

Vaughan Gething MS
Minister for Economy
Welsh Government

10 February 2022

Dear Minister

Provisional Common Framework: Late Payment

As you know from my colleague Paul Davies' letter of 17 January, it was agreed that the Public Accounts and Public Administration Committee would consider the Provisional Common Framework on Late Payments.

The Committee considered the framework in Committee on 9 February and seek the following information to help inform any future recommendations on its final content.

General

1. Why is a framework needed for late payment law and how will it link up with the framework on public procurement?

Making decisions

2. The framework states that governments will 'seek to maintain a level playing field across the existing body of late payment legislation'. Do you consider that the framework gives the Welsh Government and the Senedd appropriate scope to make law and policy for Wales?

3. Will the framework have any impact on any existing or planned Welsh legislation or policy?

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

4. The UK Government has set out plans for changes to procurement law relating to late payment in response to its Transforming Public Procurement consultation. Will these changes be considered through this framework?

5. Does the Welsh Government intend these changes to be applied to devolved procurement in Wales?

6. The UK Government has announced plans to enable retained EU law to be amended and repealed more quickly. Would any such changes to retained EU law on late payment be considered through the framework, and (if so) how?

International obligations

7. What international obligations are relevant to this framework and how does the framework take international obligations into account?

8. If the framework needs to be amended in future to reflect a new international obligation, what revision process will be engaged?

UK Internal Market Act

9. UK Government analysis suggests that this framework interacts with the UK Internal Market Act. Can you outline what the impact of the Act on the framework would be and does the Welsh Government intend to seek an exclusion from the Act in this framework area?

Governance and dispute resolution

10. Do you consider the dispute resolution mechanism to be robust enough for its intended purpose?

11. The framework provides for actions under dispute to be paused while the dispute resolution process is ongoing. Do you consider that this poses any risk for the exercise of devolved competence?

Transparency and accountability

12. Did the Welsh Government engage with any stakeholders in Wales in developing the provisional framework? How does the provisional framework reflect the response of stakeholders?

13. How will the Senedd and stakeholders be updated on the continuing operation of the framework and contribute to the review and amendment process for the framework?

14. The framework states that it 'will be reviewed annually', then that it will be reviewed 'one year after final sign off, and every three years thereafter' (page 12). Which of these is correct?

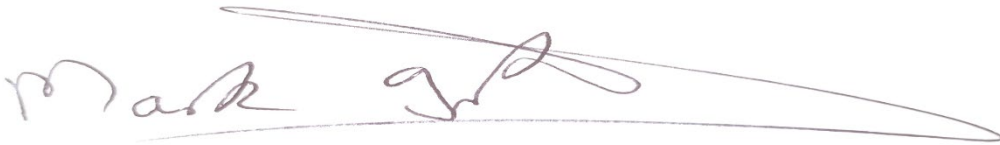
15. If changes are made in future, how will the Senedd be notified? What scrutiny procedure will apply to the changes?

I look forward to your early response to enable the Committee to further consider the issues and respond in advance of the March deadline.

I am copying this letter to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee and Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitutional Committee.

Thank you

Regards

A handwritten signature in black ink, appearing to read 'Mark Isherwood', with a long horizontal line extending to the right.

Mark Isherwood MS
Committee Chair