

# Concise Minutes – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: Monday, 2 November 2020

Meeting time: 10.00 – 12.21

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/6472>

## Attendance

Category	Names
Assembly Members:	Mick Antoniw MS (Chair) Carwyn Jones MS Dai Lloyd MS David Melding MS Alun Davies MS Llyr Gruffydd MS Laura Anne Jones MS David Rees MS
Witnesses:	Jeremy Miles MS, Counsel General and Minister for European Transition Sophie Brighthouse, Welsh Government Katie Wilson, Welsh Government
Committee Staff:	P Gareth Williams (Clerk) Gareth Howells (Legal Adviser)



**Senedd Cymru**  
**Welsh Parliament**

## **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.

In accordance with Standing Order 17.49, the Chair welcomed Members from the Finance Committee and the External Affairs and Additional Legislation Committee, who joined the meeting for items 1 to 4 on the agenda.

## **2 Legislative Consent Memorandum on the UK Internal Market Bill: Evidence session**

The Committee took evidence from the Counsel General in relation to the Welsh Government's Legislative Consent Memorandum on the UK Internal Market Bill.

## **3 Motion under Standing Order 17.42 to resolve to exclude the public from Item 4**

The Committee agreed the motion.

## **4 Legislative Consent Memorandum on the UK Internal Market Bill: 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.

## **5 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B**

### **5.1 pNeg(5)32 – The Teachers’ Qualifications (Amendment) (Wales) (EU Exit) Regulations 2020**

In accordance with Standing Order 17.24A, David Melding declared an interest with respect to Item 5.1.

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

### **5.2 pNeg(5)34 – The Environment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020**

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

## **6 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

### **6.1 SL(5)637 – The School Teachers’ Pay and Conditions (Wales) Order 2020**

The Committee considered the instrument and was content.

## **7 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified, and to consider the Welsh Government response at a future meeting.

**7.2 SL(5)639 – The Health Protection (Coronavirus, International Travel) (Wales)  
(Amendment) (No. 15) Regulations 2020**

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

**7.3 SL(5)642 – The Health Protection (Coronavirus, International Travel) (Wales)  
(Amendment) (No. 16) Regulations 2020**

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

**7.4 SL(5)638 – The Health Protection (Coronavirus Restrictions) (No.2) (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, and to consider the Welsh Government response at a future meeting.

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

The Committee considered the instrument and agreed to report to the Senedd in line with the reporting points identified in the draft report, along with other additional points highlighted during the meeting.

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

**8.1 SL(5)607 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales)  
(Amendment) (No. 8) (Caerphilly) Regulations 2020**

The Committee noted the Welsh Government response.

**8.2 SL(5)611 – The Health Protection (Coronavirus Restrictions) (Functions of Local  
Authorities) (Wales) Regulations 2020**

The Committee noted the Welsh Government response.

### **8.3 SL(5)616 – The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020**

The Committee noted the Welsh Government response.

### **8.4 SL(5)630 – The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020**

The Committee noted the Welsh Government response, and agreed to write to the Welsh Government with further comments.

## **9 Subordinate legislation that raises issues to be reported to the Assembly under Standing Order 21.7**

### **9.1 SL(5)635 – The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020**

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

## **10 Statutory Instruments requiring Senedd consent (Statutory Instrument Consent Memorandums)**

### **10.1 SICM(5)31 – The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020**

The Committee noted the Statutory Instrument Consent Memorandum (SICM) and the commentary. The Committee also noted that it was likely that the SICM would be withdrawn and re-laid, as the Regulations to which the SICM relates were withdrawn from the UK Parliament on 20 October.

### **10.2 SICM(5)32 – The Quality and Safety of Organs Intended for Transplantation (Amendment) (EU Exit) Regulations 2020**

The Committee noted the SICM and the commentary.

**10.3 SICM(5)33 – The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020**  
**which contain amendments to section 155 (2) and (3) of the Equality Act 2010**

The Committee noted the SICM and the commentary.

**10.4 SICM(5)34 – The Common Fisheries Policy (Amendments etc.) (EU Exit) Regulations 2020**

The Committee noted the SICM and the commentary.

**10.5 SICM(5)35 – The Plant Health (Amendment etc.) (EU Exit) Regulations 2020**

The Committee noted the SICM and the commentary.

**10.6 SICM(5)37 – The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020**

The Committee noted the SICM and the commentary.

The Committee agreed to write to the Welsh Government, in relation to all SICMs considered at the meeting, to again raise concerns with the Welsh Government's approach to tabling consent motions for debate.

**11 Written statements under Standing Order 30C**

**11.1 WS-30C(5)174 – The Persistent Organic Pollutants (Amendments) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

**11.2 WS-30C(5)175 – Pesticides (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

**11.3 WS-30C(5)177 – The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.4 WS–30C(5)178 – The State Aid (Revocation etc.) (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.

#### **11.5 WS–30C(5)179 – The Blood Safety and Quality (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.6 WS–30C(5)181 – The Human Tissue (Quality and Safety for Human Application) (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.7 WS–30C(5)182 – Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.8 WS–30C(5)183 – The Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.9 WS–30C(5)184 – Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

#### **11.10 WS–30C(5)186 – The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

## **11.11 WS-30C(5)189 – The Control of Mercury (Amendment) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary.

## **11.12 WS-30C(5)190 – The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020**

The Committee noted the statement and the commentary. In addition, the Committee agreed to write to the Welsh Government to seek clarification in relation to the statement.

## **12 Inter-Institutional Relations Agreement between the Senedd and the Welsh Government: Annual Report**

The Committee noted the Welsh Government's first annual report in relation to the Inter-Institutional Relations Agreement.

## **13 Papers to note**

### **13.1 Letter to the Llywydd: Scrutiny of Covid-19 regulations**

The Committee noted the letter to the Llywydd.

### **13.2 Letter from the Chair of the Climate Change, Environment and Rural Affairs**

**Committee to the Minister for Environment, Energy and Rural Affairs: The draft Framework Outline Agreement (FOA) for Hazardous Substances Planning**

The Committee noted the letter from the Chair of the Climate Change, Environment and Rural Affairs Committee.

### **13.3 Letter from the Counsel General: Drafting of Welsh Bills**

The Committee noted the letter from the Counsel General.

### **13.4 Letter from the Counsel General: Joint Ministerial Committee (EU Negotiations)**

The Committee noted the letter from the Counsel General.



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

The Committee agreed the motion.

**15 Legislative Consent Memorandum on the Non-Domestic Rating (Lists) (No. 2) Bill: Consideration of draft report**

The Committee considered and agreed its draft report on the Legislative Consent Memorandum on the Non-Domestic Rating (Lists) (No. 2) Bill.

**16 Scrutiny of regulations arising from the UK's exit from the European Union – Protocol between the Welsh Government and the Legislation, Justice and Constitution Committee of Senedd Cymru**

The Committee considered and agreed the draft revised protocol in relation to the scrutiny of regulations arising from the UK's exit from the European Union.