

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 4 February 2019

Meeting time: 14.30 – 15.30

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5259>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Suzy Davies AM Carwyn Jones AM Llyr Gruffydd AM (In place of Dai Lloyd AM)
Witnesses:	
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Ruth Hatton (Deputy Clerk) Alys Thomas (Researcher) Gareth Howells (Legal Adviser) Katie Wyatt (Legal Adviser)

1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Dawn Bowden AM and Mandy Jones AM. Apologies were also received from Dai Lloyd AM for whom Llyr Gruffydd AM substituted.



Cynulliad
Cenedlaethol
Cymru

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Assembly for
Wales

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

2.1 SL(5)306 – The Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2019

The Committee considered the instrument and was content.

3 Instruments previously considered for sifting and now subject to scrutiny under Standing Orders 21.2 and 21.3

3.1 SL(5)307 – The Livestock (Records, Identification and Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

3.2 SL(5)308 – The Animal By-Products and Transmissible Spongiform Encephalopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

3.3 SL(5)309 – The Elections (Wales) (Amendment) (EU Exit) Regulations 2019

3.4 SL(5)311 – The Service Charges (Consultation Requirements) (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instruments, noted the merits point for each and was content.

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

4.1 SL(5)304 – The Equine Identification (Wales) Regulations 2019

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

4.2 SL(5)301 – The Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2019

The Committee noted the Government response and was content.

5 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B

5.1 pNeg(5)15 – The Equine Identification (Wales) (Amendment) (EU Exit) Regulations 2019

5.2 pNeg(5)16 – The Learner Travel (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instruments and was content that the negative procedure should apply.

6 Statutory Instruments requiring Consent: Brexit

6.1 SICM(5)18 – The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019

The Committee noted the statutory instrument consent memorandum and agreed to write to the Welsh Government to seek clarification as to why a written statement has not been laid for the Regulations.

7 Written statements under Standing Order 30C

7.1 WS–30C(5)78 – The Import of and Trade in Animals and Animal products (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary. The Committee agreed to write to the Welsh Government to seek clarification on the issues raised in the commentary.

7.2 WS–30C(5)79 – The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

7.3 WS–30C(5)80 – The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

7.4 WS-30C(5)81 – The State Aid (EU Exit) Regulations 2019

The Committee noted the statement and the commentary. The Committee agreed to write to the Counsel General to seek clarification on the issues raised in the commentary including a potential breach of the Inter-Governmental Agreement. The Committee also agreed to draw the issues to the attention of the House of Lords Secondary Legislation Scrutiny Committee and Constitution Committee.

7.5 WS-30C(5)82 – The Public Procurement (Amendment) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary. The Committee agreed to write to the Welsh Government to seek clarification on the issues raised in the commentary.

8 Papers to Note

8.1 Letter from Lord Boswell Chairman of the European Union Committee of the House of Lords: Post-Brexit UK-EU interinstitutional relations, and the role of the devolved institutions

The Committee noted the letter from Lord Boswell and agreed to respond, drawing attention to the Committee's report on UK Governance post Brexit and the report from Sir Paul Silk on A Speakers' Conference.

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

The motion was agreed.

10 Legislative Consent Memorandum on the UK Fisheries Bill: Draft Report

The Committee considered the report and agreed to reconsider a revised version at the next meeting.

11 Legislative Consent Memorandum: The Animal Welfare (Service Animals) Bill

The Committee considered the legal advice note and agreed to report shortly.

12 Scrutiny of regulations made under the EU (Withdrawal) Act 2018: Update

The Committee noted the update.