

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 18 February 2019

Meeting time: 13.01 – 14.38

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5261>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Dawn Bowden AM Carwyn Jones AM Mandy Jones AM Dai Lloyd AM Suzy Davies AM
Witnesses:	Jeremy Miles AM, Counsel General and Brexit Minister Claire Fife, Welsh Government Dylan Hughes, Welsh Government Dr James George, Welsh Government
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) Ben Harris (Legal Adviser) Stephen Davies (Legal Adviser) Sam Mason (Legal Adviser)
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1 Introduction, apologies, substitutions and declarations of interest

2 Legislation (Wales) Bill: Evidence session 6 – Counsel General

The Committee took evidence from Jeremy Miles AM, Counsel General. The Counsel General agreed to write to the Committee with further information and clarification relating to section 8 of the Bill.

- 3 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B**
- 3.1 pNeg(5)19 – The Local Government Finance (Amendment) (Wales) (EU Exit) Regulations 2019**
- 3.2 pNeg(5)22 – The Teachers’ Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019**
- 3.3 pNeg(5)24 – The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**
- 3.4 pNeg(5)25 – The Air Quality Standards (Wales) (Amendment) (EU Exit) Regulations 2019**
- 3.5 pNeg(5)26 – The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**
- 3.6 pNeg(5)27 – The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**
- 3.7 pNeg(5)28 – The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019**
- 3.8 pNeg(5)29 – The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019**

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

4 Proposed negative instruments that raise reporting issues under Standing Order 21.3B

4.1 pNeg(5)23 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019

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

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

5.1 SL(5)317 – The Free School Lunches and Milk (Universal Credit) (Wales) Order 2019

The Committee considered the instrument and was content.

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

6.1 SL(5)318 – The Education (Student Loans) (Repayment) (Amendment) Regulations 2019

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

7 Standing Order 30B Report: The European Union (Withdrawal) Act and Common Frameworks

The Committee noted the second report laid under Standing Order 30B relating to the European Union (Withdrawal) Act and Common Frameworks.

8 Written statements under Standing Order 30C

8.1 WS–30C(5)83 – The Nutrition (Amendment etc) (EU Exit) Regulations 2019 – revised

The Committee noted the revised written statement and commentary and agreed to write to the Government to seek further clarification.

8.2 WS-30C(5)91 – The Food and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit)

The Committee noted the written statement and commentary.

8.3 WS-30C(5)92 – The Novel Food (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.4 WS-30C(5)93 – The Genetically Modified Food and Feed (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.5 WS-30C(5)94 – The Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.6 WS-30C(5)95 – The Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.7 WS-30C(5)96 – The Food and Feed Imports (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.8 WS-30C(5)97 – The Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.9 WS-30C(5)98 – The Animal Feed (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and the issues raised in the commentary.

8.10 WS-30C(5)99 – The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.11 WS-30C(5)100 – The Sprouts and Seeds (Amendment) (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

9 Papers to note

9.1 Letter from Sir Bernard Jenkin MP to the Rt Hon Greg Clark MP regarding the The State Aid (EU Exit) Regulations 2019

The Committee noted the letter from Sir Bernard Jenkin MP, Chair of the Public Administration and Constitutional Affairs to the Rt Hon Greg Clark MP.

9.2 Correspondence with the House of Lords Secondary Legislation Scrutiny Committee regarding The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2018

The Committee noted the correspondence relating to The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2018.

9.3 Letter from the Minister for Health and Social Services regarding the Welsh Government's Legislative Consent Memorandum on the Healthcare (International Arrangements) Bill

The Committee noted the letter from the Minister for Health and Social Services. The Committee also noted, in private session, a subsequent letter from the Minister received very shortly before the Committee meeting started.

9.4 Letter from the Counsel General to the Older People's Commissioner for Wales and the Children's Commissioner for Wales regarding the Legislation (Wales) Bill

The Committee noted the letter from Counsel General to the Older People's Commissioner for Wales and the Children's Commissioner for Wales regarding the Legislation (Wales) Bill.

9.5 Letter from the Minister for Environment, Energy and Rural Affairs to the Chair of the Climate Change, Environment and Rural Affairs Committee regarding the Fisheries Bill

The Committee noted the letter from the Minister for Environment, Energy and Rural Affairs to the Chair of the Climate Change, Environment and Rural Affairs Committee regarding the Fisheries Bill.

9.6 Senedd and Elections (Wales) Bill: Correspondence

The Committee noted the correspondence from the Llywydd and the Counsel General in relation to the Senedd and Elections (Wales) Bill.

9.7 Letter on behalf of the Minister for Finance and Trefnydd regarding the Public Procurement (Amendment Etc.) (EU Exit) Regulations 2019

The Committee noted the correspondence with the Minister for Finance and Trefnydd relating to the Public Procurement (Amendment Etc.) (EU Exit) Regulations 2019.

9.8 Letter on behalf of the Minister for Finance and Trefnydd regarding the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the correspondence with the Minister for Finance and Trefnydd relating to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

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

The motion was agreed.

11 Legislation (Wales) Bill – consideration of evidence and discussion of key issues arising during scrutiny of the Bill

The Committee considered the evidence received and discussed key issues for inclusion in its draft report.

12 Legislative Consent Memorandum: Animal Health (Service Animals) Bill – consideration of draft report

The Committee agreed its report.

13 The Sewel convention – approach to future work

The Committee considered an update on future work relating to the Sewel Convention and agreed to reconsider at a future meeting.

14 Senedd and Elections (Wales) Bill – approach to Stage 1 scrutiny

The Committee considered and agreed its approach to scrutiny of the Senedd and Elections (Wales) Bill. As a Commissioner, Suzy Davies AM excluded herself for the item.

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

The Committee noted the update.