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Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA-L/CG/0324/19

All Assembly Members
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

05 April 2019

Dear Assembly Member,

Legislation (Wales) Bill – Government amendments

I am enclosing detail of the Government amendments tabled to the Legislation (Wales) Bill, together with an explanation of their purpose and effect.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

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Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

LEGISLATION (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Jeremy Miles AM on 4 April 2019

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1	Section 2, page 1, after line 24, insert— () promote awareness and understanding of Welsh law;’.	Adran 2, tudalen 1, ar ôl llinell 25, mewnosoder— () hybu ymwybyddiaeth a dealltwriaeth o gyfraith Cymru;’.	This amendment to section 2(3) would add activities that are intended to promote awareness and understanding of Welsh law to the list of activities that “must” be included in a programme to improve the accessibility of Welsh. Together with amendment 2, this amendment would give effect to recommendation 9 of the responsible Committee, that the inclusion of these activities in a programme should be a duty rather than discretionary.
2	Section 2, page 1, leave out line 27.	Adran 2, tudalen 1, hepgorer llinell 28.	This amendment to section 2(4) would remove activities intended to promote awareness and understanding of Welsh law from the list of activities that “may” be included in an accessibility programme. Together with amendment 1 this would give effect to recommendation 9 of the responsible Committee.
3	Section 2, page 2, line 7, leave out ‘periodically’ and insert ‘annually’.	Adran 2, tudalen 2, llinell 7, hepgorer ‘o bryd i’w gilydd’ a mewnosoder ‘yn flynyddol’.	This amendment to section 2(7) would require the Welsh Ministers to report “annually” rather than “periodically” on progress made under an accessibility programme. It gives effect to recommendation 10 of the

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4	<p>Section 4, page 3, after line 1, insert—</p> <p>() section [new section - equal status of texts of bilingual legislation] (equal status of texts of bilingual legislation);’.</p>	<p>Adran 4, tudalen 3, ar ôl llinell 1, mewnosoder—</p> <p>() adran [adran newydd - statws cyfartal testunau deddfwriaeth ddwyieithog] (statws cyfartal testunau deddfwriaeth ddwyieithog);’.</p>	<p>responsible Committee.</p> <p>This amendment would exclude the new section on bilingual interpretation (introduced by amendment 5) from the “contrary intention” rule in section 4.</p> <p>The amendment would add a new paragraph at the end of (existing) section 4(2) of the Bill referring to the new section. This would mean that the Bill did not provide that the provisions or context of individual pieces of legislation could override the effect of the new section.</p> <p>The new section (amendment 5) is intended to restate section 156(1) of the Government of Wales Act 2006, and this amendment to section 4 is necessary to ensure that the new section has the same effect as section 156(1) (which is not subject to a contrary intention).</p>
5	<p>Page 3, after line 5, insert a new section—</p> <p><i>‘Bilingual Welsh legislation</i></p> <p>[] Equal status of Welsh and English language texts</p> <p>(1) This section applies where an Assembly Act is enacted, or a Welsh subordinate instrument is made, in Welsh and English.</p> <p>(2) The Welsh language text and the English language text have equal</p>	<p>Tudalen 3, ar ôl llinell 5, mewnosoder adran newydd—</p> <p><i>‘Deddfwriaeth ddwyieithog Cymru</i></p> <p>[] Statws cyfartal y testunau Cymraeg a Saesneg</p> <p>(1) Mae’r adran hon yn gymwys pan fo Deddf Cynulliad yn cael ei deddfu, neu pan fo isofferyn Cymreig yn cael ei wneud, yn y Gymraeg a’r Saesneg.</p>	<p>This amendment would insert a new section into the Bill, providing for the equal status of the Welsh and English language texts of Welsh legislation.</p> <p>The new section is intended to have the same effect as section 156(1) of the Government of Wales Act 2006 in relation to legislation to which Part 2 of the Bill applies.</p> <p>Amendment 4 excludes this new section from the “contrary intention” rule in Part 2. Amendment 11 makes a consequential</p>

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	status for all purposes.’.	(2) Mae i’r testun Cymraeg a’r testun Saesneg statws cyfartal at bob diben.’.	amendment to section 156 of the 2006 Act to avoid overlap with this new section.
6	Section 36, page 12, after line 4, insert— ‘(d) any other enactment, so far as it is amended by legislation mentioned in paragraph (a), (b) or (c).’.	Adran 36, tudalen 12, ar ôl llinell 4, mewnosoder— ‘(d) unrhyw ddeddfiad arall, i’r graddau y caiff ei ddiwygio gan ddeddfwriaeth a grybwyllir ym mharagraff (a), (b) neu (c).’.	This amendment would slightly widen the power for the Welsh Ministers to replace descriptions of dates in legislation, by adding a new category of legislation which they could amend using that power. The amendment would add a new paragraph to section 36(3) of the Bill, the effect of which would be that Ministers could use the power in section 36 to amend provisions that Welsh legislation has inserted into UK Acts, UK subordinate legislation or retained direct EU legislation (in addition to being able to amend provisions in the Welsh legislation itself).
7	Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version.	Adran 39, tudalen 13, llinell 14, hepgorer ‘a diddymiadau canlyniadol’ a mewnosoder ‘canlyniadol a diddymiadau’.	The purpose of this amendment is to broaden the words introducing Schedule 2 in Welsh, to better reflect the contents of that Schedule if amendment 11 is agreed. This amendment clarifies the words introducing Schedule 2 in Welsh so that the adjective “canlyniadol” (“consequential”) applies only to “diwygiadau” (“amendments”) and not to “diddymiadau” (“repeals”). This is because the repeal of section 156(2) to (5) of the Government of Wales Act 2006 (see amendment 11) is not necessarily a

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			consequence of other provisions in the Bill.
8	Section 42, page 14, leave out lines 14 to 17.	Adran 42, tudalen 14, hepgorer llinellau 15 hyd at 19.	<p>This amendment would remove from the Bill a specific power which will not be required if the more general power introduced by amendment 6 is agreed.</p> <p>This amendment would remove section 42(3)(c) of the Bill, which enables the Welsh Ministers to amend the new section which the Bill inserts into the Interpretation Act 1978 so that it refers to the date on which Part 2 of the Bill comes into force. Amendment 6 would give the Welsh Ministers a general power to make this kind of amendment, so this specific power would not be required.</p>
9	<p>Schedule 1, page 20, line 27, leave out—</p> <p style="padding-left: 40px;">‘out as far as the seaward boundary of the territorial sea,</p> <p style="padding-left: 40px;">and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with provision made under section 158(3) or (4) of the Government of Wales Act 2006 (c. 32)’</p> <p>and insert—</p> <p style="padding-left: 40px;">‘within the seaward limits of the territorial sea,</p> <p style="padding-left: 40px;">and the question of which parts of the sea are adjacent to Wales is to be determined in</p>	<p>Atodlen 1, tudalen 16, llinell 16, hepgorer—</p> <p style="padding-left: 40px;">‘mor bell allan â ffin atfor y môr tiriogaethol,</p> <p style="padding-left: 40px;">ac mae’r cwestiwn ynghylch pa rannau o’r môr sy’n gyfagos i Gymru i’w benderfynu yn unol â darpariaeth a wneir o dan adran 158(3) neu (4) o Ddeddf Llywodraeth Cymru 2006 (p. 32)’</p> <p>a mewnosoder—</p> <p style="padding-left: 40px;">‘o fewn terfynau atfor y môr tiriogaethol,</p> <p style="padding-left: 40px;">ac mae’r cwestiwn ynghylch pa rannau o’r môr sy’n gyfagos i Gymru i’w benderfynu yn</p>	<p>This amendment is intended to make the part of the definition of “Wales” that refers to the sea more accessible and more consistent with other legislation that refers to the sea. The amendment is not intended to change the effect of the definition, but to achieve the same effect in a more helpful way.</p> <p>The amendment would change the definition in two ways. First, the definition would be amended to refer to the sea “within the seaward limits of the territorial sea”. This matches terminology in legislation about marine matters more closely.</p> <p>Secondly, the reference to the boundaries of</p>

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	accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)'. 	unol ag erthygl 6 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672)'. 	the sea adjacent to Wales drawn under section 158 of the Government of Wales Act 2006 would be replaced with a reference to the specific Transfer of Functions Order which drew those boundaries and is still in force. This should make it easier for readers who are interested in the precise boundaries of Wales in the Dee and the Severn to find them.
10	Schedule 1, page 21, line 12, leave out – '; and expressions referring to writing are to be interpreted accordingly'. 	Atodlen 1, tudalen 21, llinell 11, hepgorer – '; ac mae ymadroddion sy'n cyfeirio at ysgrifennu i'w dehongli yn unol â hynny'. 	This amendment would remove unnecessary wording from the definition of "writing" in Schedule 1 to the Bill. Section 8 of the Bill already provides that definitions apply to different grammatical forms of the defined terms, so the definition of "writing" will apply to terms such as "write" and "written". The current wording at the end of the definition of "writing" achieves the same effect, but is unnecessary.
11	Schedule 2, page 23, leave out 'In Schedule 10 to the Government of Wales Act 2006' and insert— '(1) The Government of Wales Act 2006 is amended as follows. (2) In section 156 (English and Welsh texts of legislation)— (a) after subsection (1) insert— “(1A) Subsection (1) does not apply to 	Atodlen 2, tudalen 23, llinell 34, hepgorer 'Yn Atodlen 10 i Ddeddf Llywodraeth Cymru 2006' a mewnosoder— '(1) Mae Deddf Llywodraeth Cymru 2006 wedi ei diwygio fel a ganlyn. (2) Yn adran 156 (testunau Cymraeg a Saesneg deddfwriaeth)— (a) ar ôl is-adran (1) mewnosoder— “(1A) Subsection (1) does not apply to 	This amendment to Schedule 2 of the Bill would: i. include a necessary consequential amendment to section 156 of the Government of Wales Act 2006 in light of amendment 4; and ii. remove the unused powers in section 156(2) to (5) of the 2006 Act, and make a consequential amendments in Schedule 7B to that Act.

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	<p>any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (but section [new section - equal status of texts of bilingual legislation] of that Act makes corresponding provision in relation to legislation to which that Part applies).”;</p> <p>(b) omit subsections (2) to (5).</p> <p>(3) In Schedule 7B, in paragraph 7(2)(e), omit sub-paragraph (ii).</p> <p>(4) In Schedule 10’.</p>	<p>any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (but section [adran newydd - statws cyfartal testunau deddfwriaeth ddwyieithog] of that Act makes corresponding provision in relation to legislation to which that Part applies).”;</p> <p>(b) hepgorer is-adrannau (2) i (5).</p> <p>(3) Yn Atodlen 7B, ym mharagraff 7(2)(e), hepgorer is-baragraff (ii).</p> <p>(4) Yn Atodlen 10’.</p>	<p>The amendment is intended:</p> <p>i. to avoid any overlap between the new section to the Bill (proposed in amendment 4) and section 156(1) of the 2006 Act, by inserting a new subsection stating that section 156(1) does not apply to legislation that is subject to Part 2 of the Bill.</p> <p>ii. to remove the existing power of the Welsh Ministers to make regulations which provide that words used in the Welsh language text of Welsh legislation have the same meaning as English words specified in the regulations. In consequence of removing this power, it is necessary to amend the list of provisions of the 2006 Act which the Assembly has competence to amend (in Schedule 7B) to remove the reference to section 156(2) to (5). This would be a spent reference once those subsections had been repealed.</p>