

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Video conference via Zoom

Meeting date: Monday, 9 November 2020

Meeting time: 10.00 – 11.27

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/6473>

Attendance

Category	Names
Assembly Members:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Gruffydd Owen (Researcher) Gareth Howells (Legal Adviser) Aled Evans (Legal Adviser)

1 Introduction, apologies, substitutions and declarations of interest

The Chair confirmed that, in accordance with Standing Order 34.19, he had determined that the public were excluded from the Committee's meeting in order to protect public health.



There were no apologies or substitutions.

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

2.1 pNeg(5)33 – The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

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

2.2 pNeg(5)35 – The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020

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

3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

3.1 SL(5)640 – The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified, and to highlight issues as a result of the UK's exit from the EU.

3.2 SL(5)644 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 17) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified.

4 Statutory Instruments requiring Senedd consent (Statutory Instrument Consent Memorandums)

4.1 SICM(5)36 – The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020

The Committee noted the Statutory Instrument Consent Memorandum (SICM) and the commentary.

4.2 SICM(5)38 – The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020

The Committee noted the Statutory Instrument Consent Memorandum (SICM) and the commentary. The Committee also noted that the Minister had tabled a motion for debate. The Committee agreed to finalise a report outside of committee which would be laid before the consent debate.

5 Written statements under Standing Order 30C

5.1 WS–30C(5)191 – The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary, in particular that there is a disagreement between the Welsh Government and the UK Government as to whether consent is needed. In addition, the Committee agreed to write to the Welsh Government to seek further clarity as regards this statement and the written statement considered under item 5.2.

5.2 WS–30C(5)192 – The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020

The Committee noted the statement and the commentary. In addition, the Committee agreed to write to the Welsh Government to seek further clarity as regards this statement and the written statement considered under item 5.1.

5.3 WS-30C(5)193 – The Detergents (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

5.4 WS-30C(5)195 – The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

5.5 WS-30C(5)197 – The Agricultural Products, Food and Drink (Amendment Etc.) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary. In addition, the Committee agreed to write to the Climate Change, Environment and Rural Affairs Committee to draw attention to the written statement and the regulations to which it relates.

5.6 WS-30C(5)198 – The Import of, and Trade in, Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

6 Papers to note

6.1 Letter from the Minister for Environment, Energy and Rural Affairs: UK Fisheries Bill

The Committee noted the letter from the Minister for Environment, Energy and Rural Affairs. In addition, the Committee agreed to write to the Minister to seek further clarification regarding the information provided by the Minister in relation to a forthcoming section 109 Order to be made under the Government of Wales Act 2006.

6.2 Correspondence from the Minister for Housing and Local Government: Local Government and Elections (Wales) Bill

The Committee noted the letter from the Minister for Housing and Local Government.

6.3 Correspondence with the Minister for Housing and Local Government: The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020

The Committee noted the letter from the Minister for Housing and Local Government. In addition, the Committee agreed to write a further letter to the Minister regarding the Committee's overall consideration of the Regulations.

6.4 Letter from the First Minister: British-Irish Council

The Committee noted the letter from the First Minister.

7 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

The Committee agreed the motion.

8 Discussion on Statutory Instrument Consent Memoranda

The Committee noted the letter from the First Minister in relation to the tabling of consent motions and agreed to write to the Llywydd. The Committee also noted the letter from the Deputy Minister and Chief Whip in relation to the SICM on the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, and agreed to finalise a report outside of committee which would be laid before the consent debate.

9 Briefing on arrangements for the 2021 Senedd Elections

The Committee received a briefing on arrangements for the 2021 Senedd Elections and discussed the recent report of the Elections Planning Group. The Committee agreed to write to the First Minister to seek clarification on a number of matters relating to the 2021 Senedd election.

10 Supplementary Legislative Consent Memorandum on the Trade Bill

The Committee considered the key issues in relation to the Welsh Government's Supplementary Legislative Consent Memorandum on the Trade Bill, and agreed to consider its draft report at a future meeting.

11 Legislative Consent Memorandum on the UK Internal Market Bill: Consideration of draft report

The Committee considered the first draft of its report on the Welsh Government's Legislative Consent Memorandum on the UK Internal Market Bill. The Committee agreed to consider a revised draft of the report at its next meeting.