

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 10 December
2018

Meeting time: 14. – 16.30

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5025>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Dawn Bowden AM Suzy Davies AM Mandy Jones AM Dai Lloyd AM Lee Waters AM
Witnesses:	
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Ruth Hatton (Deputy Clerk) Alys Thomas (Researcher) Gareth Howells (Legal Adviser) Stephen Davies (Legal Adviser) Katie Wyatt (Legal Adviser)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

- 1 Introduction, apologies, substitutions and declarations of interest**
- 2 Legislation (Wales) Bill: Evidence from the Counsel General: Evidence session 1**

The Committee took evidence from Jeremy Miles AM, Counsel General. The Counsel General agreed to write to the Committee with further information on his proposals for the interpretation of bilingual legislation. The Committee agreed to write to the Counsel General with further questions.

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

3.1 SL(5)287 – The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2018

3.2 SL(5)290 – The Social Services and Well-being (Wales) Act 2014 (Isles of Scilly Modification) Regulations 2018

The Committee considered the instruments and were content.

4 Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3

4.1 SL(5)285 – The Carcase Classification and Price Reporting (Wales) Regulations 2018

The Committee considered the instrument along with the Government response and will report to the Assembly in line with the reporting points identified. The Committee agreed to write to the Government for further clarification on the points raised in its report.

4.2 SL(5)288 – The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018

The Committee considered the instrument and will report to the Assembly in line with the reporting point identified.

4.3 SL(5)289 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the reporting point identified.

5 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

5.1 SL(5)284 – The Environmental Noise (Wales) (Amendment) Regulations 2018

The Committee considered the instrument and will report to the Assembly to highlight issues as a result of the UK exiting the EU.

5.2 SL(5)286 – The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018

The Committee considered the instrument and will report to the Assembly to highlight issues as a result of the UK exiting the EU.

6 Statutory Instruments requiring Consent: EU Exit

6.1 SICM(5)8 – The Marine Environment (Amendment) (EU Exit) Regulations 2018

The Committee considered the Statutory Instrument Consent Memorandum and noted that the Cabinet Secretary is not minded to lay a motion for debate. Suzy Davies raised the possibility of tabling a motion in order to debate the SICM. The Chair suggested that the Committee could, in early January, review the Brexit-related SICMs and Written Statements laid under Standing Order 30C considered to date.

6.2 SICM(5)9 – The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2018

The Committee considered the Statutory Instrument Consent Memorandum and noted that the Cabinet Secretary is not minded to lay a motion for debate.

7 Written statements under Standing Order 30C

7.1 WS-30C(5)31 – The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment Etc.) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.2 WS-30C(5)32 – The European Institutions and Consular Protection (Amendment etc.) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.3 WS-30C(5)33 – The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.4 WS-30C(5)34 – The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary. The Committee agreed to write to the Welsh Government about the points raised by Assembly Lawyers in relation to the written statement.

7.5 WS-30C(5)35 – The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary. The Committee agreed to write to the Welsh Government about the points raised by Assembly Lawyers in relation to the written statement.

7.6 WS-30C(5)36 – The CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.7 WS-30C(5)37 – The Justification Decision Powers (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.8 WS-30C(5)38 – The Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residues Limits) (Amendment etc.) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.9 WS-30C(5)40 – The Trade in Animals and Related Products (Amendment etc.) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.10 WS-30C(5)41 – The Protocol 1 to the EEA Agreement (Amendment) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

7.11 WS-30C(5)42 – The Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary. The Committee welcomed the approach taken by the Welsh Government with the written statement.

8 Papers to note

8.1 Welsh Government Written Statement: Submission and Publication of the Law Commission's Final Report on Planning Law in Wales

The Committee noted the written statement.

8.2 Letter from the Llywydd to the First Minister: the role of the Assembly and its committees in scrutinising Brexit-related legislation

The Committee noted the letter from the Llywydd to the First Minister.

8.3 Correspondence with the First Minister: Composite and Joint Statutory Instruments

The Committee noted the correspondence with the First Minister and agreed to write to the Procedures Committee to further investigate the issue.

8.4 Letter from the Cabinet Secretary for Economy and Transport: Response to the Committee's Report on the Scrutiny of Regulations made under the Trade Bill

The Committee noted the letter from the Cabinet Secretary for Economy and Transport.

8.5 Letter from the Cabinet Secretary for Energy, Planning and Rural Affairs: UK Agriculture Bill

The Committee noted the letter from the Cabinet Secretary for Energy, Planning and Rural Affairs.

8.6 Letter from the Llywydd: Assembly Reform

The Committee noted the letter from the Llywydd.

9 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

The motion was agreed.

10 Consideration of evidence: Legislation (Wales) Bill

The Committee considered the evidence received from the Counsel General.

11 Legislative Consent Memorandum: UK Agriculture Bill: Draft Report

The Committee considered and agreed its draft report, subject to minor corrections.

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

The Committee noted the update.