

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 16 September 2019

Meeting time: 13.10 – 16.07

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5607>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Suzy Davies AM Dai Lloyd AM
Witnesses:	Jeremy Miles AM, Counsel General and Brexit Minister Simon Brindle, Welsh Government Diane Dunning, Welsh Government Dr Hugh Rawlings CB, Director, Welsh Government Angharad Thomas–Richards, Welsh Government
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Rachael Davies (Deputy Clerk) Sara Moran (Researcher) Gareth Howells (Legal Adviser) Rhiannon Lewis (Legal Adviser)



1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Carwyn Jones AM.

2 Proposed Order in Council – The Government of Wales Act 2006 (Amendment) Order 2019: Evidence session

The Committee took evidence from the Counsel General; Dr Hugh Rawlings, Director of Constitutional Affairs and Inter-Governmental Relations, Welsh Government; Diane Dunning, Deputy Director of Legal Services, Welsh Government; and Angharad C Thomas-Richards, Electoral Reform Programme Adviser, Welsh Government.

3 Wales' Changing Constitution: Evidence session 1

The Committee took evidence from the Counsel General; Dr Hugh Rawlings, Director of Constitutional Affairs and Inter-Governmental Relations, Welsh Government; Diane Dunning, Deputy Director of Legal Services, Welsh Government; and Simon Brindle, Director of Brexit Strategy, Welsh Government.

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

4.1 pNeg(5)31 – The Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

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

5.1 pNeg(5)30 – The Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the recommendation that the Welsh Government uplifts the Regulations to be subject to the affirmative procedure.

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

6.1 SL(5)432 – Code of Practice for the Welfare of Cats

6.2 SL(5)436 – The Renting Homes (Fees etc.) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019

The Committee considered the instruments 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)434 – The Education (School Day and School Year) (Wales) (Amendment) Regulations 2019

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

7.2 SL(5)435 – The Plant Health (Forestry) (Amendment No. 2) (Wales) Order 2019

The Committee considered the instrument and agreed to wait for the Government response before reporting to the Assembly.

7.3 SL(5)437 – The Hazardous Waste (Wales) (Amendment) Regulations 2019

The Committee considered the instrument and agreed to report to the Assembly in line with the merits point identified, and to highlight issues as a result of the UK exiting the EU.

7.4 SL(5)438 – The Plant Health (Wales) (Amendment) (No. 2) Order 2019

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

7.5 SL(5)439 – The Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019

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

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

8.1 SL(5)433 – The Cardiff and Valleys Railways (Transfer) Order 2019

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

In addition, the Committee agreed to write to the Welsh Government to raise the issue of the accessibility of law.

9 Statutory Instruments requiring Assembly consent: Brexit

9.1 SICM(5)25 – The Plant Health (Amendment etc.) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

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

The Committee noted the written statement and the report.

11 Written statements under Standing Order 30C

11.1 WS–30C(5)140 – The Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

11.2 WS–30C(5)142 – The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary, and agreed to write to the Welsh Government to seek clarification, as per the commentary provided by Assembly lawyers.

11.3 WS–30C(5)143 – The Health and Safety (Amendment) (EU Exit) Regulations 2018

The Committee noted the statement and the commentary, and agreed to write to the Welsh Government to seek clarification, as per the commentary provided by Assembly lawyers.

11.4 WS–30C(5)144 – The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018

The Committee noted the statement and the commentary.

11.5 WS–30C(5)145 – The Animals (Legislative Functions) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

11.6 WS–30C(5)146 – The Common Agricultural Policy and Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

11.7 WS–30C(5)147 – The Food and Drink (Amendment) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary.

11.8 WS–30C(5)148 – The Common Organisation of the Markets in Agricultural Products (Transitional Arrangements etc.) (Amendment) (EU Exit) Regulations 2019

The Committee noted the statement and the commentary, and agreed to write to the Welsh Government to seek an update and further clarification, as per the commentary provided by Assembly lawyers.

11.9 WS–30C(5)150 – The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) (No. 2) Regulations 2019

The Committee noted the statement and the commentary, and agreed to write to the Welsh Government to seek clarification, as per the commentary provided by Assembly lawyers.

11.10 WS-30C(5)149 – The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019

The Committee noted the statement and the commentary, and agreed to write to the Welsh Government to seek clarification, as per the commentary provided by Assembly lawyers.

12 Interparliamentary Forum on Brexit: Update

The Committee noted the press release and the letter from the Chair of the Public Administration and Constitutional Affairs Committee. In addition, the Committee noted that the next meeting of the Interparliamentary Forum would be hosted in Cardiff.

13 Paper(s) to note

13.1 Letter from the Minister for Finance and Trefnydd: WS-30C(5)134 – The European Grouping of Territorial Cooperation (EU Exit) Regulations 2019

The Committee noted the letter from the Minister for Finance and Trefnydd.

13.2 Letter from the Chair of the Finance Committee to the Llywydd and the Counsel General: Senedd and Elections (Wales) Bill

The Committee noted the letter from the Chair of the Finance Committee to the Llywydd and the Counsel General.

13.3 Letter from the Minister for Finance and Trefnydd: WS-30C(5)133 – The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019

The Committee noted the letter from the Minister for Finance and Trefnydd.

13.4 Letter from the Llywydd to the Chair of the Equality, Local Government and Communities Committee: Voting rights for prisoners

The Committee noted the letter from the Llywydd to the Chair of the Equality, Local Government and Communities Committee.

13.5 Letter from the Minister for Environment, Energy and Rural Affairs: Legislative Consent Memorandum on the Agriculture Bill

The Committee noted the letter from the Minister for Environment, Energy and Rural Affairs.

13.6 Letter from the Minister for Finance and Trefnydd: Forthcoming subordinate legislation

The Committee noted the letter from the Minister for Finance and Trefnydd.

13.7 Letter from the Chair of the Equality, Local Government and Communities Committee to the Llywydd: Voting rights for prisoners

The Committee noted the letter from the Chair of the Equality, Local Government and Communities Committee to the Llywydd.

13.8 Letter from the Chair of the Equality, Local Government and Communities Committee to the Minister for Housing and Local Government: Voting rights for prisoners

The Committee noted the letter from the Chair of the Equality, Local Government and Communities Committee to the Minister for Housing and Local Government.

13.9 Letter from the Counsel General: EU Exit SIs

The Committee noted the letter from the Counsel General.

13.10 Letter from the Future Generations Commissioner: Future Generations Report

The Committee noted the letter from the Future Generations Commissioner.

13.11 Letter from the Llywydd: Senedd and Elections (Wales) Bill

The Committee noted the letter from the Llywydd.

13.12 Letter from the Llywydd to the Chair of the Finance Committee: Senedd and Elections (Wales) Bill

The Committee noted the letter from the Llywydd to the Chair of the Finance Committee.

13.13 Letter from the First Minister: Statutory Instrument Consent Memorandums

The Committee noted the letter from the First Minister.

13.14 Letter from the Minister for Finance and Trefnydd: Finance Ministers' Quadrilateral

The Committee noted the letter from the Minister for Finance and Trefnydd.

13.15 Letter from the Counsel General to the Chair of the Finance Committee: Senedd and Elections (Wales) Bill

The Committee noted the letter from the Counsel General to the Chair of the Finance Committee.

13.16 Letter from the Counsel General: Meeting of the Joint Ministerial Committee (EU negotiations)

The Committee noted the letter from the Counsel General.

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

The Committee agreed the motion.

15 Legislative Consent Memorandum on the Birmingham Commonwealth Games Bill: Draft report

The Committee considered and agreed its draft report on the Legislative Consent Memorandum on the Birmingham Commonwealth Games Bill.

16 Briefing on a procedure for consolidation bill scrutiny

The Committee received a briefing on a proposed procedure for the future scrutiny of consolidation bills.