

Jeremy Miles MS

Minister for Education and Welsh Language

15 October 2021

Dear Jeremy

Committee report on the Welsh Government's Legislative Consent Memorandum on the Professional Qualifications Bill

Thank you for your letter dated 6 October 2021 in which you have responded to the recommendations in our report on the Welsh Government's Legislative Consent Memorandum on the Professional Qualifications Bill. I would also like to thank you for your constructive engagement during last week's Plenary debate on the Legislative Consent Motion for the Bill.

We considered your letter at our meeting on Monday of this week and while we very much welcome the positive developments, particularly as regards recommendations 6 and 9 in our report, there are two matters which we would like to pursue with you further.

1. Recommendation 4 in our report asked you to explain why concurrent regulation-making powers are appropriate for this Bill given that the exercise of such powers may not give the Senedd the opportunity to scrutinise such regulations. While we acknowledge your statement that "Our starting point is that concurrent functions are not appropriate for this Bill", we would welcome your clarification as to why it is appropriate that the Senedd is bypassed when secondary legislation may be made in relation to the regulation of professional qualifications which are devolved.
2. Recommendation 7 in our report asked that you seek an amendment to the effect that clause 14(5) is removed from the Bill. Again, while we accept that the Counsel General and Minister for the Constitution has exchanged correspondence with the UK Government Minister on this issue, we would welcome your clarification as to whether you will formally



seek the amendment to the Bill as set out in the recommendation. In requesting this clarification, we are mindful of your definitive response to recommendation 6 in which you have clearly stated that an amendment will be sought to the effect that the powers in the Bill cannot be used by UK Ministers to make regulations that amend the *Government of Wales Act 2006*.

Finally, we acknowledge that the timescales involved in the scrutiny of this Memorandum were far from ideal and that such time pressures meant challenges for all sides. However, I would like to respectfully stress the importance of full Ministerial responses to our reports, and indeed all Senedd Committee reports, being made available to Members ahead of relevant debates on consent motions in the future.

I look forward to receiving your response at your earliest convenience.

Yours sincerely,

Huw Irranca-Davies

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Chair