

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



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS Chair,
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

8 March 2022

Dear Huw,

I am writing to inform you that on 22 February the UK Government tabled two amendments to the Professional Qualifications Bill.

The UK Government intends to hold House of Commons Report Stage imminently. This unfortunately leaves no opportunity for the Senedd to consider the amendments before Report Stage is completed. This also means the UK Government are proceeding with the Bill without securing legislative consent from the Senedd, or indeed any of the Devolved Governments. This is wholly unacceptable and is a breach of the Sewel convention. Although the 'carve out' amendment is welcome, the tabled amendments do not fully address my concerns.

The amendments will require a further Supplementary Legislative Consent Memorandum (Memorandum No 3) to be laid before the Senedd. I will write to you again to set out my position on the amendments, which are attached below.

Yours sincerely,

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.

Sub-clause 16 (7)

(7) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—

- (a) omit the “or” at the end of paragraph (vi), and
- (b) after paragraph (vii) insert “; or
- (viii) the Professional Qualifications Act 2022”.

New Clause

“Consultation with devolved authorities

- (1) Before making regulations under this Act, the Secretary of State or the Lord Chancellor must consult—
 - (a) the Welsh Ministers, to the extent that the regulations contain provision which could also be made by the Welsh Ministers by virtue of section 16(2) (ignoring any requirement for the consent of a Minister of the Crown under section 16(5));
 - (b) the Scottish Ministers, to the extent that the regulations contain provision which could also be made by the Scottish Ministers by virtue of section 16(3);
 - (c) a Northern Ireland department, to the extent that the regulations contain provision which could also be made by a Northern Ireland department by virtue of section 16(4).
- (2) The Northern Ireland department which is to be consulted in accordance with subsection (1)(c) is such Northern Ireland department as the Secretary of State or (as the case may be) the Lord Chancellor considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (3) Before making regulations under this Act in relation to which the Secretary of State or the Lord Chancellor has consulted a devolved authority (or more than one devolved authority) in accordance with subsection (1), the Secretary of State or (as the case may be) the Lord Chancellor must publish a report on the consultation.
- (4) But the Secretary of State or (as the case may be) the Lord Chancellor may not publish the report unless either—
 - (a) the devolved authority concerned (or, if more than one, each of them) has agreed to the description included in the report for the purposes of subsection (5)(a), or
 - (b) there is no such agreement but the period of 30 days, beginning with the day on which a draft of the report was first sent to the devolved authority concerned (or, if more than one, the last of them), has expired.
- (5) The report on the consultation must include—
 - (a) a description of—
 - (i) the process undertaken in order to comply with subsection (1), and
 - (ii) any agreement, objection or other views expressed as part of that process by the devolved authority (or devolved authorities) concerned, and
 - (b) an explanation of whether and how such views have been taken into account in the regulations (including, in a case where the Secretary of State or (as the case may be) the Lord Chancellor proposes to make the

regulations despite an objection, an explanation of the reasons for doing so).

- (6) The duty to consult in subsection (1) does not apply in relation to any revision of the regulations which arises from the consultation; and, for the purposes of subsection (4)(b), the draft report need not be identical to the published report for the period of 30 days to begin.
- (7) In this section “devolved authority” means the Scottish Ministers, the Welsh Ministers or a Northern Ireland department.”