

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 14 January 2019

Meeting time: 13.00 – 15.35

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5027>

Attendance

Category	Names
Assembly Members:	Mick Antoniw AM (Chair) Suzy Davies AM Mandy Jones AM Dai Lloyd AM Carwyn Jones AM
Witnesses:	Sir Nicholas Green, Law Commission Catrin Fflur Huws Dr Charles Mynors, Law Commission Henni Ouahes, Law Commission Nicholas Paines, Law Commission Professor Thomas Glyn Watkin
Committee Staff:	P Gareth Williams (Clerk) Sarah Sargent (Second Clerk) Ruth Hatton (Deputy Clerk) Alys Thomas (Researcher)



	Gareth Howells (Legal Adviser)
	Katie Wyatt

1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Dawn Bowden AM.

2 Legislation (Wales) Bill: Evidence session 2

The Committee took evidence from Sir Nicholas Green, Chair of the Law Commission; Nicholas Paines QC; Henni Ouahes and Dr Charles Mynors of the Law Commission.

3 Legislation (Wales) Bill: Evidence Session 3

The Committee took evidence from Professor Thomas Watkin and Dr Catrin Fflur Huws.

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

4.1 SL(5)298 – The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

4.2 SL(5)292 – The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

The Committee considered the instruments and was content.

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

5.1 SL(5)299 – The Local Authority Fostering Services (Wales) Regulations 2018

The Committee considered the instrument and will report to the Assembly in line with the technical points identified.

5.2 SL(5)293 – The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the technical points identified.

5.3 SL(5)296 – The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the technical points identified.

6 Proposed negative instruments that raise no reporting issues under standing order 21.3B

6.1 pNeg(5)04 – The Equality Act 2010 (Statutory Duties) (Wales) (Amendment) (EU Exit) Regulations 2019

6.2 pNeg(5)05 – The Livestock (Records, Identification and Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

6.3 pNeg(5)06 – The Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) (EU Exit) Regulations 2019

6.4 pNeg(5)07 – The Animal By-Products and Transmissible Spongiform Encephalopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

The Committee considered the proposed negative instruments and was content.

7 Statutory Instruments requiring Consent: Brexit

7.1 SICM(5)13 – The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2018

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

7.2 SICM(5)14 – The Public Procurement (Amendment) (EU Exit) Regulations 2019 – amendments to Section 155 (2) and (3) of the Equality Act 2010

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

7.3 SICM(5)15 – The Farriers (Registration) and Animal Health (Amendment) (EU Exit) Regulations 2019

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

7.4 SICM(5)16 – The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

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

7.5 SICM(5)17 – The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019

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

8 Written statements under Standing Order 30C

8.1 WS–30C(5)59 – The Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

8.2 WS–30C(5)62 – The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations

The Committee noted the written statement and commentary.

8.3 WS–30C(5)63 – The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations

The Committee noted the written statement and commentary.

8.4 WS–30C(5)64 – The Common Agricultural Policy (Rules for Direct Payments) (Amendment) (EU Exit)

The Committee noted the written statement and commentary.

8.5 WS-30C(5)70 – The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019

The Committee noted the written statement and commentary.

8.6 WS-30C(5)71 – The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

8.7 WS-30C(5)72 The Plant Health (EU Exit) Regulations 2019

The Committee noted the written statement and commentary.

8.8 WS-30C(5)73 – The Recognition of Professional Qualifications (Amendment etc.)

The Committee noted the written statement and commentary.

8.9 WS-30C(5)74 – The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendments etc) (EU Exit) Regulations 2018

The Committee noted the written statement and commentary.

9 Revised Written statements under Standing Order 30C

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

The Committee noted the revised written statement and commentary.

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

The Committee noted the revised written statement and commentary.

10 Papers to note

10.1 Letter from Jane Hutt Assembly Member for the Vale of Glamorgan

The Committee noted the letter from Jane Hutt AM and agreed to respond advising that this is a matter for the Welsh Government.

10.2 Letter from the Minister for Environment, Energy and Rural Affairs: SL(5)285 – The Carcase Classification and Price Reporting (Wales) Regulations 2018

The Committee noted the letter from the Minister for Environment, Energy and Rural Affairs.

10.3 Legislative Consent Memorandum on the Healthcare (International Arrangements) Bill

The Committee noted the letter from the Minister for Health and Social Care.

10.4 Legislation (Wales) Bill: Letter from the Counsel General

The Committee noted the letter from the Counsel General.

10.5 Autism (Wales) Bill: Letter from Paul Davies AM the Member in Charge of the Bill

The Committee noted the letter from Paul Davies AM.

11 Statutory Instruments requiring Consent: Brexit: Previously considered

11.1 SICM(5)8 (No.2) – The Marine Environment (Amendment) (EU Exit) Regulations 2018

The Committee considered the Statutory Instrument Consent Memorandum laid by Suzy Davies AM on 31 December 2018.

14 SICM(5)8 (No.2) – The Marine Environment (Amendment) (EU Exit) Regulations 2018

The committee agreed its report.

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

The motion was agreed.

13 Consideration of Evidence: Legislation (Wales) Bill

The committee considered the evidence received.

15 Legislative Consent Memorandum on the Healthcare (International Arrangements) Bill: Draft Report

The Committee agreed its report.