

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/LG/0849/21

Mike Hedges MS  
Chair of Climate Change, Environment and Rural Affairs Committee

15 March 2021

Dear Mike,

**Climate Change, Environment and Rural Affairs Committee Report on the  
Supplementary Legislative Consent Memorandum for the UK Environment Bill.**

Thank you for your letter of 1 February, regarding the Climate Change, Environment and Rural Affairs Committee report on the Supplementary Legislative Consent Memorandum for the UK Environment Bill.

I am grateful for the Committee's consideration and recommendations. I am pleased to accept the Committee's recommendations and provide my response at Annex A.

I would also like to take this opportunity to update the Committee on the progress of the Environment Bill. The Bill entered Report Stage in the House of Commons on 26 January. Also on 26 January, it was agreed the Bill would be carried over to the next Parliamentary session. There is no further information currently available on when Report Stage will resume.

Regards,

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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.

## ANNEX A:

### Written Response by the Welsh Government to the report of the Climate Change, Environment and Rural Affairs Committee entitled Report on the Supplementary Legislative Consent Memorandum for the Environment Bill.

<p><b>Recommendation 1</b></p> <p>Before the debate on the legislative consent motion for the Bill, the Minister should provide a more detailed explanation about why the Welsh Government considers it appropriate to use the Bill to legislate for the use of forest commodities in commercial activities in relation to Wales.</p>	<p><b>Response: Accept</b></p> <p>Whilst my position remains these clauses fall within devolved competence, as I set out in my letter of 13 January I nevertheless support the policy and agree a UK wide approach is appropriate in this context. We do not think it would be appropriate to expect the small number of larger businesses who will be affected by this regulation to have to work with a different process in Wales compared to other parts of the UK. This would result in unnecessarily increased business costs as a result of complying with more than one set of processes.</p> <p>Given a UK wide approach is appropriate, there is, therefore, a need for a common administrative system. Taking provision forward in this manner provides predictability and avoids uncertainty for businesses operating in both Wales and England. This means such powers are most effective and appropriate when their provision is taken forward at the same time, in the same legislative instrument.</p> <p><b>Financial Implications</b></p> <p>There are no financial implications as a result of accepting this recommendation.</p>
<p><b>Recommendation 2</b></p> <p>Before the debate on the legislative consent motion, the Minister should set out why she does not consider it necessary for the Bill to ensure the Welsh Ministers' involvement in the making of regulations by the Secretary of State under Schedule 16.</p>	<p><b>Response: Accept</b></p> <p>I share the Committee's disappointment with the UK Government's failure to recognise our competence in this area. Nevertheless, their position remains these provisions do not fall within devolved competence. It follows they do not accept Welsh Ministers have a role in making the regulations under Schedule 16.</p> <p>However, there has been consultation on the development of the policy with the devolved nations and, as I detailed in my response of 13 January, there will be ongoing dialogue as the detail of how these measures will operate is developed.</p>

	<p>We have sought Ministerial commitment from Defra we will be engaged with ahead of the consultation on secondary legislation expected later this year.</p>
--	--

**Financial Implications**

There are no financial implications as a result of accepting this recommendation.