Impact

The Law Society was mentioned:

• In the latest submissions to the Commission on Justice in Wales
• As Jeremy Miles issued a revised response to a report on the Legislation (Wales) Bill
• In a revised explanatory memorandum to the Legislation (Wales) Bill

Legislation

Legislation Bill

Stage 3: Legislation (Wales) Bill – Tuesday, June 25

Marshalled List of Amendments

Definitions in Part 1 of the Bill

Dai Lloyd moved amendment 13, which would add a definition of accessibility. He told AMs that accessibility of Welsh law should mean the extent to which it is: readily available in Welsh and English; published in an up-to-date form; clearly and logically organised; and easy to understand and certain in its effect. Raising the importance of arranging legislation subject-by-subject in one place, Dr Lloyd said the National Assembly has passed 59 Measures or Acts since 2007 and Welsh Ministers have made about 6,000 statutory instruments since 1999. The Plaid Cymru AM also welcomed the intention to give equal status to bilingual legislation.

Suzy Davies, for the Welsh Conservatives, moved amendment 14, which would define the key concept of codification of Welsh law as meaning “adopting a structure that improves its accessibility” then “organising and publishing consolidated law according to that structure”.

Jeremy Miles said, if the Bill is passed, he intends to publish a position statement in summer on consolidation, codification and the future structure of Welsh law, expanding on the draft taxonomy. The Counsel General said the amendments would enhance Part 1 of the Bill, and both were agreed after no member objected.

Programme to improve accessibility of Welsh law

Suzy Davies moved amendment 1, which would require a formal mid-term review of the effectiveness of Part 1 and prepare a report before the end of 2023. Jeremy Miles said he would not support the amendment because the requirement to report has already been strengthened to annually rather than periodically. The Counsel General added that a commitment to a mid-term review is included within a revised explanatory memorandum, which references the Law Society. He argued that it goes further than the amendment by covering all the Bill – not just Part 1. The amendment fell, with 24 AMs voting in favour and 27 against.

Effect of provisions in Part 2 of the Bill

Jeremy Miles said amendments 3, 4, 8 and 9 would make technical drafting improvements to the “contrary intention” provisions in Part 2. He explained that the provisions ensure that it is possible for individual pieces of legislation to depart from the general interpretation rules where appropriate. Mr Miles stressed that the amendments do not change the legal effect of the Bill. The Counsel General said the
amendments replace the separate contrary intention provisions in Sections 10, 27 and 32 with one general provision in Section 4.

Raising a letter from the then-Solicitor General, Robert Buckland, he argued that the amendments would reduce the scope for any misunderstanding about whether Sections 27 and 32 may affect the ability of the UK Parliament to legislate for Wales. He stressed that Part 2 does not have any effect on Acts passed at Westminster. Mr Miles later wrote to the new Solicitor General, Lucy Frazer, responding to concerns from the UK Government.

All four amendments were agreed after no member objected.

References to EU legislation
Jeremy Miles said amendments 5, 6, 7, 10, 11 and 12 all relate to EU withdrawal, but they are not as contentious as the subject matter may suggest. He told the Siambr that amendments 5 and 6 are intended to ensure that Part 2 of the Bill fully reflects legal changes that the UK Parliament has already made. Mr Miles explained that amendments 7, 10, 11 and 12 are intended to cater for the possibility that Part 2 may come into force before withdrawal.

Amendments 5, 6, 7, 10, 11 and 12 were agreed without objection.

Next Steps
AMs are scheduled to hold a Stage 4 debate on the Legislation (Wales) bill on Tuesday, July 17. If passed, the Bill would then enter “Post Stage 4”. During the four-week period, the Secretary of State for Wales can make an order blocking the Bill from being sent for Royal Assent.

Correspondence
Ahead of stage 3 proceedings, Jeremy Miles officially responded to the Finance Committee’s report on the Legislation (Wales) Bill. Accepting recommendation four, the Counsel General noted the importance of raising awareness of the proposed changes. He said he would draw the attention of stakeholders, including the Law Society, to information about interpretation on the Law Wales website.

Smacking Ban
The Children, Young People and Education Committee took evidence from Barry Hughes, Chief Crown Prosecutor for Wales on the Children (Abolition of Defence of Reasonable Punishment) Bill. Mr Hughes said he did not expect many convictions but agreed there would need to be a programme of awareness raising, especially amongst holidaymakers who may inadvertently break the law.

Health Bill
The Welsh Government introduced the Health and Social Care (Quality and Engagement) (Wales) Bill, which would expand the duty of quality on NHS bodies, establish an organisational duty of candour and replace community health councils with an all-Wales citizen voice body.

Legislative Statement
Mark Drakeford will give a statement on his government’s legislative programme on Tuesday, July 14.
Justice System

Prisoner Voting Rights
The Equality, Local Government and Communities Committee published its report on voting rights for prisoners. AMs made 11 recommendations including to give the right to vote to prisoners with sentences lower than four years.

Justice Commission
The Welsh Government published the following submissions to the Commission on Justice:
- Oral evidence on legal jurisdiction and governance (Law Society mentioned)
- Action for ME
- Family Rights Group
- Swansea and District Law Society
- Centre for Justice Innovation
- David Fox on autism and the justice system

Finance and Taxation

Budget Process
The Finance Committee visited Edinburgh to take evidence from those involved with Scotland’s Budget Process Review Group, which was set up after the transfer of substantial fiscal powers to Holyrood. Witnesses emphasised the importance of consensus and shared ownership between the Scottish Parliament and Government when it came to reforming the process. AMs asked about the limited ability of MSPs to table amendments to each year’s Budget Bill – witnesses were generally of the view that the balance between government responsibility for the budget and involvement from MSPs was the right one.

Land Transaction Tax
The Welsh Revenue Authority announced the publication of the first annual statistics for Land Transaction Tax, including data for all local authorities in Wales.

Supplementary Budget
Rebecca Evans announced details of an £85m capital investment package as part of the 2019-20 first supplementary budget. The Finance Minister said £50m will be invested in social housing. In a written statement, Ms Evans said the funding will provide confidence in light of Brexit uncertainty.

Capital Funding
The Finance Committee continued its inquiry into Welsh Government capital funding sources, taking evidence from the WLGA, Carmarthenshire council, Deloitte and CIPFA. Representatives from the WLGA and Carmarthenshire County Council suggested the government should take a more strategic approach to its list of projects for capital investment. Experts from Deloitte and CIPFA welcomed that the Welsh Government has a generally clear picture of its investment needs.

Income Tax
The Finance Committee published letters from Finance Minister Rebecca Evans and Jim Harra, of HMRC, on Welsh rates of income tax.
Plastic Waste
Responding to a Welsh Conservative debate on reducing plastic waste, Hannah Blythyn said the Welsh Government has been working with HM Treasury on proposals to incentivise the use of recycled plastic by taxing all packaging that has less than 30% recycled content. The Deputy Minister for Housing and Local Government added that the Welsh Government continues to assess the potential for a tax on single-use drinks containers.

Planning and Housing

Planning
At First Minister’s Questions on Tuesday, June 18, Delyth Jewell asked about the process followed by the Welsh Government to overturn a decision by a council planning committee to reject planning permission. Mark Drakeford said the applicant has a right of appeal to the Welsh Ministers and most appeals are determined by a planning inspector appointed by the government. He added that a small number are recovered for determination by the Welsh Ministers.

Arguing that planning committees are best placed to decide on applications, Ms Jewell raised the overturning of a decision to reject a housing development in Hendredenny, Caerphilly. The First Minister said the right of an appeal is statutory and the process was revised as recently as 2017. He pointed out that the rules that govern the appeals process were agreed in the Assembly. Prof Drakeford said an average of five appeals are recovered for determination by Welsh Ministers in a given year – less than 1% of all appeals. He said there was no statutory challenge to the Welsh Ministers’ decision in Hendredenny.

Compulsory Purchase Orders
The Economy, Infrastructure and Skills Committee published its report on compulsory purchase orders (CPOs), calling on the Welsh Government to encourage councils to use CPO powers to regenerate towns. The committee recommends the Welsh Government provides clear guidance and support on using CPOs to give a clear steer to local authorities on the benefits of using them.

Development Plans
The Welsh Government launched a consultation on revised guidance for preparing and implementing development plans. The consultation closes on August 30.

Petitions
With reference to several petitions before the Petitions Committee, AMs took evidence from Julie James on the planning system. The Minister for Housing and Local Government stressed the importance of achieving a sustainable planning system that balances the need for housing against protection of the natural environment. Asked about the disapplication of paragraph 6.2 of TAN1, Neil Hemington, the government’s head of planning, said there has not been a significant increase in appeals.

Empty Homes
The Welsh Government highlighted the transformation of up to 120 empty properties into homes through £3.25m in regeneration funding.

Affordable Housing
During First Minister’s Questions on Tuesday, June 4, Hefin David and Mark Drakeford agreed that action needs to be taken to ensure that developers are held to account in failing to provide affordable housing, with Prof Drakeford adding that Planning Policy Wales will reduce the ability for developers to renegotiate
on affordable housing when they enter into an agreement. He said that a national development framework will be published, which will include further action to ensure the system supports the government’s affordable housing ambitions. Leanne Wood and the First Minister agreed that the term affordable housing is too broad, with Ms Wood calling for the Welsh Government to match Plaid Cymru’s pledge to build 20,000 social houses in a year. Prof Drakeford responded that the bulk of houses being built are social as opposed to affordable rates.

Statistics
The Welsh Government published 2018-19 figures on housebuilding and latest estimates of housing need.

Leasehold Reform
At this month’s Housing and Local Government questions, Conservative AM David Melding asked for an assessment of the House of Commons’ Housing, Communities and Local Government Committee’s report on leasehold reform. Housing Minister Julie James said leaseholds are a devolved matter and the Welsh Government would release its own report soon. Labour backbencher David Rees called for regulations for management companies who are responsible for private estates. Ms James said a task and finish group has been established with the aim of creating a code of practice for estate and property management agents to enhance the professional and ethical standard they operate to.

Legal Right
Dawn Bowden, the Labour AM for Merthyr Tydfil and Rhymney, led a short debate on establishing a legal right to adequate housing following a report by Tai Pawb, Shelter and the Chartered Institute of Housing. Replying to the debate, Deputy Minister Jane Hutt said this was an interesting proposal and she expected Housing Minister Julie James to take forward a feasibility study.

M4 Relief Road

M4 Corridor
Mark Drakeford published the report of the public inquiry into the M4 corridor around Newport and announced that he does not intend to proceed with the project. Ken Skates updated AMs on the next steps to address motorway congestion in south-east Wales. In the written statement, Mr Skates said £114m has been spent on the £1.5bn M4 relief road proposals since 2013. The Economy Minister also set out the terms of reference of the South East Wales Transport Commission.

Brexit

Confirmatory Referendum
AMs backed a Plaid Cymru motion which declared unequivocal support for a confirmatory referendum on whatever terms proposed by any Prime Minister that the UK leaves the EU, with remain on the ballot paper. The Welsh Government has repeatedly endorsed this position over the month of June.

No-deal Brexit
The First Ministers of Wales and Scotland issued a joint statement calling on the future Prime Minister to rule out a no-deal Brexit under any circumstances.
Devolution

Equality
During a statement on Tuesday, June 11, Jane Hutt told AMs that the Welsh Government is seeking to introduce a new, distinctly Welsh approach to promoting and safeguarding equality, social justice and human rights. The Deputy Minister and Chief Whip said the work will begin with commencing the socio-economic duty of the Equality Act 2010 later this year. She explained that research has been commissioned to explore wider options, including how to incorporate UN conventions – for example, on the rights of disabled people – into Welsh law. Ms Hutt said the socio-economic duty will require public bodies to make decisions in a way that tackles unequal outcomes caused by socioeconomic disadvantage. She added that the government is considering how the public sector equality duty could be strengthened.

Assembly News

Lobbying Register
The Petitions Committee considered a petition urging the National Assembly to introduce a statutory register for lobbyists. Jayne Bryant informed the committee that the Standards of Conduct Committee is monitoring the register systems of Scotland and Westminster to gather further evidence of best practice before implementing a Welsh register of lobbyists. Mike Hedges and Neil McEvoy voiced that further views from the petitioner were needed. The committee agreed to defer this petition until the petitioner responded to the additional information provided.

Committees
AMs approved major changes to the membership of policy and legislation committees.