

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 4 March 2019

Meeting time: 13.01 – 15.18

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5262>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Dawn Bowden AM Dai Lloyd AM Suzy Davies AM David Melding AM
Witnesses:	
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Ruth Hatton (Deputy Clerk) Manon George (Researcher) Gareth Howells (Legal Adviser) Stephen Davies (Legal Adviser) Ben Harris (Legal Adviser)



1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Carwyn Jones AM and Mandy Jones AM. Suzy Davies AM sent apologies for Items 3 and 4, David Melding AM substituted.

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

The motion was agreed.

3 Senedd and Elections (Wales) Bill: Technical Briefing from officials

The Committee received a technical briefing from Assembly Commission and Welsh Government officials.

4 Senedd and Elections (Wales) Bill: Proposals for outreach work

The Committee considered a paper from the Outreach Service, and agreed its approach to wider engagement as part of the Committee's scrutiny of the Bill.

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

5.1 SL(5)319 – The Arrangements for Assistance for Persons Making Representations (Wales) Regulations 2019

5.2 SL(5)321 – The Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019

5.3 SL(5)323 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019

5.4 SL(5)331 – The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019

The Committee considered the instruments and was content.

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

6.1 SL(5)325 – The Learner Travel (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument and was content.

6.2 SL(5)328 – The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument along with the Government response and will report to the Assembly in line with the points identified.

6.3 SL(5)329 – The Environmental Noise (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument and was content.

6.4 SL(5)330 – The Equine Identification (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument and was content.

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

7.1 SL(5)320 – The Council Tax (Administration and Enforcement) (Amendment) (Wales) Regulations 2019

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

7.2 SL(5)322 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the merits points identified.

**7.3 SL(5)326 – The Regulation and Inspection of Social Care (Wales) Act 2016
(Consequential Amendments to Secondary Legislation) Regulations 2019**

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

**7.4 SL(5)327 – The Environmental Damage (Prevention and Remediation) (Wales)
(Amendment) (EU Exit) Regulations 2019**

The Committee considered the instrument along with the Government response and will report to the Assembly in line with the points identified.

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

**8.1 SL(5)324 – 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**

The Committee considered the Code and will report to the Assembly in accordance with Standing Order 21.7

9 Statutory Instruments requiring Consent: Brexit

**9.1 SICM(5)20 – National Health Service (Cross-Border Healthcare and Miscellaneous
Amendments etc) (EU Exit) Regulations 2019**

The Committee considered the Statutory Instrument Consent Memorandum and noted that as detailed in the letter from the Minister for Health and Social Care, the Minister was not minded to table a motion for a debate.

**9.2 SICM(5)21 – Social Security Coordination (Benefits in Kind etc) (Amendment etc)
(EU Exit) Regulations 2019**

The Committee considered the Statutory Instrument Consent Memorandum and noted that as detailed in the letter from the Minister for Health and Social Care, the Minister was not minded to table a motion for a debate.

10 Written statements under Standing Order 30C

10.1 WS-30C(5)101 – The Public Procurement (Amendment etc.) (EU Exit) (No.2) Regulations 2019

The Committee noted the statement and the commentary.

10.2 WS-30C(5)104 – The Market Measures (Marketing Standards) (Amendment of Retained Direct EU Legislation) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

10.3 WS-30C(5)105 – The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

10.4 WS-30C(5)106 – Market Measures Payment Schemes (Amendments) (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 certain issues.

10.5 WS-30C(5)107 – The Common Fisheries Policy and Aquaculture (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 certain issues.

10.6 WS-30C(5)108 – Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

10.7 WS-30C(5)109 – The State Aid (Agriculture and Fisheries) (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 certain issues.

10.8 WS–30C(5)110 – The Environment (Miscellaneous Amendments and Revocations)

(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 certain issues.

10.9 WS–30C(5)111 – The Food, Drink, Veterinary Medicines And Residues

(Amendments Etc.) (Eu Exit) Regulations 2019

The Committee noted the statement and the commentary. The Committee agreed to write to the Counsel General, the Secretary of State for Wales and Robin Walker, Parliamentary Under Secretary of State at the Department for Exiting the European Union to seek clarification on certain issues.

10.10 WS–30C(5)112 – The Market Measures (Miscellaneous Provisions) (Amendment)

(EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

10.11 WS–30C(5)113 – The Animal Health, Plant Health, Seeds and Seed Potatoes

(Amendment) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

10.12 WS–30C(5)114 – The Organic Production and Control (Amendment) (EU Exit)

Regulations 2019

The Committee noted the statement and the commentary.

10.13 WS–30C(5)115 – The Agriculture (Legislative Functions) (EU Exit) (No 2)

Regulations 2019

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

10.14 WS-30C-116 – The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (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 certain issues.

10.15 WS-30C(5)117 – The Agriculture (Legislative Functions) (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 certain issues.

10.16 WS-30C-119 – The Environment, Food and Rural Affairs (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 certain issues.

10.17 WS-30C-120 – The Food and Farming (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 certain issues.

10.18 WS-30C-121 – The Common Organisation of the Markets in Agricultural Products (Council Regulations) (Miscellaneous Amendments 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 certain issues.

10.19 WS-30C-122 – The Zoonotic Disease Eradication Control (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 certain issues.

11 Papers to Note

11.1 Letter from the Rt.Hon Lord Trefgarne Chair of the Secondary Legislation

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

The Committee noted the letter from Lord Trefgarne.

11.2 Correspondence relating to pNeg(5)08 – The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019

The Committee noted the correspondence.

11.3 Letter from the Minister for Environment, Energy and Rural Affairs relating to SICM(5)18 – The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019

The Committee noted the letter and agreed to reply to the Minister.

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

The motion was agreed.

13 Supplementary Legislative Consent Memorandum: Trade Bill

The Committee considered its draft report and agreed to consider and agree final changes to its draft report outside of Committee, in time for laying the report by 11 March.

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

The Committee noted the update.