

Concise Minutes – Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Monday, 11 February 2019

Meeting time: 14.30 – 15.20

This meeting can be viewed

on [Senedd TV](#) at:

<http://senedd.tv/en/5260>

Attendance

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

1 Introduction, apologies, substitutions and declarations of interest

Apologies were received from Suzy Davies AM and Carwyn Jones AM.



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)315 – The National Health Service (Paramedic Independent Prescriber and Paramedic Supplementary Prescriber) (Wales) (Miscellaneous Amendments) Regulations 2019

The Committee considered the instrument and 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)310 – The Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) (EU Exit) Regulations 2019

3.2 SL(5)313 – The Equality Act 2010 (Statutory Duties) (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instruments, noted the merits point for each and 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)304 – The Equine Identification (Wales) Regulations 2019

The Committee considered the Government response and was content.

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)314 – The Plant Health (Wales) (Amendment) Order 2019

5.2 SL(5)312 – The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019

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

6 Proposed negative instruments that raise no reporting issues under Standing Order 21.3B

6.1 pNeg(5)18 – The Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019

6.2 pNeg(5)20 – The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

6.3 pNeg(5)21 – The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

7 Proposed negative instruments that raise reporting issues under Standing Order 21.3B

7.1 pNeg(5)17 – The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019

The Committee considered the instrument and will report to the Assembly in line with the recommendation that the Welsh Government uplifts the Regulations to be subject to the affirmative procedure.

8 Statutory Instruments requiring Consent: Brexit

8.1 SICM(5)19 – The UK Statistics (Amendment etc) (EU Exit) Regulations 2019

The Committee noted the statutory instrument consent memorandum.

9 Written statements under Standing Order 30C

- 9.1 WS-30C(5)85 – The European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) Regulations 2019**
- 9.2 WS-30C(5)86 – The General Food Law (Amendment etc.) (EU Exit) Regulations 2019**
- 9.3 WS-30C(5)-87 – The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019**
- 9.4 WS-30C(5)-88 – The General Food Hygiene (Amendment) (EU Exit) Regulations 2019**
- 9.5 WS-30C(5)89 – The Contaminants in Food (Amendment) (EU Exit) Regulations 2019**
- 9.6 WS-30C(5)90 – The Quick-frozen Foodstuffs (Amendment) (EU Exit) Regulations 2019**

The Committee noted the written statements and commentaries.

10 Legislation (Wales) Bill: Consultation Responses

The Committee noted the consultation responses.

11 Papers to note

11.1 Letter from the First Minister: interpretation of the European Union (Withdrawal)

Act 2018 and the Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks

11.2 Letter from the Minister for Finance and Trefnydd regarding scrutiny of regulations arising from the European Union (Withdrawal) Act 2018

11.3 Letter from the Minister for Finance and Trefnydd regarding the Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2018.

11.4 Letter from the Minister for Finance and Trefnydd regarding the Nutrition (Amendment etc.) (EU Exit) Regulations 2019

11.5 Letter from the Minister for Finance and Trefnydd regarding the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019

The Committee noted the letters and agreed to write to the First Minister and Minister for Finance and Trefnydd in relation to a number of concerns with the principles and information detailed in the letters.

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 Legislative Consent Memorandum on the UK Fisheries Bill: Draft Report

The Committee agreed its report.