

Rebecca Evans MS

Minister for Finance and Local Government

16 November 2021

Dear Rebecca

The Valuation for Rating (Wales) (Coronavirus) Regulations 2021

At our meeting yesterday afternoon we considered The Valuation for Rating (Wales) (Coronavirus) Regulations 2021 (the Regulations) and the Welsh Government response to the first merits reporting point contained in our draft report, which has since been laid.

You will know that we asked for an explanation as to the reason for the Regulations being laid before the Senedd on 1 November 2021, noting that equivalent regulations applying to England (The Valuation for Rating (Coronavirus) (England) Regulations 2021 (SI 2021/398)) were laid before the UK Parliament and came into force on 25 March 2021, over seven months prior to the subject Regulations.

There are two matters raised in the response which we believe require further consideration.

First, you state:

"The Valuation for Rating (Coronavirus) (England) Regulation 2021 (SI 2021/398) (the UKG Regulations) were laid before the UK Parliament and came into force on 25 March. The UKG Regulations were laid, without prior discussion with Welsh Government officials. Consequently, the timing of the making of the UKG Regulations meant that it was not possible to develop immediately policy or regulations applicable to Wales, because of the operation of the Senedd pre-election period between 25 March and 6 May."



This response suggests that the timing and content of UK Government policy and regulations for England acts as a trigger point for the Welsh Government to consider how it may and/or should develop policy and law in a devolved area in Wales. We would be grateful if you would provide further clarity on this point.

Secondly, the response to our report on the Regulations closes with the following statement:

"Following the outcome of the consultation, draft regulations were finalised and laid at the earliest possible date. This occurred on 1 November, as it was considered to be poor practice to lay the regulations the week before, ie during recess."

While I acknowledge a good intention behind a wish to not lay regulations before the Senedd in a week where Committees and Plenary are not sitting, the Welsh Ministers doing so is not an uncommon occurrence. Indeed, in the specific recess week in question, The Representation of the People (Amendment) (Wales) (Coronavirus) (No. 2) Regulations 2021 were laid before the Senedd in your name. The Welsh Ministers also laid five sets of regulations on various other matters in this same week. We would suggest that, where "urgency" and "immediate risk" are used to justify the somewhat extreme nature of the breach of the 21 day rule (the Regulations being laid a little more than seven hours before they came into force), a more appropriate course of action would have been to lay the Regulations as soon as they had been drafted, signed and registered. Such action would have, incidentally, given persons affected by the Regulations more than a few hours' notice that the law was about to change. We hope that you will bear this in mind in the future.

Your response as regards the Regulations is relevant to the Welsh Government Legislative Consent Memorandum on the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill and we hope you will draw attention to the Regulations during the Plenary debate on a motion to consent to the relevant provisions in the Bill.

Yours sincerely,

Huw Irranca-Davies

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Chair