

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

7 February 2024

Dear Lesley,

The Agricultural Holdings (Units of Production) (Wales) Order 2024

At our meeting on 29 January 2024, we considered The Agricultural Holdings (Units of Production) (Wales) Order 2024 (the Order).

You will be aware that our report on the Order contained one technical point, which highlighted that several succession cases brought forward by individuals across Wales have been put on hold since September 2023 as they have had to wait for the new figures provided by the Order to resolve their claims.

We acknowledged that, before the Order was drafted, the Welsh Government was waiting on relevant data from DEFRA. However, as set out in the Explanatory Memorandum (EM) to the Order, this data was received by the Welsh Government on 13 September 2023. It is not clear why, by the time the Order comes into effect, a further five months will have elapsed during which time individuals have been unable to progress their succession cases.

At our meeting on 5 February 2024 we considered the Welsh Government response to our report on the Order. The response to our technical reporting point stated:

"The Government has noted the LJC Committee's concerns, however availability of the data in relation to England, which informs the development of the legislation, was not available from Defra until 13 September 2023. Welsh Government officials then used this data to produce the relevant Welsh figures, completing this process on 18 October 2023. The Order then must go through the usual legal scrutiny which can take up to 12 weeks. The Order was made on 08 January and laid on 10 January 2024, as soon as the Senedd returned after Christmas recess."



You may appreciate my Committee's concern that the response we have received is a basic outline of the timetabling involved in the making of the Order, whereas our concern raised in our report sought to clarify the effect the delays may have had on the people whose claims have been put on hold. In the EM to the Order, the Minister notes that, as of 10 January 2024, there were six applications which would be affected by a new Order.

With regards to the timetable described in the Welsh Government response, we are unclear why the "usual legal scrutiny" took almost 11 weeks. Furthermore, we would also respectfully challenge part of the Welsh Government's response which implies that Government was having to wait for the Senedd to return from a recess period before laying the Order. The Minister will know that business may be laid during a recess period.

We would welcome further clarification on how the Welsh Government sought to address any effect the delays to making the Order may have had on the six applications which will have been put on hold, and whether that number remains accurate.

I would be grateful to receive a response by Thursday 22 February 2024.

I am copying this letter to the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair