

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Chair of the Economy, Trade and Rural Affairs Committee
SeneddEconomy@senedd.wales

14 February 2022

Dear Paul,

Thank you for your letter of 8 February, and for the Committee report on the Supplementary Legislative Consent Memorandum (Memorandum No 2) on the Professional Qualifications Bill.

Once again, I thank the Committee for their valued observations. I am pleased to provide additional information as requested below in Annex A.

I am coping this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, and all Members of the Senedd.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a wavy line and a horizontal stroke.

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

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.

Annex A

1. *How the UK Government has made its position clear in relation to clause 16(5) of the Bill (Paragraphs 25-26 of the Committee's report), and that copies of any correspondence in relation to this point be provided;*

In paragraph 6 of my [letter of 10 September 2021](#) to the Legislation, Justice and Constitution Committee, I set out the UK Government's explanation of clause 14(5) (now 16(5)).

We were concerned an assumption had been made by the UK Government that UK Bills which confer regulation making powers on the Welsh Ministers should always be drafted in a way which ensures that the legislative competence of the Senedd and the executive competence of the Welsh Ministers align.

On 29 September the UK Government wrote to confirm their position that there are instances where executive and legislative competence do not align.

Whilst I am satisfied with this outcome, my concern overall remains that the concurrent powers in the Bill fail to respect the devolution settlement, and are unacceptable.

I have attached copies of relevant correspondence as requested.

2. *A further update from the Minister regarding the policy concerns as set out in the original LCM and in the Minister's letter of 4 October.*

The UK Government has now published a list of [professions regulated by law in the UK and their regulators](#). Whilst this has helped to clarify scope, for example, it confirms our assertion that Further Education teachers in Wales are within scope of the Bill, it also demonstrates the number of professions and regulators that fall within devolved competence and that are at risk of having their professional standards undermined if the UK Government uses the concurrent powers in the Bill.

Whilst the UK Government has assured us they will not do this, and have attempted to appease regulators by adding additional clauses to the Bill to protect regulator autonomy, the fact remains that there is nothing in the Bill that prevents the UK Government from making regulations in devolved areas which are contrary to the policy aims of Welsh regulators or the Welsh Ministers.

We remain concerned that this Bill could be used to facilitate trade deals that in future could undermine the role of our workforce regulators because of the desire to secure trade deals.