Impact

Legislation Act
Manon Antoniazzi, the chief executive and clerk of the Assembly, announced that the Legislation (Wales) Act 2019 has been granted Royal Assent. Kay Powell, Osian Roberts and Trevor Coxon, for the Law Society, gave oral evidence to the Constitutional and Legislative Affairs Committee on the then-Bill as part of stage 1 in January. The Law Society also helped shape the Act through its consultation response.

The purpose of the Legislation (Wales) Act 2019 is to make Welsh legislation more accessible, clear and simple to use. It makes provision on the interpretation and implementation of Welsh law and makes it a requirement that the Counsel General and Welsh Ministers take steps to improve accessibility. The Act places long-term requirements on the government, with the objective of developing comprehensive codes of Welsh law on a subject-by-subject basis. The Act symbolises the maturity of the Welsh legislature and forms part of the government’s wider vision, including enhancing capacity for a Welsh legal jurisdiction.

‘Accessibility’ of Welsh law is defined by the Act as the extent to which it is: readily available in Welsh and English; published in an up-to-date form; clearly organised; and easy to understand and certain in its effect. The concept of ‘codification’ of Welsh law was defined as meaning “adopting a structure that improves its accessibility” then “organising and publishing consolidated law according to that structure”.

Jeremy Miles is expected to publish a position statement shortly on the consolidation, codification and future structure of Welsh Law, which will expand on the draft taxonomy. The Counsel General will be required to report annually on the programmes to make the law more accessible. This must take place within six months of the appointment of a First Minister after an election. As part of the process, the government will review the effectiveness of Part 1 of the Act midway through the next Assembly term.

Legislation

Smacking Ban
AMs debated the general principles of the Children’s Bill which seeks to remove reasonable punishment as a defence for striking a child. Speaking for the Welsh Government, Julie Morgan said the Bill was in line with the UNCRC and would create clarity for professionals. Labour and Plaid supported the Bill on the basis that it was a positive change which would protect children. Welsh Conservative and Brexit Party AMs opposed the Bill on the basis that it was disproportionate and would penalise good parents. The motion to agree the general principles was passed 36 votes to 15 with no abstentions.

Assembly Reforms
In October, AMs will consider stage two of the Senedd and Elections (Wales) Bill, which would extend the franchise to 16- and 17-year-olds as well as change the name of the National Assembly to Senedd.

GP Indemnity
The Welsh Government will introduce the NHS (Indemnities) (Wales) Bill on October 15. The Bill aims to ensure that all clinical negligence claims are covered by the government’s liability scheme.

Circuses
AMs began stage 1 scrutiny of the Wild Animals and Circuses (Wales) Bill, which would prohibit the use of wild animals in travelling circuses.
Finance and Taxation

Devolved Taxes
During Finance Questions on September 18, Mark Reckless asked for an update on forecasts for devolved taxes. Rebecca Evans told the Brexit Party group leader that the government is in discussions with the Office for Budgetary Responsibility. She said there has been no update to the devolved revenue forecasts for Wales. The Finance Minister explained that the next tax revenue forecasts will be published alongside the 2020-21 draft budget in November. She said the two fully devolved taxes are on course to bring in more than £1bn in their first two years and Welsh rates of income tax will raise about £2.2bn in their first year. She committed to arranging a technical briefing for AMs. The Business Committee has since published a revised timetable for consideration of the Welsh Government’s 2020-21 budget.

Spending Round
Rebecca Evans responded to the UK Government’s 2019 spending round, describing it as a pre-election distraction. In a written statement, the Finance Minister said the additional £600m for 2020-21 does not bring the Welsh Government’s spending power to the levels of a decade ago in 2010-11.

Automation
The Welsh Government published the review of digital innovation for the economy and the future of work.

Planning and Housing

Housing Tenure
In a statement on September 17, Housing Minister Julie James confirmed that the Welsh Government’s consultation on proposals to extend the minimum notice period of no-fault evictions under the Renting Homes Act had now closed, having received more than 850 responses. She confirmed that the responses were heavily weighted towards landlords and agents though some organisations such as Shelter had put forward tenant perspectives. She added further meetings were being held with stakeholders to accompany analysis of consultation responses. She defended the proposals, which, although not an outright ban, she argued represented a significant improvement in security of tenure for good tenants. She said the new time limits would give tenants adequate time to make alternative arrangements if the landlord required their property back and represented the most secure tenure in the UK.

Innovative Housing
Julie James updated AMs on the third year of the Innovative Housing Programme on September 24, saying that Wales is at the vanguard of housing innovation, creativity and new thinking. Ms James welcomed that it has been a record-breaking year for the programme, with 52 applications from a mixture of public and private sector organisations. The Minister announced £33m for innovative housing in Wales to test new approaches to help develop social and affordable housing. Ms James said the Welsh Government is looking to develop sites of mixed-tenure and is also keen to ensure the modular industry is fit for purpose. Rebecca Evans issued a written statement on the establishment of a public sector land division.

Renting
The Welsh Government highlighted that laws banning fees associated with letting properties have come into force. Guidance for tenants was also published.
Prorogation
AMs were recalled early from recess to debate Brexit and the prorogation of the UK Parliament. Mark Drakeford criticised the UK government for showing “disregard” for the truth, for Parliament, and for those in the Conservatives who have genuine concerns about a no-deal Brexit. He accused Boris Johnson of deliberately lying over his intention to prorogue Parliament and accused Michael Gove and Matt Hancock of dishonesty over the preparedness of the government for no deal in terms of food and medicine shortages. Prof Drakeford welcomed that the Welsh Government had been able to join the case led by Gina Miller heard in the High Court. He cited warnings from the Bank of England that no deal would permanently damage the UK’s export potential. He said the Welsh Government would vote against all amendments, citing the need to send a “clear message” to London about the need to avoid no deal.

For Plaid Cymru, Adam Price made the case for Plaid Cymru’s amendments and said that the 2017 election saw 54% of voters vote for parties who had explicitly ruled out a no-deal Brexit in their manifestos. Welsh Conservative group leader Paul Davies pointed out that all but five areas of Wales delivered a Leave result in 2016, and that the UK Government had been trying to respect the outcome of the referendum. He made it clear that the Conservative Party should remain a broad church and expressed hope that those expelled will find a way back to being members. He echoed calls for a general election and urged Welsh Labour AMs to encourage colleagues in Westminster to support one. Mark Reckless, for the Brexit Party, criticised Labour and Plaid Cymru for bringing forward the motion. Mr Reckless defended the decision to prorogue Parliament and labelled John Bercow as biased and pro-Remain. However, the motion passed without amendments, with 32 for, 12 against and no abstentions.

During an emergency question following the Supreme Court judgement that the prorogation of the UK Parliament was unlawful, Mark Drakeford responded that the finding was “striking, totally clear and unanimous”. The First Minister added that when a Prime Minister is found to have acted unlawfully and undemocratically, “I don’t see how that person thinks that he can legitimately continue in office.”

No-deal Action Plan
The Welsh Government published a no-deal Brexit action plan, which outlines the risks and the mitigating work being undertaken. In a written statement, Mark Drakeford said that further statements will be made on the details of the action plan. The government also published a paper on why Wales’ interests would be best served by staying in the EU

Devolution
Constitution
AMs on the Constitutional and Legislative Affairs Committee began taking evidence for their inquiry into Wales’ changing constitution. On the efficacy of Sewel as an intergovernmental mechanism, Jeremy Miles said there were examples of this working well for Wales but that the passing of the EU (Withdrawal) Act without the consent of the Scottish Parliament was concerning. He suggested the Welsh Government should look at strengthening its protections through the Sewel convention.
Brexit and devolution
Dai Lloyd asked if Brexit and the way the UK Government was making decisions risked undermining the devolution settlement. Jeremy Miles said the context of Brexit was “particular” and Wales has secured significant benefits through an intergovernmental agreement. Dr Lloyd disagreed. The Plaid Cymru AM said the agreement was not based in statute and the Westminster government could not be entirely trusted.

Common Frameworks
Jeremy Miles reported positive collaboration through the JMC on common frameworks. He said he hoped to make this work public soon. He acknowledged that the frameworks were complex and had taken longer than he had hoped. He also noted that informal interim agreements had been reached.

Written Constitution
Jeremy Miles said a written constitution would be useful, but he acknowledged that the UK constitution had been “uniquely resistant” to reform. He said he would favour more immediate, practical steps to protect the National Assembly’s interests.

Dispute Resolution
Mr Miles said inter-governmental dispute resolution mechanisms were inadequate especially given the scope for resolution. He called for an independent mechanism to reach resolution.

Constitutional Convention
Suzy Davies asked Mr Miles what he thought the constitutional convention should look like. The Counsel General said such a convention should bring together government, legislative, academic expertise and members of the public. He added that the cooperation of legislatures and the role of the House of Lords should also be considered. Mick Antoniw asked if the Welsh Government was supportive of a constitutional convention. Mr Miles said the Welsh Government first proposed such an idea in 2012. He told AMs that Brexit cast a light on the situation and showed a need for action.

Dunlop Review
Suzy Davies asked about engagement with the Dunlop review. Jeremy Miles said he and Mark Drakeford planned to meet Lord Dunlop as part of fulsome engagement. He said he regretted not being involved in drawing up the review’s terms of reference. He added that the review was not a substitute for a broad intergovernmental review. He called for arrangements beyond consultation toward genuine agreement.

Air Passenger Duty
Rebecca Evans criticised the UK Government’s decision not to devolve air passenger duty, issuing a written statement in which she claimed there is “unanimous support” for the action.

Assembly News

Reforms
The National Assembly voted in favour of creating a new committee on Assembly electoral reform, which will consider the outstanding recommendations of the McAllister report. Dawn Bowden, the Labour AM for Merthyr Tydfil and Rhymney, was appointed chair of the new committee.