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Welsh Government

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Huw Irranca-Davies MS  
Chair, Legislation, Justice and Constitution (LJC) Committee

02 December 2021

Dear Committee Chair

Thank you for your letter of 8 November outlining the Committee's questions from the Legislative Consent Motion debate relating to provisions in the UK Environment Bill. We are writing to provide more detail on the matters highlighted.

Firstly, we would like to clarify the comments regarding the single use plastics (SUP) Bill, in the context of the United Kingdom Internal Market Act 2020 (UKIMA). You will be aware, UKIMA was introduced following our consultation proposing bans for a number of commonly littered SUP items. While the Mutual Recognition Principle in Part 1 of UKIMA has introduced complexity in this area, our shared view is that UKIMA cannot curtail the Senedd's legislative competence in the way it purports to. This is consistent with information put forward as part of our ongoing legal challenge on this issue. The evidence provided to the Committee by the Counsel General in September and his letter in October highlight this point. Overall, we do not believe UKIMA operates so as to prevent the Senedd from legislating on devolved matters in a way that is inconsistent with the mutual recognition principle in UKIMA. Therefore, in the context of SUP we do not believe UKIMA operates so as to prevent the Senedd from legislating to ban the sale in Wales of SUP items in a way that is inconsistent with the mutual recognition principle in UKIMA.

For these reasons, we do not expect any impact on the Legislative Programme arising from UKIMA.

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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.

As highlighted in the Reducing Single Use Plastic consultation, the Welsh Government intends delivering our ambition on commonly littered single use plastics in phases. We are taking all possible steps to introduce legislation for the proposed phase one bans, as quickly as possible, within this Senedd term. Meanwhile, officials have already begun work preparing for future phases of the work, including reviewing evidence for the 60+ additional items identified in the consultation as candidates for potential future action. In the Programme for Government, we set ourselves a high bar and a Bill is one of the options we are exploring to deliver in full a wider ambition to tackle this kind of environmental pollution.

We thank the Committee for their patience in these matters and ask them to note the UK Bill has now received Royal Assent.

Yours sincerely



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