

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Video conference via Zoom

Meeting date: Monday, 16 November 2020

Meeting time: 09.30 – 10.41

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/6474>

Attendance

Category	Names
Assembly Members:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS
Committee Staff:	P Gareth Williams (Clerk) Nia Moss (Researcher) Lucy Valsamidis (Researcher) Gareth Howells (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)36 – The Environmental Assessments and Town and Country Planning (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)37 – The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) (Amendment) (EU Exit) Regulations 2020

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

2.3 pNeg(5)38 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2020

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

2.4 pNeg(5)39 – The Food and Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

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

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

3.1 SL(5)645 – The Additional Learning Needs Co-ordinator (Wales) Regulations 2020

The Committee considered the instrument and was content.

3.2 SL(5)646 – The Legislation (Wales) Act 2019 (Amendment of Schedule 1) Regulations 2020

The Committee considered the instrument and was content.

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

4.1 SL(5)650 – The Environment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd to highlight issues as a result of the UK's exit from the European Union.

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

5.1 SL(5)643 – The Waste (Wales) (Miscellaneous Amendments) Regulations 2020

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

5.2 SL(5)647 – The Welsh in Education Strategic Plans (Wales) (Amendment) (Coronavirus) Regulations 2020

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

5.3 SL(5)648 – The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2020

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

5.4 SL(5)651 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020

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

5.5 SL(5)652 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020

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

5.6 SL(5)649 – The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

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

5.7 SL(5)653 – The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020

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

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

6.1 SL(5)636 – The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020

The Committee noted the Welsh Government response.

6.17 SL(5)638 – The Health Protection (Coronavirus Restrictions) (No.2) (Wales) (Amendment) (No. 19) Regulations 2020

The Committee noted the Welsh Government response.

6.3 SL(5)641 – The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020

The Committee noted the Welsh Government response and agreed to give it further consideration at a future meeting.

7 Written Statements under Standing Order 30C

7.1 WS-30C(5)199 – The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

7.2 WS-30C(5)201 – The Tobacco Products and Nicotine Inhaling Products (Amendment) (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.

7.3 WS-30C(5)202 – The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

7.4 WS-30C(5)203 – The Veterinary Medicines and Residues (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

8 Papers to note

8.1 Letter from the First Minister: The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020

The Committee noted the letter from the First Minister.

8.2 Letter from the Deputy Minister and Chief Whip: Statutory Instrument Consent Memorandum – The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020

The Committee noted the letter from the Deputy Minister and Chief Whip and agreed to reference the letter and the SICM in its letter to the Llywydd on the Welsh Government's approach to SICMs (as agreed at the meeting on 9 November 2020).

8.3 Letter from the First Minister: Scrutiny of regulations arising from the UK's exit from the European Union

The Committee noted the letter from the First Minister and that the revised Protocol in relation to the scrutiny of regulations arising from the UK's exit from the European Union was now in force.

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

The Committee agreed the motion.

10 UK Internal Market Bill: Update on the Bill's progress in the House of Lords

The Committee received an update on the progress of the UK Internal Market Bill through the House of Lords.

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

The Committee noted the update in relation to the scrutiny of regulations made under the EU (Withdrawal) Act 2018.

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

The Committee considered a revised draft of its report on the Welsh Government's Legislative Consent Memorandum on the UK Internal Market Bill, and agreed to consider a final draft before laying the report by the required deadline.

