

Elin Jones MS  
Llywydd  
Chair, Business Committee

12 April 2022

Dear Llywydd

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Animal Welfare (Kept Animals) Bill

Our report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Animal Welfare (Kept Animals) Bill was laid on 4 April 2022.

Our consideration of Memorandum No. 2 has again highlighted issues with the timeliness of legislative consent memoranda being laid before the Senedd.

On 7 January 2022, the Minister for Rural Affairs and North Wales, and Trefnydd, laid Memorandum No. 2 before the Senedd in respect of amendments made to the Bill on 16 and 18 November 2021 during Committee stage in the House of Commons.<sup>1</sup>

Following our initial consideration of Memorandum No. 2 on 7 February 2022, we wrote to the Minister on 8 February raising concerns with the quality of Memorandum No. 2 and a lack of clarity regarding the information presented within it. On 3 March 2022, the Minister laid a revised version of Memorandum No. 2 and wrote to us to confirm that the previous version laid on 7 January had been formally withdrawn.

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<sup>1</sup> We are aware that there was an earlier version of Memorandum No. 2 initially laid before the Senedd in December 2021.

In Memorandum No. 2, the Minister notes that "it was not possible to lay this LCM within the normal two weeks prescribed in [Standing Order 29], owing to the volume and complexity of the amendments tabled".

The Business Committee will be aware that Standing Order 29.2 requires the Welsh Government to lay a legislative consent memorandum normally no later than two weeks after relevant provisions have been proposed in a Bill or by amendment. In this instance it has taken much longer than two weeks and beyond what we consider to be appropriate.

As we state in conclusion two of our recent report, it is not acceptable that we were unable to fully consider amendments tabled in November 2021 until last month because the original supplementary legislative consent memoranda was not suitable for scrutiny. It has hampered the ability of Members of the Senedd to scrutinise the amendments in a timely and meaningful way.

As you will know, the late arrival of legislative consent memoranda is, unfortunately, not an infrequent occurrence. In recent weeks the delays in the Welsh Government bringing forward the required supplementary consent memoranda for the Elections Bill and the Building Safety Bill, and the impact this had on the Senedd's ability to consider important provisions in those bills, have been raised by both my Committee and the Local Government and Housing (LGH) Committee.

With regards to the Building Safety Bill, the Chair of the LGH Committee has written to us expressing concerns with the Welsh Government's handling of legislative consent memoranda for that Bill. While we have yet to consider that correspondence in detail, I take this opportunity to draw it to your attention.

As a Committee we would prefer not to have to raise concerns with the Welsh Government regularly laying memoranda such that our ability to scrutinise them is limited. However we do not believe that this matter can go unaddressed. The Welsh Government's current approach to extensively seek provisions for Wales in UK Bills passing through the UK Parliament is adding to an increasing democratic deficit because the Senedd is being excluded from shaping law that will apply in Wales. In such circumstances, we believe the Welsh Government must do more to ensure that Members of the Senedd are provided with more timely information so that they can do as much as possible within the natural confines caused by another Parliament legislating for Wales on devolved matters.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, and to the Chair of the LGH Committee.

Yours sincerely,

*Huw Irranca-Davies*

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Chair