

Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: Monday, 14 December 2020

Meeting time: 09.30 – 11.18

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/6478>

Attendance

Category	Names
Assembly Members:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS
Witnesses:	Jeremy Miles MS, Counsel General and Minister for European Transition Anna Hind, Welsh Government Chris Warner, Welsh Government
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Gruffydd Owen (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 Order in Council – The Government of Wales Act 2006 (Amendment) Order 2021: Evidence session

The Committee took evidence from the Counsel General in relation to the proposed Order in Council.

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

3.1 SL(5)677 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2020

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

3.2 SL(5)684 – The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) (Amendment) (EU Exit) Regulations 2020

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

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

4.1 SL(5)679 – The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2020

The Committee considered the instrument and was content.

4.2 SL(5)680 – The Additional Learning Needs (List of Independent Special Post-16 Institutions) (Wales) Regulations 2020

The Committee considered the instrument and was content.

4.3 SL(5)687 – The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020

The Committee considered the instrument and was content.

4.4 SL(5)688 – The Senedd Cymru (Representation of the People) (Amendment) Order 2020

The Committee considered the instrument and was content.

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

5.1 SL(5)681 – The Rating Lists (Valuation Date) (Wales) Order 2020

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

5.2 SL(5)683 – The Animal Feed (Particular Nutritional Purposes and Miscellaneous Amendments) (Wales) Regulations 2020

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

5.3 SL(5)686 – The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) 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)670 – The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020

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

5.5 SL(5)672 – The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020

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

5.6 SL(5)673 – The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020

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

5.7 SL(5)682 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2021

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

5.8 SL(5)685 – The Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020

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

5.9 SL(5)690 – The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020

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

5.10 SL(5)696 – The Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified. In addition, the Committee agreed to write to the Welsh Government to seek further clarification in relation to the human rights implications of the regulations.

5.11 SL(5)698 – The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) (Amendment) Regulations 2020

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

5.12 SL(5)699 – The Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified. In addition, the Committee agreed to write to the Welsh Government in relation to the level of information contained within explanatory memoranda.

6 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3 but have implications as a result of the UK exiting the EU

6.1 SL(5)674 – The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (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 EU.

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

7.1 SL(5)662 – The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) (No. 2) Regulations 2020

The Committee noted the Welsh Government response.

8 Written Statements under Standing Order 30C

8.1 WS–30C(5)207 – The Greenhouse Gas Emissions Trading Scheme (Withdrawal Agreement) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

8.2 WS–30C(5)208 – The Food and Drink (Amendment) (EU Exit) Regulations 2020

The Committee noted the statement and the commentary.

9 Papers to note

9.1 Letter from the Counsel General: Ministerial Forum for Trade

The Committee noted the letter from the Counsel General and that it had been sent in accordance with the Inter–Institutional Relations Agreement.

9.2 Letter from the Minister for Finance and Trefnydd: Consultation on a revised Regulatory Impact Assessment Code for Subordinate Legislation

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

9.3 Letter from the Minister for Education: Curriculum and Assessment (Wales) Bill

The Committee noted the letter from the Minister for Education.

9.4 Letter from the Minister for Housing and Local Government: The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020

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

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

The Committee agreed the motion.

11 Proposed Order in Council – consideration of evidence

The Committee considered the evidence received during the session with the Counsel General and agreed to consider its draft report at a future meeting.

12 Supplementary Legislative Consent Memorandum on the Medicines and Medical Devices Bill – consideration of draft report

The Committee considered and agreed its draft report on the Welsh Government's Supplementary Legislative Consent Memorandum on the Medicines and Medical Devices Bill. The Committee noted the report would be laid by the required deadline.

13 Supplementary Legislative Consent Memorandum on the Environment Bill

The Committee noted the Welsh Government's Supplementary Legislative Consent Memorandum on the Environment Bill and agreed to consider key issues at a future meeting.

14 UK Internal Market Bill – update

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

15 Scrutiny of regulations made under the EU (Withdrawal) Act 2018 – update

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

16 Forward Work Programme – Spring 2021

The Committee considered its Forward Work Programme for the next term.