary for Education to seek clarification.

3.4 SL(5)248 – The Food and Rural Affairs (Miscellaneous Revocations) Regulations 2018

The Committee considered the instrument and will report to the Assembly in line with the reporting point identified. The Committee highlighted that the Explanatory Memorandum makes no reference as to why the instrument is made in English only. The Committee will write to the Cabinet Secretary for Energy, Planning and Rural Affairs to seek clarification.

4 Instruments that raise issues to be reported to the Assembly under Standing Order 27

4.1 SL(5)246 – Code of Practice for the Welfare of Dogs

4.2 SL(5)247 – Code of Practice for the Welfare of Horses

The Committee considered the Codes of Practice and will report to the Assembly to highlight issues as a result of the UK exiting the EU.

5 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3 but have implications as a result of the UK exiting the EU

5.1 SL(5)241 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018

5.2 SL(5)242 – The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2018

5.3 SL(5)251 – The Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2018

The Committee considered the instruments and will report to the Assembly to highlight issues as a result of the UK exiting the EU

6 Statutory Instruments requiring Assembly consent (Statutory Instrument Consent Memorandums)

6.1 SICM(5)3 – Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018

The Committee considered the Statutory Instrument Consent Memorandum and in the circumstances were content with the approach adopted by the Cabinet Secretary for Energy, Planning and Rural Affairs

7 Papers to note

7.1 Letter to the Llywydd from the Minister for Children, Older People and Social Care regarding the Childcare Funding (Wales) Bill

The Committee noted the letter to the Llywydd along with the letter received from the Minister earlier that day (circulated in hard copy) in response to the Committee's recommendations. Members noted that the Stage 1 Plenary debate on the General Principles of the Bill is scheduled for the following day, 18 September. Members agreed that if the Minister's further consideration of the Committee recommendations resulted in significant amendments being made to the Bill, the Committee may wish to consider the Bill at an appropriate point in time.

7.2 Letter to the Leader of the House regarding European Union (Withdrawal) Act 2018 – regulations made under Schedule 4

The Committee noted the letter to the Leader of the House regarding Schedule 4 regulations and the response from the Leader of the House received earlier that day (circulated in hard copy).

7.3 Letter from the Leader of the House and Chief Whip regarding regulations made under the European Union (Withdrawal) Act 2018

The Committee noted the letter from the Leader of the House.

7.4 Letter from the Leader of the House and Chief Whip regarding regulations made under the European Union (Withdrawal) Act 2018

The Committee noted the letter from the Leader of the House, and agreed to respond to the Leader of the House in due course.

7.5 Correspondence with the Cabinet Secretary for Local Government and Public Services regarding Concordat with the Ministry for Justice and the Welsh Government

The Committee noted correspondence with the Cabinet Secretary for Local Government and Public Services and agreed to write to the Cabinet Secretary to request a copy of the reciprocal guidance once finalised.

7.6 Letter from the Chair of the External Affairs and Additional Legislation Committee: Brexit Transition

The Committee noted the letter from the Chair of the External Affairs and Additional Legislation Committee. The Committee and agreed to send the External Affairs and Additional Legislation Committee a copy of the draft Inter-Institutional Agreement that it is developing with the Welsh Government.

7.7 Letter from the Cabinet Secretary for Education to the Children, Young People and Education Committee: Additional Learning Needs Transformation

The Committee noted the letter from the Cabinet Secretary for Education.

7.8 Letter from the Llywydd to Committee Chairs: Senedd@

The Committee noted the letter from the Llywydd.

7.9 Welsh Government Written Statement and Supplementary Evidence to the Commission on Justice in Wales

The Committee noted the written statement and the supplementary evidence to the Commission on Justice in Wales.

7.10 The Royal Society of Edinburgh – Advice paper August 2018: Scottish Parliament Finance and Constitution Committee Common UK Frameworks

The Committee noted the advice paper from the Royal Society of Edinburgh.

7.11 Statements: Introduction of UK Agriculture Bill

The Committee noted the statements and agreed to write Cabinet Secretary for Energy, Planning and Rural Affairs.

7.12 Welsh Government response to the Committee's Report: Scrutiny of Regulations made under the European Withdrawal Act 2018: Operational Matters

The Committee noted the Welsh Government response.

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

The motion was agreed.

9 Draft Protocol with Welsh Government – Scrutiny of regulations made under the European Union (Withdrawal) Act 2018

The Committee considered the draft protocol and agreed the next steps.

10 Statutory Instruments made by UK Ministers requiring Assembly Consent: practice in light of Brexit

The Committee considered and agreed the approach already adopted by the Welsh Government in relation to Statutory Instruments Consent Memoranda relating to Brexit legislation.

11 Legislating for the Withdrawal Agreement between the UK and the EU: Update

The Committee noted the update.

12 House of Commons Public Administration and Constitutional Affairs Committee Report – Summary

The Committee considered the summary.

13 Forward Work Programme

The Committee considered its forward work programme for the autumn term.