

Julie James MS
Minister for Climate Change

Mick Antoniw MS
Counsel General

8 November 2021

Dear both

Legislative Consent Motion debate relating to provisions in the UK Government's Environment Bill

On Tuesday last week in plenary, during closing remarks in the debate on the above consent motion, the Minister for Climate Change said the following:

"Just to reiterate the point that I fully intend to bring a single-use plastics Bill to the Senedd. We are, of course, however, embroiled in specific problems relating to the United Kingdom Internal Market Act 2020 and the legal arrangements surrounding it."

However, the Counsel General when questioned about the impact of the 2020 Act in an evidence session on 22 September told us:

"So, essentially, we do not have regard to the internal market Act in terms of our legislation. We work on the basis of the devolved powers that we actually have, as determined by the various Government of Wales legislation. We do not think that the internal market Act lawfully limits those devolved responsibilities."

On 22 October, in response to a question on the 2020 Act in our letter of 8 October, the Counsel General said:

8. Is the Welsh Government proceeding with its legislative programme on the basis that the practical effect of Welsh laws within the scope of the Internal Market are not impacted and undermined, as argued in its grounds for judicial review?



The Welsh Government's position is that the Act has not altered the devolution settlement. Indeed, that is what we have submitted as part of the Judicial Review challenging the United Kingdom Internal Market Act 2020, which is now at appeal stage in the Court of Appeal. We confirm that the Welsh Government is proceeding with its legislative programme on that basis..."

We would be grateful if you could clarify the comments regarding the single-use plastics Bill in the context of the 2020 Act and also the Welsh Government's position regarding the impact of the 2020 Act on its approach to legislating.

I am copying this letter to the Chair of the Climate Change, Infrastructure and Environment Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair, Legislation, Justice and Constitution Committee

