



Mick Antoniw MS
Chair, Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

16 September 2020

Dear Mick

I am writing in response to your letter regarding scrutiny of regulations arising from the UK's exit from the European Union and the Protocol between the Welsh Government and the Legislation, Justice and Constitution Committee of Senedd Cymru.

As you have highlighted in your letter, the Protocol that was agreed in October 2018 between your Committee and the Welsh Government ceased to have effect on 31 January 2020 according to its agreed terms. The Protocol has positively contributed to effective working between the Welsh Government and the Senedd, and I agree that in light of the transition period and in expectation of further EU exit related legislation, the Protocol should continue to apply, as originally drafted, to regulations made by the Welsh Ministers under the European Union (Withdrawal) Act 2018 while at the same time expanding its terms to apply to relevant regulations made under the European Union (Withdrawal Agreement) Act 2020 or the 2018 Act as amended by the 2020 Act, and also to regulations made by the Welsh Ministers under the Agriculture, Fisheries, Environment and Trade Bills once enacted.

Regarding the operation of the Standing Order 30C process, I also agree that the resurrected Protocol could be a vehicle for the Welsh Government to commit to following the principle of the Standing Order 30C process when Welsh Ministers consent to relevant regulations under the 2020 Act, the 2018 Act as amended by the 2020 Act and, following further review, the Agriculture, Fisheries, Environment and Trade Bills once enacted.

This agreement will need to be kept under review, and any further amendments to the Protocol will need to be discussed and agreed when necessary. This expanded Protocol should have effect until the end of the Fifth Senedd.

Best Wishes

MARK DRAKEFORD

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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.