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Member of the Welsh Parliament for
North Wales

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Huw Irranca-Davies, MS
Chair of the Legislation, Justice and Constitution Committee
Senedd Cymru,
Cardiff Bay,
CF99 1SN

12 February 2024

Dear Huw,

Residential Outdoor Education (Wales) Bill

I would like to take the opportunity to again thank the Committee for the time it has taken to consider the detail of the Residential Outdoor Education (Wales) Bill.

I am writing in response to Adam Price MS' request that I provide examples of legislative provisions that compel certain elements to be included in guidance. I have included in the Annex to this letter a selection of recent examples that address this point, from Acts of both Senedd Cymru and the UK Parliament.

I am copying this letter to the Chair of the Children, Young People and Education Committee, and the Chair of Finance Committee.

Yours Sincerely,



Sam Rowlands MS
Member of the Welsh Parliament for North Wales

Annex

| Act | Section | Explanatory note |
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| Historic Environment (Wales) Act 2023 | 196(1) The Welsh Ministers must issue guidance to the bodies listed in subsection (2) on— (a) how the bodies may contribute to the compilation of historic environment records and assist in maintaining the records, and (b) the use of historic environment records in the exercise of the bodies' functions. | Section 196 requires the Welsh Ministers to issue guidance to local authorities, National Park authorities and Natural Resources Wales on how they may contribute to the compilation and maintenance of the historic environment records and on the use of the historic environment records in the exercise of their functions. |
| The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 | 2(3) The Welsh Ministers must prepare and publish guidance about— (a) the single-use plastic products that are prohibited under this Act; (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule. | This section also requires Welsh Ministers to prepare and publish guidance about the single-use plastic products prohibited under the Act, and how any exemptions listed under column 2 of the Table should be applied. |
| Social Partnership and Public Procurement (Wales) Act 2023 | 9(5) The Welsh Ministers must issue guidance about the composition of the public procurement subgroup (including for the purpose of achieving an appropriately representative membership), and the SPC must have regard to that guidance. | <p>This section requires the SPC to take all reasonable steps to establish a specific subgroup concerned with public procurement within six months of section 9(1) coming into force.</p> <p>It further requires that the Welsh Ministers specify and publish the quorum for the public procurement subgroup meetings, produce guidance to which the SPC must have regard when appointing members including guidance for the purpose of ensuring its membership is appropriately representative and the procedures to be followed during meetings.</p> <p>The section also sets out specific matters which the procedures to be published by the Welsh Ministers must deal with, these are the</p> |

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| | | same as those covered in the procedures which are specified and published in relation to the full SPC. |
| Tertiary Education and Research (Wales) Act 2022 | Section 134(5) The Welsh Ministers must publish guidance regarding factors to be taken into account in deciding whether to approve a body or individual for the purposes of this section. | The Welsh Ministers must publish guidance setting out the factors that will be taken into account when approving a body or individual with whom the information may be shared. |
| Data Protection Act 2018 | 12(2) The Secretary of State may by regulations...specify what the guidance must include. | The Secretary of State is able to specify what the guidance must include. |