

Agenda – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 20 May 2019

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 issues to be reported to the Assembly under Standing Order 21.2 or 21.3

(14:30–14:35)

Negative Resolution Instruments

2.1 SL(5)412 – The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019

(Pages 1 – 18)

CLA(5)–16–19 – Paper 1 – Report

CLA(5)–16–19 – Paper 2 – Regulations

CLA(5)–16–19 – Paper 3 – Explanatory Memorandum

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

(14:35–14:40)

3.1 SL(5)411 – The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019

(Pages 19 – 26)

CLA(5)–16–19 – Paper 4 – Revised Report

4 Paper(s) to note

(14:40–14:45)



4.1 Letter from the Llywydd to the Finance Committee: Senedd and Elections (Wales) Bill

(Pages 27 – 29)

CLA(5)–16–19 – Paper 5 – Letter from the Llywydd to the Finance Committee, 7 May 2019

4.2 Letter from the Llywydd to the Minister for Housing and Local Government and the Minister for Education: Senedd and Elections (Wales) Bill

(Pages 30 – 32)

CLA(5)–16–19 – Paper 6 – Letter from the Llywydd to the Minister for Housing and Local Government and the Minister for Education, 8 March 2019

4.3 Letter from the Minister for Environment, Energy and Rural Affairs: SL(5)409 – The Nitrate Pollution Prevention (Wales)

(Page 33)

CLA(5)–16–19 – Paper 7 – Letter from the Minister for Environment, Energy and Rural Affairs, 15 May 2019

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

(14:45)

6 Senedd and Elections (Wales) Bill – key issues

(14:45–16:15)

(Pages 34 – 160)

CLA(5)–16–19 – Research Brief – Electoral registration in Scotland

CLA(5)–16–19 – Legal Brief

CLA(5)–16–19 – Key Issues – Covering Paper

CLA(5)–16–19 – Key Issues Paper

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

(16:15–16:30)

(Pages 161 – 168)

CLA(5)–16–19 – Research Brief

Date of the next meeting – 3 June

SL(5)412 – The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019

Background and Purpose

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986, the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004, the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006, the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013. Only the last of these was made bilingually, which is why the insertions made by the present Regulations are otherwise in English only.

The amendments place six duties, relating to the Welsh language, upon primary care providers in Wales through the terms of their agreements with Local Health Boards. They will require contractors to do the following:

1. Notify the Local Health Board of the service(s) it is willing to provide through the medium of Welsh;
2. Make a Welsh language version of any document or form provided by the Local Health Board available to patients and/or members of the public;
3. Display text on any new sign or notice relating to the service provided, in English and Welsh;
4. Encourage the wearing of a badge, provided by the Local Health Board, by Welsh speakers, to convey that they are able to speak Welsh;
5. Encourage those delivering services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop an awareness of the Welsh language (including awareness of its history and its role in Welsh culture) and an understanding of how the Welsh language can be used when delivering services; and
6. Encourage those delivering services to establish and record the Welsh or English language preference expressed by or on behalf of a patient. "

The Welsh Language Standards (No.7) Regulations 2018 ("the Standards Regulations")

http://www.legislation.gov.uk/wsi/2018/441/pdfs/wsi_20180441_mi.pdf

specify 121 standards that apply to Community Health Councils, Local Health Boards and NHS Trusts in Wales. Standards 65-68 relate to primary care and require those bodies to support the provision of services in Welsh by primary care providers by:

- maintaining a website identifying those who provide primary care services in Welsh (standard 65);
- providing a translation service for primary care providers (standard 66);
- providing badges to enable Welsh speaking staff to be identified (standard 67);
- providing training courses relating to awareness and understanding of the Welsh language (standard 68).



The present Regulations place connected duties on providers of primary care.

The Standards Regulations were made under the Welsh Language Measure 2011 and were subject to the affirmative procedure. The present Regulations are made under the National Health Service (Wales) Act 2006 and are therefore subject to the negative procedure. They will not therefore be debated by the National Assembly as a matter of course.

The Culture, Welsh Language and Communications Committee has received representations regarding the content of these Regulations and will therefore consider the adequacy of the provisions.

Procedure

Negative

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

The drafting of the National Health Service (Wales) Act 2006 is inconsistent. Certain powers cited in the preamble to the present Regulations refer specifically to the Welsh Ministers. An example is section 80 in relation to pharmaceutical services. Other powers cited, such as section 47 (in relation to general medical services contracts), refer to regulations without specifying who is to make them. It is necessary to refer to section 206 to discover that 'regulations' means regulations made by the Welsh Ministers. That section should therefore have been cited amongst the enabling powers, or at the very least in a footnote. [Standing Order 21.2(vi) – that its drafting appears to be defective]

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3(ii) in respect of this instrument – that the Regulations are of political or legal importance or give rise to issues of public policy likely to be of interest to the Assembly.

1. These Regulations impose six contractual duties on contractors who provide primary care services to the National Health Service. These can be contrasted with the 121 Welsh Language standards applicable to other health service providers.
2. The Regulations into which these additional duties are inserted make it clear, in different ways, that they form part of the contractual duties of contractors from the dates that the relevant provisions come into force – the 30th May 2019 in relation to these new duties. However, there is nothing in the Explanatory Note to the present Regulations, or the accompanying Explanatory Memorandum to explain that the amendments apply to all contracts from that date and are not limited to new contracts entered into after that date.

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

A government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee



15 May 2019



2019 No. (W.)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service (Welsh
Language in Primary Care
Services) (Miscellaneous
Amendments) (Wales) Regulations
2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986, the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004, the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006, the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013.

The amendments place six common duties, relating to the Welsh language, upon primary care providers in Wales through their respective terms of agreement, contract and/or service with Local Health Boards.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2019 No. (W.)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service (Welsh
Language in Primary Care
Services) (Miscellaneous
Amendments) (Wales) Regulations
2019

Made 8 May 2019

Laid before the National Assembly for Wales
9 May 2019

Coming into force 30 May 2019

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 47(1) and (2), 61(1) and (2), 66(1) and (3), 71(10), 72(1), 80(1) and (2), and 203(9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 and they come into force on 30 May 2019.

(2) These Regulations apply in relation to Wales.

**Amendments to the National Health Service
(General Ophthalmic Services) Regulations 1986**

2.—(1) The National Health Service (General Ophthalmic Services) Regulations 1986⁽²⁾ are amended as follows.

(1) 2006 c. 42.

(2) S.I. 1986/975 (“the 1986 Regulations”), to which there are amendments not relevant to these Regulations.

(2) In Schedule 1, after paragraph 5 insert—

“Welsh Language

5A.—(1) Where the contractor⁽¹⁾ provides general ophthalmic services⁽²⁾ through the medium of Welsh, the contractor must notify the Local Health Board⁽³⁾ in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients⁽⁴⁾ and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with general ophthalmic services the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering general ophthalmic services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering general ophthalmic services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering general ophthalmic services.

(6) The contractor must encourage those delivering general ophthalmic services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

(1) See the definition of “contractor” in regulation 2(1) of the 1986 Regulations.

(2) See the definition of “general ophthalmic services” in regulation 2(1) of the 1986 Regulations.

(3) See the definition of “Local Health Board” in regulation 2(1) of the 1986 Regulations, which refers to section 16BA of the National Health Service Act 1977 (c. 49). That Act was repealed by the National Health Service (Consequential Provisions) Act 2006 (c. 43) and section 16BA was re-enacted in relation to Wales as section 11 of the National Health Service (Wales) Act 2006.

(4) See the definition of “patient” in regulation 2(1) of the 1986 Regulations.

**Amendments to the National Health Service
(General Medical Services Contracts) (Wales)
Regulations 2004**

3.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1) are amended as follows.

(2) In Schedule 6, in Part 1, after paragraph 13 insert—

“Welsh Language

13A.—(1) Where the contractor(2) provides medical services under the contract(3) through the medium of Welsh, it must notify the Local Health Board(4) in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients(5) and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with medical services provided under the contract, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering medical services under the contract who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering medical services under the contract to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and

(1) S.I. 2004/478 (W. 48) (“the 2004 Regulations”), to which there are amendments not relevant to these Regulations.
(2) See the definition of “contractor” in section 42(5) of the National Health Service (Wales) Act 2006.
(3) See the definition of “contract” in regulation 2(1) of the 1986 Regulations, which refers to section 28Q of the National Health Service Act 1977. That Act was repealed by the National Health Service (Consequential Provisions) Act 2006 and section 28Q was re-enacted in relation to Wales as section 42 of the National Health Service (Wales) Act 2006.
(4) See the definition of “Local Health Board” in regulation 2(1) of the 2004 Regulations.
(5) See the definition of “patient” in regulation 2(1) of the 2004 Regulations.

(b) an understanding of how the Welsh language can be used when delivering medical services under the contract.

(6) The contractor must encourage those delivering medical services under the contract to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

Amendments to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006

4.—(1) The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(1) are amended as follows.

(2) In Schedule 3, in Part 2, after paragraph 17 insert—

“Welsh Language

17A.—(1) Where the contractor(2) provides dental services under the agreement(3) through the medium of Welsh, it must notify the Local Health Board(4) in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients(5) and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with dental services provided under the agreement, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering dental services under the agreement who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering dental services under the agreement to utilise information and/or attend training

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- (1) S.I. 2006/489 (W. 58) (“the PDS Regulations”), to which there are amendments not relevant to these Regulations.
 - (2) See the definition of “contractor” in regulation 2(1) of the PDS Regulations.
 - (3) See the definition of “agreement” in regulation 2(1) of the PDS Regulations.
 - (4) See the definition of “Local Health Board” in regulation 2(1) of the PDS Regulations.
 - (5) See the definition of “patient” in regulation 2(1) of the PDS Regulations.

courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering dental services under the agreement.

(6) The contractor must encourage those delivering dental services under the agreement to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

Amendments to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006

5.—(1) The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006⁽¹⁾ are amended as follows.

(2) In Schedule 3, in Part 2, after paragraph 16 insert—

“Welsh Language

16A.—(1) Where the contractor⁽²⁾ provides dental services under the contract⁽³⁾ through the medium of Welsh, it must notify the Local Health Board⁽⁴⁾ in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients⁽⁵⁾ and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with dental services provided under the contract, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering dental services under the contract who are Welsh

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- (1) S.I. 2006/490 (W. 59) (“the GDS Regulations”), to which there are amendments not relevant to these Regulations.
 - (2) See the definition of “contractor” in section 57(4) of the National Health Service (Wales) Act 2006..
 - (3) See the definition of “contract” in regulation 2(1) of the GDS Regulations.
 - (4) See the definition of “Local Health Board” in regulation 2(1) of the GDS Regulations.
 - (5) See the definition of “patient” in regulation 2(1) of the GDS Regulations.

speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering dental services under the contract to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering dental services under the contract.

(6) The contractor must encourage those delivering dental services under the contract to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

Amendments to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013

6.—(1) The National Health Service (Pharmaceutical Services) (Wales) Regulations 2013(1) are amended as follows.

(2) In Schedule 4, in Part 5, after paragraph 35 insert—

“Welsh Language

35A.—(1) Where an NHS pharmacist(2) provides pharmaceutical services(3) through the medium of Welsh, the NHS pharmacist must notify the Local Health Board(4) on whose pharmaceutical list(5) the NHS pharmacist is included, in writing.

(2) An NHS pharmacist must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where an NHS pharmacist displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and an

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- (1) S.I. 2013/898 (W. 102) (“the 2013 Regulations”), to which there are amendments not relevant to these Regulations.
 - (2) See the definition of “NHS pharmacist” in regulation 2(1) of the 2013 Regulations.
 - (3) See the definition of “pharmaceutical services” in regulation 2(1) of the 2013 Regulations.
 - (4) See the definition of “Local Health Board” in regulation 2(1) of the 2013 Regulations.
 - (5) See the definition of “pharmaceutical list” in regulation 2(1) of the 2013 Regulations.

NHS pharmacist may utilise the translation service offered by the Local Health Board for this purpose.

(4) An NHS pharmacist must encourage the wearing of a badge, provided by the Local Health Board, by those delivering pharmaceutical services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) An NHS pharmacist must encourage those delivering pharmaceutical services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.

(6) An NHS pharmacist must encourage those delivering pharmaceutical services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

(3) In Schedule 5, after paragraph 23 insert—

“Welsh Language

23A.—(1) Where an NHS appliance contractor⁽¹⁾ provides pharmaceutical services through the medium of Welsh, the NHS appliance contractor must notify the Local Health Board on whose pharmaceutical list the NHS appliance contractor is included, in writing.

(2) An NHS appliance contractor must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where an NHS appliance contractor displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and an NHS appliance contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) An NHS appliance contractor must encourage the wearing of a badge, provided by

(1) See the definition of “NHS appliance contractor” in regulation 2(1) of the 2013 Regulations.

the Local Health Board, by those delivering pharmaceutical services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) An NHS appliance contractor must encourage those delivering pharmaceutical services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.

(6) An NHS appliance contractor must encourage those delivering pharmaceutical services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

(4) In Schedule 6, after paragraph 11 insert—

“Welsh Language

12.—(1) Where a dispensing doctor⁽¹⁾ provides pharmaceutical services through the medium of Welsh, the dispensing doctor must notify the Local Health Board in writing.

(2) A dispensing doctor must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where a dispensing doctor displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and a dispensing doctor may utilise the translation service offered by the Local Health Board for this purpose.

(4) Where a dispensing doctor is Welsh speaking, he or she is encouraged to wear a badge provided by the Local Health Board, to convey that the dispensing doctor is able to speak Welsh.

(5) A dispensing doctor is encouraged to utilise information and/or attend training courses and events provided by the Local Health Board, so that the dispensing doctor can develop—

(1) See the definition of “dispensing doctor” in regulation 2(1) of the 2013 Regulations.

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
 - (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.
- (6) When delivering pharmaceutical services, a dispensing doctor is encouraged to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

Vaughan Gething
Minister for Health and Social Services, one of the
Welsh Ministers
8 May 2019

Explanatory Memorandum to The Making and Laying of The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019

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/Deputy Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Subordinate Legislation: The Making and Laying of The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019.

Vaughan Gething AM
Minister for Health and Social Services
9 May 2019

PART 1

1. Description

The Regulations amend the Regulations referred to at paragraph 3 below by placing six common duties in relation to the Welsh language upon independent primary care providers (IPCPs) in Wales i.e. General Medical Services Contractors, General Dental Practitioners, Community Pharmacists and Optometrists, through their respective terms of agreement, contract and/or service with Local Health Boards.

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

None.

3. Legislative background

The Welsh Ministers have the powers under the following sections of the NHS (Wales) Act 2006 (“the 2006 Act”) to prescribe terms of the relevant primary care contracts/terms of service/agreements with Local Health Boards:

- Section 47(1) and (2) in relation to general medical services contracts;
- Section 61(1) and (3) in relation to general dental services contracts;
- Section 66(1) and (3) in relation to personal dental services agreements;
- Section 71(10) and section 72(1) in relation to general ophthalmic services;
- Section 80(1) and (2) in relation to pharmaceutical services.

The 6 common duties in relation to the Welsh Language will be included in the following 5 Regulations for the IPCPs –

- The National Health Service (General Ophthalmic Services) Regulations 1986;
- The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004;
- The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006;
- The National Health Service (Personal Dental Services Agreements)(Wales) Regulations 2006; and
- The National Health Service (Pharmaceutical Services) (Wales) Regulations 2013.

The Regulations are being made under the negative resolution procedure.

4. Purpose and intended effect of the legislation

Background

The Welsh Ministers, in exercise of the powers conferred upon them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011 (“the Measure”) made the Welsh Language Standards (No. 7) Regulations 2018 (“the 2018 Regulations”) which came into force on 29 June 2018. The 2018 Regulations outlined standards for health sector bodies. Under Section 44 of the Measure, the Welsh Language Commissioner issued compliance notices on 30 November 2018 to health sector bodies, including Local Health Boards (LHBs) outlining what standards they had to comply with under the 2018 Regulations. The health sector bodies have to comply with the standards from 30 May 2019.

Schedule 1 of the 2018 Regulations contain Service Delivery Standards for LHBs in relation to Primary Care which include –

Standard 65: When you know that a primary care provider is willing to provide a primary care service or part of a primary care service through the medium of Welsh, you must designate and maintain a page on your website (in Welsh) containing that information.

Standard 66: You must—
(a) provide an English to Welsh translation service for use by a primary care provider to enable it to obtain Welsh language translations of signs or notices displayed in connection with its primary care service, and
(b) encourage the use of the translation service provided by you in accordance with this standard.

Standard 67: You must—
(a) make available to a primary care provider a badge for it or its staff to wear to convey that they are able to speak Welsh, and
(b) promote to a primary care provider the wearing of the badge.

Standard 68: You must provide training courses, information or hold events so that a primary care provider can develop—
(a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
(b) an understanding of how the Welsh language can be used in the workplace.

In order for IPCPs to engage in the service delivery standards being provided by the LHBs, it has been determined to place duties in relation to the Welsh language on IPCPs through their contractual terms and terms of service.

Purpose and Effect

The purpose of the National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 is to amend the 5 sets of Regulations listed above to include the 6 common duties in relation to the Welsh language which will require IPCPs to –

1. Notify the Local Health Board of the service(s) it is willing to provide through the medium of Welsh;
2. Make a Welsh language version of any document or form provided by the Local Health Board available to patients and/or members of the public;
3. Display text on any new sign or notice relating to the service provided, in English and Welsh;
4. Encourage the wearing of a badge, provided by the Local Health Board, by Welsh speakers, to convey that they are able to speak Welsh;
5. Encourage those delivering services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop an awareness of the Welsh language (including awareness of its history and its role in Welsh culture) and an understanding of how the Welsh language can be used when delivering services; and
6. Encourage those delivering services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.

Unlike the majority of bodies that are required to comply with Welsh Language standards, independent primary care providers have not previously been subject to Welsh language schemes. The six common duties being placed upon the independent primary care providers in relation to the Welsh language are therefore at a level that is considered appropriate and reasonable. The placing of achievable duties on independent primary care providers provides a reasonable starting point to introduce Welsh language provision in the primary care sector.

If the relevant Regulations are not made then IPCPs will not be subject to any duties in relation to the Welsh language. This will result in no or limited progress being made with enhancing and promoting the use of the Welsh language within primary care services delivered by IPCPs consistently across Wales.

Consultation

A consultation took place from 14 July to 14 October 2016 on the draft Welsh Language Standards Regulations for the Health Sector. The consultation document included 13 questions which were set out in a proforma style document and an online form for ease of return. The questions gave respondents the choice of yes or no answers and then allowed for comments.

A total of 88 responses were received either using the proforma questionnaire some of which were supported by detailed narrative or by letter.

The Welsh Government response to the consultation was issued in February 2018. The response outlined the way forward regarding placing the 6 duties on the IPCPs.

The consultation response can be found at <https://gov.wales/sites/default/files/consultations/2018-02/180227-welsh-language-standards-health-sector-regulations-summary%20of%20response.pdf>
Page 11 contains the response regarding primary care.

The representative bodies of the IPCPs, referred to below, were consulted in relation to the duties being placed upon the independent primary care providers in relation to the Welsh language in February 2018.

- Chair, General Practitioners Committee Wales
- Chair, Welsh General Dental Practitioners Committee Wales
- British Dental Association Wales National Director
- Chair, Community Pharmacy Wales
- Chair, Optometry Wales

6. Regulatory Impact Assessment (RIA)

The Regulations do not impose costs on the public, private or voluntary sector. For this reason, an RIA is not deemed necessary.

The legislation has no impact on the Welsh Government's statutory duties or partners under the Government of Wales Act 2006.

For information purposes the Explanatory Memorandum and Regulatory Impact Assessment for the Welsh Language Standards (No. 7) Regulations 2018 can be accessed at –

<http://www.assembly.wales/laid%20documents/sub-ld11429-em/sub-ld11429-em-e.pdf>

SL(5)411 – The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

Agenda Item 3.1

Background and Purpose

These Regulations provide for the making of loans to students who are ordinarily resident in Wales for postgraduate master's degree courses which begin on or after 1 August 2019.

To qualify for support under these Regulations a student must be an "eligible student". To be an eligible student, a person must satisfy the eligibility provisions in Chapter 2 of Part 4 and fall within one of the categories set out in Schedule 2. An eligible student must also satisfy the specific requirements applicable to each type of financial support. A person is not an eligible student if, amongst other things, that person has already obtained a qualification equivalent to or higher than a master's degree.

Support is only available under these Regulations in respect of "designated" courses within the meaning of regulations 5 and 8. Support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom.

The Regulations also set out provisions for, amongst other things:

- detailed support calculations
- transfers between designated courses
- time limits for applications
- information gathering
- payments, overpayment and recovery
- eligible prisoners
- amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

Procedure

Negative.

Technical Scrutiny

Two points are identified for reporting under Standing Order 21.2 in respect of this instrument:

- 1. Standing Order 21.2(i): that there appears to be doubt as to whether it is intra vires.**



Exemption 3 in regulation 10(1), and regulation 13(1), confers a discretion on the Welsh Ministers that is not otherwise subject to specific criteria or limitations (nor is it expanded upon in the EM). As such, this appears to confer a discretion that amounts to sub-delegation of a kind that requires express enabling powers.

It is noted the enabling power¹ permits regulations to make provision “for determining” eligibility that, in effect, allows the Welsh Ministers to sub-delegate a discretionary function to themselves. However, the presumption against sub-delegation is a strong one for rule of law reasons, and does not appear to have been rebutted clearly in this case merely by a reference to provision “for determining” eligibility. Whilst it is accepted that an exhaustive list of objective criteria cannot easily be set out in the enabling legislation (although it could be amended by regulations from time to time), the Committee considers there to be a respectable argument, justifying reporting on this point, that the enabling power should refer to objective criteria rather than simply providing an open discretion.

It is noted that the Welsh Ministers are subject to general public law restrictions, or indeed that guidance could be issued with a view to narrowing the discretion, but this does not address the underlying question of whether the enabling power is sufficiently wide to confer the discretion in the first place.

2. Standing Order 21.2(v): that for any particular reason its form or meaning needs further explanation.

In the definition of ‘public body’ in paragraph 20 of Sch. 3, reference is made to ‘national, regional or local’. This is ambiguous and unclear. For example, the provision does not make it clear whether “national” is meant to refer to Welsh, UK, or wider public bodies.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument:

1. Standing Order 21.3(ii): 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 10(1), Exception 11 provides that a person is not eligible for a postgraduate doctoral degree loan if they have reached the age of 60 on the first day of the first academic year of the designated course.

The Committee raises the following human rights and equality concerns in respect of this age limit.

¹ Teaching and Higher Education Act 1998, section 22(2)(a)



Article 2 of Protocol 1 to the European Convention on Human Rights (ECHR) contains a free-standing right to education.

Article 14 of the ECHR provides that the enjoyment of the rights and freedoms set out in the ECHR shall be secured without discrimination on various protected grounds, including age.²

Section 13(1) of the Equality Act 2010 (Equality Act) prohibits direct age discrimination, unless it can be justified under section 13(2).

The Committee notes that the margin of appreciation increases with the level of education, and that a master's degree is at a high level on the education scale. The Committee also notes that the measure is intended to deliver social policy aims as set out in the Explanatory Memorandum, which is consistent with the instructive case law relating to the application of Article 6(1) of Directive 2000/78/EC.

The Committee believes that the issues raised by Regulation 10(1), Exception 11 relate to the right to education. Setting an upper age limit of 60 is discriminatory. It is therefore necessary to look at whether the upper age limit is justified. If it can be justified, there is no breach of the ECHR or the Equality Act. The Supreme Court has set out a fourfold test³:

- a) Does the measure have a legitimate aim sufficient to justify the limitation of a fundamental right?
- b) Is the measure rationally connected to that aim?
- c) Could a less intrusive measure have been used?
- d) Has a fair balance been struck?

The Explanatory Memorandum provides justification as to the setting of the upper age limit on the basis that:

- a) The aim of the scheme is to increase, in the context of finite resources, high level skills for the economy. The Government states that to ensure value for money, sustainable funding is required and the age limit of 60 mitigates against the risk that loans are disproportionately taken out by older students who will be unlikely to repay the loan amount in full or make significant repayments and who would have a limited number of working years in which their skills would be available to

² The European Court of Human Rights ECtHR has found that 'age' is included among 'other status' in Article 14 (Schwizgebel v Switzerland (No. 25762/07)).

³ R (on the application of Tigere) (Appellant) v Secretary of State for Business, Innovation and Skills (Respondent) [2015] UKSC 57



the economy. The Explanatory Memorandum sets out findings of analyses that the Government has carried out to bring it to this conclusion.

- b) It is necessary to ensure value for money for the taxpayer and the Government takes the view that the imposition of the age limit is rationally connected to the aim.
- c) The possibility of a less intrusive measure to achieve the aim was considered. The conclusion was that a system which required individual investigation and assessment would create a heavy administrative burden which could consume scarce resources. Such a system might also introduce scope for inconsistent decision-making.
- d) An amount of funding via the Higher Education Funding Council for Wales (HEFCW) will be disseminated to higher education institutions in Wales to provide a non-repayable bursary to eligible students, aged 60 and over, studying postgraduate Master's courses in Wales which begin in the 2019/20 academic year. According to the Explanatory memorandum, thereafter it is the aim of Government to provide access the grant elements of Welsh Government support for students aged 60 and over.
- e) Taking into account its evidence concerning not only repayment rates of loans but also employment rates (it is not the purpose of the loan to facilitate the uptake of doctoral degree courses by students who have no particular intention to return to the workplace), the Government considers that the age restriction strikes a fair balance and is justified. However, due to increasing retirement ages, the Government makes a commitment to keep under review all age limits that are placed on full-time and part-time undergraduate as well as postgraduate Master's student support.

We welcome the justification set out in the Explanatory Memorandum. The policy aims pursued by the Government appear legitimate and the measures taken by the Regulations to achieve them are rationally connected to such aims. The Committee notes the options analysis set out in the Explanatory Memorandum which provides evidence that due consideration has been given to imposing a fairly balanced and minimally intrusive regime. As such, it appears the Government has given proper and careful consideration to the justification of setting an upper age limit of 60 in these Regulations.

Implications arising from exiting the European Union

The eligibility requirements for student finance are drafted to take account of UK membership of the European Union. Therefore, certain EU students will be eligible for support under the Regulations. It is not confirmed at this stage what effect Brexit will have on the mobility of



students, but at statement by Welsh Government on 2 July 2018 confirmed that "...that EU students will continue to be entitled to student support in the 19/20 academic year."

Government Response

1. Standing Order 21.2(i): that there appears to be doubt as to whether it is intra vires.

Regulation 10(1) provides that a person (P) is not an eligible student if any of the listed exceptions applies. Exception 3 in regulation 10(1) states "the Welsh Ministers think that P's conduct is such that P is not fit to receive support".

Regulation 13(1) states that "the Welsh Ministers may terminate an eligible student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive support".

The Welsh Government notes that the Committee states in their report that the enabling power "permits regulations to make provision "for determining" eligibility that, in effect, allows the Welsh Ministers to sub-delegate a discretionary function to themselves" and the Welsh Government agrees with that view. The Committee's report then goes on to say that "the presumption against sub-delegation is a strong one for rule of law reasons, and does not appear to have been rebutted clearly in this case". This appears to be at odds with the previous sentence in the Committee's report and the Welsh Government is unsure why the presumption against sub-delegation must be rebutted when the Committee accepts section 22 of THEA permits sub-delegation of functions in relation to determining eligibility.

The Welsh Government is also unsure of what is meant by "enabling power should refer to objective criteria rather than simply providing an open discretion". This appears to be a comment on the primary legislation.

It is the view of the Welsh Government that the powers in section 22 of THEA are sufficient to allow the Welsh Ministers to make the provision contained in regulations 10(1) and 13(1).

Section 22(1) of the Teaching and Higher Education Act 1998 (THEA) states that:

"Regulations shall make provision authorising or requiring the Secretary of State to make grants or loans, for any prescribed purposes, to eligible students in connection with their undertaking –

- (a) higher education courses, or
- (b) further education courses,

which are designated for the purposes of this section by or under the regulations."

This function of the Secretary of State has been transferred to the Welsh Ministers via section 44 of the Higher Education Act 2004 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.



Sub-section (1) provides a broad power to make regulations in connection with the provision of grants and loans for higher education students. Sub-section (2) then sets out more specific provision that may be contained in such regulations.

Section 22(2)(i), for example, states that regulations may make provision “requiring prescribed amounts payable to eligible students under loans under this section to be paid directly to institutions”. Use of the term “prescribed” should be noted. Section 43(1) of THEA includes a definition of the term as meaning “prescribed by regulations”. The loan amounts to be paid directly to institutions must therefore be set out on the face of the regulations.

By contrast, section 22(2)(a) of THEA (functions which are held by the Welsh Ministers on a concurrent basis with the Secretary of State) provides that regulations may make provision “for determining whether a person is an eligible student in relation to any grant or loan available under this section”. In this case the requirement is not that regulations “prescribe” whether a person is an eligible student and so the power contained in section 22(2)(a) is broader than that in section 22(2)(i).

The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 set out a number of criteria a person must meet in order to be an “eligible student”. As part of these criteria, a person’s conduct may be considered and the Welsh Ministers are afforded discretion in regulations 10(1) and 13(1) to refuse or cancel a person’s status as an “eligible student” if their conduct is of such a nature as to make them unfit to receive student support. These provisions collectively “determine” whether a person is an eligible student.

It is the Welsh Government’s view that where Parliament intended provision to be made exclusively on the face of the regulations, the word “prescribed” was used in the enabling power, as it is at several points in section 22(2). Section 22(2)(a) does not use this term and so is clearly intended to be a broader power that would allow the regulations to make provision for “determining” whether a person is an eligible student that includes the discretionary power of the Welsh Ministers set out in regulations 10(1) and 13(1).

There are other parts of section 22(2) that explicitly provide for a matter to be determined by the Welsh Ministers “under the regulations”. For example, section 22(2)(e) states that regulations may make provision “for any grant under this section to be made available on such terms and conditions as may be prescribed by, or determined by the [Welsh Ministers] under, the regulations”. The explicit power to sub-delegate is needed here as the alternative is for the terms and conditions to be “prescribed” by the regulations. The same need doesn’t arise for section 22(2)(a). The eligibility criteria do not have to be prescribed by the regulations and so the power for the regulations also to allow eligibility to be determined by the Welsh Ministers does not need to be carved out; it already exists.

Section 22(2)(c) states that regulations may make provision “where the amount of any such grant or loan may vary to any extent according to a person’s circumstances, for determining, or



enabling the determination of, the amount required or authorised to be paid to him". It could be argued that "enabling the determination" implies a discretion not present in "for determining" itself. However, in the context the better interpretation is that "enabling" means the gathering of information to support the determination. For example, the power to request information about a student's household income to determine the level of means tested grant for which they qualify.

As stated above, if the intention was to require all provision about a whether a person is an eligible student to be set out in the regulations then section 22(2)(a) would use the defined term "prescribed". It does not do so and therefore must be read as allowing the regulations to include provision that confers discretion over an aspect of eligibility to the Welsh Ministers, as is done in regulations 10(1) and 13(1).

As the Committee notes, the Welsh Ministers are bound by principles and requirements of public law when exercising any function. Therefore, while the discretion in regulations 10(1) and 13(1) is not explicitly subject to criteria or limitations, it is bound by stringent limitations that will require the Welsh Ministers to, amongst other things, take into account all relevant factors, ignore all irrelevant factors and act reasonably whenever exercising this function.

2. Standing Order 21.2(v): that for any particular reason its form or meaning needs further explanation.

The term "public body" is defined in paragraph 20 of Schedule 3 to the Regulations as "a state authority or agency whether national, regional or local". The term is only used in paragraph 4 of Schedule 3, which sets out the circumstances in which an eligible student is an "independent eligible student". This categorisation is relevant for determining whose income is taken into account when calculating the means tested student support for which the student qualifies. If a student is an independent eligible student then it will be the student's and/or the student's partner's income that will be taken into account rather than the income of the student's parents.

Paragraph 4(1) of Schedule 3 provides that an eligible student is an independent eligible student "if one of the following cases applies". Case 9 is "the student has been supported by the student's earnings for any period of three years (or periods which together aggregate at least three years) ending before the first day of the first academic year of the designated course".

Paragraph 4(2) states that "for the purposes of Case 9, an eligible student is treated as being supported by the student's earnings if during the period or periods referred to in Case 9 one of the following grounds applies". Grounds 1 to 3 are set out below.

Ground 1

The eligible student was participating in arrangements for training unemployed persons under a scheme operated, sponsored or funded by a public body.



Ground 2

The eligible student received a benefit payable by a public body in respect of a person who is available for employment but is unemployed.

Ground 3

The eligible student was available for employment and had complied with any registration requirement of a public body as a condition of entitlement for participation in arrangements for training or the receipt of benefits.

The term “public body” is therefore relevant only in determining whether a person has been in receipt of state benefits linked to unemployment and so should be considered “independent” for the purposes of the regulations. The term has a specific and limited application in the legislation. The context of establishing that a student is “independent” (from her or his parent) means it is important for all relevant circumstances to be captured. The definition of “public body” has therefore deliberately been drafted to be wide enough to capture any case where a student may be considered to be receiving benefits or participating in training funded by a national state agency or authority. “National” in this context may mean Wales, the UK or another nation. Even if the provider of the benefit could be argued to fall under more than one category (national, regional or local), the benefit will be captured. The alternative to the definition as drafted would be to include in the regulations an exhaustive list of all relevant agencies and authorities. Given the wide scope of provision, there would be a significant risk that any list would result in gaps when agencies or authorities were created, dissolved or changed name

Committee Consideration





Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Agenda Item 4.1

Llyr Gruffydd AM
Chair of the Finance Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Our ref: EJ/HG

07 May 2019

Dear Llyr,

Senedd and Elections (Wales) Bill

Thank you for your letter of 17 April 2019, and the opportunity to provide evidence to you on the Senedd and Elections (Wales) Bill at your meeting of 4 April 2019. In your correspondence, you asked if I could clarify a comment made during the session that the Assembly Commission does not have “the ability to legislate” for direct payment to the Electoral Commission from the Welsh Consolidated Fund. You asked whether the capacity referred to was a matter of legislative competence specifically in relation to the Assembly Commission legislating, or some other restriction.

The issue here relates to the Assembly’s legislative competence.

The provisions relating to the Welsh Consolidated Fund (WCF) are set out in Part 5 of the Government of Wales Act 2006 (GoWA). Section 124 deals with payments out of the WCF and in subsection (3) specifies the relevant persons to whom sums may be paid out of the WCF as:

- “(a) the Welsh Ministers, the First Minister and the Counsel General,
- (b) the Assembly Commission,
- (c) the Wales Audit Office, and
- (d) the Public Services Ombudsman for Wales.”

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Elin Jones AM, Presiding Officer

National Assembly for Wales

Thus, the GoWA expressly allows direct payment out of the WCF for the Wales Audit Office and the Public Services Ombudsman for Wales.

The Assembly does not have the competence to add bodies or office-holders to that list, as section 124 of the GoWA is one of the provisions which cannot be modified, within competence, by virtue of paragraph 7 of Schedule 7B to the GoWA.

This is the issue to which I – and my official Anna Daniel – referred to during the committee’s meeting.

I am exploring the options by which the portion of the Electoral Commission’s budget which relates to devolved elections in Wales could potentially be funded and the legal and constitutional issues associated with these options.

Section 124 does allow other payments to be made out of the WCF, if they are for “meeting expenditure payable pursuant to a relevant enactment”. A relevant enactment is an enactment which provides for payment out of the WCF. Therefore such a provision could, in principle, be included in the Senedd and Elections (Wales) Bill, by way of amendment.

However, the Electoral Commission is a “reserved authority” under Schedule 7B of GoWA and the Assembly is subject to a number of constraints in how it can affect reserved authorities, unless the UK Government consents to such (paragraphs 8–10). The Electoral Commission is an exception from some of those constraints, but an Act of the Assembly would nevertheless need UK Government consent in order to modify its ‘constitution..., including modifications relating to its assets and liabilities, and its funding and receipts’.

Not all provisions relating to funding would fall foul of the restriction. For example, a provision that permitted the Assembly Commission to make payments to the Electoral Commission (beyond existing powers in paragraph 5 of Schedule 2 to GoWA relating to the promotion of awareness of the election system and devolved government) would not – in itself – modify the Electoral Commission’s constitution. Thus, the provision would be within competence, because it was about “financing” the Electoral Commission; and it would not need the consent of the UK Government, because it did not affect the Commission’s constitution.



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

However, provision that entitled the Electoral Commission to receive funding directly from the WCF would almost certainly be interpreted as affecting its constitution, and so as needing consent.

The Assembly may, of course, agree other amendments which would modify the constitution of the Electoral Commission.

Discussions regarding the matter are continuing between my officials, the Electoral Commission and the Welsh Government. I anticipate that amendments to the Bill will be informed by those discussions and the deliberations of your Committee and others. I would very much welcome your consideration of this matter.

Yours sincerely,

Elin Jones AM

Llywydd

cc Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee

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

Julie James AM, Minister for Housing and Local Government
Kirsty Williams AM, Minister for Education
Welsh Government
Cardiff Bay
CF99 1NA

08 March 2019

Dear Julie and Kirsty

Thank you for your letter dated 30 January 2019. As you know, I have now introduced the Senedd and Elections Bill on behalf of the Assembly Commission. This is a significant step forward and as the Bill progresses, Members, stakeholders and the public will expect us to explain and provide assurance that we are putting steps in place to ensure the successful introduction of Votes at 16 in 2021.

As you will be aware, the timetable is tight with a registration campaign required in 2020, and I am keen for there to be materials for schools available in September of this year. Commission officials are ready to work swiftly with Government officials to ensure this work is delivered effectively.

In response to the suggestions in your letter:

Research

I know that our teams of officials have discussed this previously so it is good to see that it is still a priority. I would be interested to understand the timescales for finalising the research. I know that officials have corresponded and are sharing information and research to inform our plans.

Education resources

As you know, the Assembly's dedicated Education and Youth Engagement team is run by experienced teachers who are already engaged with schools, colleges and youth

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



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National Assembly for Wales

organisations, providing presentations and workshops in schools and colleges across Wales. This includes teacher training and teaching resources to meet the requirements of the PSE Framework, Welsh Bacculaureate and the A-level Government and Politics course.

To accompany the introduction of the Senedd and Election Bill, the team has developed online resources for school councils, teachers and youth workers to use to discuss lowering the voting age for Assembly elections to 16. These are available on the [Hwb](#) platform.

I also note and agree with your point that the messaging set out in the educational materials and more widely in a communication campaign need to reflect the differing proposals set out in the legislation. The messaging will need to be adapted according to the electoral cycle to highlight the relevant forthcoming elections. To this end, it would be helpful if we agree to collaborate on the development of common messages and narratives.

Resources

In delivering this work, the Assembly Commission is willing to consider making resources available.

Since all Assembly Commission funding comes directly from the Welsh Consolidated Fund, I would not consider it appropriate for the Commission to fund directly the Welsh Government. However, the Commission has set out a budget of £150,000 in the Explanatory Memorandum that accompanies the Bill for promotion and awareness raising. I would be willing to discuss directing this budget in a way that is consistent with an agreed joint approach.

In addition, I would envisage our education team making a substantial contribution to the planning of this work stream through their expert advice and support to ensure that we maximise our resources.

External board

You asked for my suggestions for the stakeholder board.

I would suggest that this should include public sector organisations which represent the electoral community and young people, including .

- The Electoral Commission
- Wales Electoral Coordination Board
- The Association of Electoral Registration Officers
- The Welsh Local Government Association
- The Children's Commissioner



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

I would also suggest that the involvement, in an advisory capacity, of other stakeholders from the electoral and youth sector. These might include the Electoral Reform Society Cymru, Bite the Ballot, the Future Generations Commissioner and representatives of youth organisations on the Welsh Youth Parliament Steering group.

I would suggest that our officials meet to discuss the detail of these proposals and explore further the kind of support you would expect from Assembly Commission officials for the Welsh Government Board in order for the External Board to be established as quickly as possible.

Yours sincerely

Elin Jones AM
Llywydd

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Agenda Item 4.3



Llywodraeth Cymru
Welsh Government

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

15

May 2019

Dear Mick

Thank you for your letter of 1 May, regarding The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019.

The intention of the new provisions in regulations 36(3) and 37(4) is to clarify that occupiers of new holdings must initially create records of the matters captured in those regulations, so that there is no doubt that the requirement to maintain records apply to them (via the regulation 4(2) transitional) in the same manner as they apply to existing holdings with existing records. The position can be contrasted with regulations 38 to 44 which all include clear obligations to record (or keep reports in the case of regulation 41) in the first instance.

Regards

Lesley

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

Pack Page 33

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.

Agenda Item 6

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

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