

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 18 March 2019

Meeting time: 14.30 – 15.55

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5264>

Attendance

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

1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Dawn Bowden AM.

Dai Lloyd AM declared an interest in relation to Item 4.14.



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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

- 2.1 SL(5)339 – The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) (Amendment) (Wales) Regulations 2019**
- 2.2 SL(5)340 – The Electricity (Offshore Generating Stations) (Fees) (Wales) Regulations 2019**
- 2.3 SL(5)347 – The Developments of National Significance (Procedure) (Wales) (Amendment) Order 2019**
- 2.4 SL(5)361 – The Zoonotic Disease Eradication and Control (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**
- 2.5 SL(5)387 – The National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2019**
- 2.6 SL(5)391 – The Sea Fishing (Licences and Notices) (Wales) Regulations 2019**
- 2.7 SL(5)371 – The Partnership Arrangements and Population Assessments (Miscellaneous Amendments) (Wales) Regulations 2019**

The Committee considered the instruments as was content.

3 Instruments previously considered for sifting and now subject to scrutiny under Standing Orders 21.2 and 21.3

- 3.1 SL(5)379 – The Teachers' Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019**

The Committee considered the instrument as was content.

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

4.1 SL(5)343 – The Electricity (Offshore Generating Stations) (Inquiries Procedure) (Wales) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.2 SL(5)344 – The Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019

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 Minister for Housing and Local Government to seek further clarification on the meaning of ‘national newspaper’.

4.3 SL(5)345 – The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019

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 Minister for Housing and Local Government to seek further clarification on the meaning of ‘national newspaper’.

4.4 SL(5)348 – The Developments of National Significance (Wales) (Amendment) Regulations 2019

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 Minister for Housing and Local Government to reiterate that, while the Committee notes the Government response about the use of ‘fel a ganlyn’ in the Welsh text, the Committee considers ‘fel petai’ to be clear and an example of ‘everyday’ language.

4.5 SL(5)351 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019

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

4.6 SL(5)354 – The Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019

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

4.7 SL(5)355 – The Sea Fishing (Penalty Notices) (Wales) Order 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.8 SL(5)357 – The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019

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

4.9 SL(5)358 – The Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.10 SL(5)359 – The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019

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

4.11 SL(5)360 – The Exotic Diseases in Animals (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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 Welsh Government to clarify its policy on what earliest opportunity means in practice, as referenced in its response to the reporting points.

4.12 SL(5)362 – The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument. The Committee agreed to reconsider the instrument with the Government response at the next meeting.

4.13 SL(5)364 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019

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

4.14 SL(5)372 – The National Health Service (Clinical Negligence Scheme) (Wales) Regulations 2019

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

4.15 SL(5)373 The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.16 SL(5)376 – The Local Government Finance (Amendment) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.17 SL(5)392 – The Sea Fish Licensing (Wales) Order 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified

4.18 SL(5)335 – The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.19 SL(5)365 – The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.20 SL(5)366 – The Food (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019

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

4.21 SL(5)368 – The Local Authorities Capital Finance and Accounting (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.22 SL(5)367 – The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points identified.

4.23 SL(5)370 – The Seed Potatoes (Wales) (Amendment) (EU Exit) Regulations 2019

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

4.24 SL(5)374 – The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

4.25 SL(5)375 – The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit)

Regulations 2019

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

4.26 SL(5)380 – The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the reporting points identified. The Committee agreed to consider taking forward with the Welsh Government the citation of powers in instruments.

4.27 SL(5)381 – The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument, along with the Government response and will report to the Assembly in line with the reporting points 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)341 – The Electricity Works (Environmental Impact Assessment) (England and Wales) (Amendment) (Wales) Regulations 2019

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

5.2 SL(5)346 – The Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2019

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

5.3 SL(5)369 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

5.4 SL(5)377 – The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

5.5 SL(5)378 – The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

6 Papers to note

6.1 Letter from the First Minister: Scrutiny of Regulations made under the EU (Withdrawal) Act 2018 progress Report

The Committee noted the letter from the First Minister and agreed to respond on certain points concerning the scrutiny role of the Committee.

6.2 Letter for the Chair of the External Affairs and Additional Legislation Committee to the First Minister: Scrutiny of Regulations made under the EU (Withdrawal) Act 2018 progress Report

The Committee noted the letter from the Chair of the External Affairs and Additional Legislation Committee.

6.3 Letter from the Counsel General and Brexit Minister to the External Affairs and Additional Legislation Committee: Welsh EU Exit Statutory Instruments

The Committee noted the letter from the Counsel General and Brexit Minister to the External Affairs and Additional Legislation Committee.

6.4 Letter from the Counsel General and Brexit Minister: Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) Regulations 2019

The Committee noted the letter from the Counsel General and Brexit Minister and noted that the relevant Welsh Government written statement will be considered at the next meeting.

6.5 Letter from the Minister for Health and Social Services re: Supplementary Legislative Consent Memorandum on the Healthcare (International Arrangements) Bill

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

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

The Committee noted the letter from the Counsel General in relation to the Bill.

6.7 Letter from the Llywydd: Speaker's Conference

The Committee noted the letter from the Llywydd and agreed to respond.

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

The motion was agreed.

8 Legislation (Wales) Bill: Draft Report

The Committee agreed its draft report and noted that it will be published next week.