

Julie James MS  
Counsel General and Minister for Delivery

15 November 2024

Dear Julie,

**Legislation (Procedure, Publication and Repeals) (Wales) Bill**

Thank you for appearing before the Committee on 5 November 2024 to inform its consideration of the Legislation (Procedure, Publication and Repeals) (Wales) Bill.

The Committee is grateful for your commitment to issue a written response in respect of your views on the marshalled list for legislation, and in relation to the borrowing powers of the Welsh Development Agency.

As I stated at the end of the meeting, I would also be grateful if your response could include further information in respect of other matters, which are set out in the Annex.

Please could you respond by Thursday 5 December 2024.

Yours sincerely,



Mike Hedges  
Chair

## Annex

1. With regard to your responsibility for overseeing the timetable for, and delivery of, the Legislative Programme, please outline why the decision was made to attach a higher priority for the introduction of this Bill over the potential introduction of a Senedd Bill including provisions which currently appear within UK Government legislation, such as within the Renters' Rights Bill.
2. The Explanatory Memorandum (EM) does not reference the Bill's impact on human rights. Please indicate:
  - whether the Welsh Government has undertaken an assessment of the human rights implications of the Bill's provisions; and
  - in particular, whether the Welsh Government believes that section 2 of the Bill will have any impact on human rights.
3. The EM, at paragraph 82, states that there is "no immediate intention" to use the powers in new section 37F(2)(c) and Schedule 1A, paragraph 6(3)(c), of the *Legislation (Wales) Act 2019* (the 2019 Act), as inserted by section 1 of the Bill. The EM goes on to state that it is however "prudent to ensure there is an appropriate mechanism available to enable specific enactments to be listed if the Senedd or the Welsh Ministers consider particular instruments need not be laid before the Senedd." Please provide:
  - further justification for the inclusion of these powers, in the apparent absence of an intention to use them; and
  - an explanation of why it was decided to confer these powers on the Welsh Ministers, rather than leave it for the Senedd to decide in each enactment.
4. Please outline in more detail how new section 37Z(2) of the 2019 Act, which requires the Welsh Ministers to prepare and publish a determination about the numbering and classification of Welsh subordinate instruments, will operate in practice.
5. Please outline why it is necessary to include the provision in paragraph 7 of Schedule 1A, which provides the Welsh Ministers with delegated powers to amend any enactment to reflect the effect of, or make provision consequential upon, the Schedule.
6. Please can you indicate whether there are any provisions in the Bill that would enable the Welsh Ministers to change the procedure attached to an existing power delegated to the Welsh Ministers?
7. During the evidence session, your official referred to the Bill's creation of a new obligation on the King's Printer of Acts of Parliament to publish Welsh legislation in an up-to-date form. Your official also noted that other "certain gaps" in relation to the King's Printer will be filled by the Bill. Please provide an outline of these gaps and how the Bill seeks to address them.

**8.** The EM, at paragraphs 70 to 72, outlines consultation relevant to the Bill's repeal of the Domestic Fire Safety (Wales) Measure 2011. Specifically, it refers to a consultation on the inclusion of sprinkler systems in care homes for children; however – as the EM also states – the Measure was intended to apply to “all new and converted residences”. Please provide:

- an outline of any further consultation that has been undertaken in respect of this proposed repeal;
- your assessment of the impacts of moving sprinkler system requirements from primary legislation to secondary legislation; and
- confirmation as to whether current Building Regulations provide the same level of requirements for sprinklers systems as was included within the Measure.

**9.** The EM, at paragraphs 60 and 61, states that the Bill no longer includes repeal of sections 53 to 56 of the *Countryside and Rights of Way Act 2000*, following their commencement in England, despite it remaining the Welsh Government's policy not to commence these provisions. Please provide:

- further information in relation to the Welsh Government's decision not to include these provisions within the Bill;
- an explanation as to whether, in place of repealing the sections, it could not have added “in England” to the end of the relevant provisions, which would appear to be in accordance with the other repeals in the Bill; and
- an outline of the possible implications of any future decisions made by the UK Government to commence other provisions that the Bill proposes to repeal.

**10.** Please outline whether there are any implications of the references to Scotland in provisions in the *Industry Act 1979* and *Industry Act 1980* which are proposed for repeal.

**11.** Please indicate whether the Welsh Government has plans for a future programme of law repeals, and if so, when a Bill including such provisions is expected to be introduced.

**12.** Please indicate whether consideration been given to any requirement to modify the long title of the 2019 Act as a result of the Bill.

**13.** When in a position to do so, please provide an update on the Welsh Government's discussions with the UK Government in respect of the Minister of the Crown consents necessary to ensure that the Bill is within the Senedd's legislative competence.