



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The UK Government's Legislative Programme**

DATE **13 May 2022**

BY **Mick Antoniw MS, Counsel General and Minister for the
Constitution**

On 10 May 2022, His Royal Highness the Prince of Wales formally opened the new session of the UK Parliament on behalf of Her Majesty the Queen. He outlined the UK Government's proposed legislation for the new session.

Our fundamental position is that primary legislation in devolved areas should normally be enacted by the Senedd. However, there can be some circumstances when it is sensible for provision, which is in the Senedd's legislative competence, to be included in UK Parliamentary Bills, with the explicit consent of the Senedd.

In October 2021, I wrote to the Senedd's Legislation, Justice and Constitution Committee outlining our principles for considering consent for devolved provisions in UK Bills. For example, we will consider using a UK Bill where the law could be changed more quickly than we could achieve such change through our own legislative programme or where it is sensible for the regulatory regime to be in step across England and Wales. We will continue to follow these principles.

The Welsh Government considers any proposal which might involve a UK Bill legislating in a devolved area very carefully. Early and effective engagement between Welsh Government and UK Government is an essential factor in enabling those considerations, and in turn, in enabling timely and informed legislative consent memoranda to be published to enable the Senedd to scrutinise such proposals.

Following discussions at the first Inter-Ministerial Standing Committee meeting on 23 March, I am encouraged that there has been some positive engagement between UK Government and Welsh Government officials on a number of Bills in the UK Government's legislative programme. I also welcome the positive engagement which is continuing to take place between my officials and the Senedd Commission in relation to the legislative consent process, which I hope will aid scrutiny of UK Bills.

I am mindful however that the last Parliamentary session resulted in a number of instances where the Sewel Convention was not respected. I am concerned about the lack of engagement on certain Bills and continue to believe that the Sewel Convention should be placed on a statutory and justiciable footing – this is the most appropriate way to protect our devolution settlement and safeguard the United Kingdom. I continue to call on the UK and Devolved Governments to work towards that goal.

Of the 38 Bills which the UK Government intends to bring forward in its Third Session of Parliament, some have already been introduced, whereas others will be at various stages of development. Our knowledge of the proposed provisions – and our engagement with the UK Government – varies from Bill to Bill; as does the extent to which provisions fall within devolved areas of competence or raise cross-border issues.

The UK Government had previously indicated to the Devolved Governments a set of 12 policy areas in which legislation of particular relevance to devolved interests might be included in its legislative programme. Our anticipation, therefore, has been that Bills in these areas may require an LCM, either because they contain, or are likely to contain, provision which is within the Senedd's competence, or because it modifies the Senedd's legislative competence. Information on these Bills can be found below.

Subsequent to the announcement of the UK Government's legislative programme, the Secretary of State for Wales made a Written Statement on 11 May referring to a total of 27 Bills that are likely to extend and apply in Wales. We have received only limited information on the other 15 Bills in this set.

The Welsh Government is seeking further information on this wider set of Bills, and indeed on the UK Government's overall legislative programme as a whole. Once information is available, all Bills will be assessed to determine whether the consent of the Senedd is required.

I look forward to sharing further information about relevant Bills and working with the Senedd on the legislative consent process throughout this new Parliamentary session.

The information on Bill provisions provided below draws upon information made publicly available by the UK Government.

1. Animal Welfare (Kept Animals) Bill

This Bill was introduced in the last Parliamentary session and makes provision relating to the welfare of kept animals including farm animals, companion animals and kept wild animals.

A legislative consent memorandum was laid in relation to this Bill on 22 June 2021, with a supplementary legislative consent motion laid on 7 January 2022 (and subsequently revised on 3 March 2022).

2. Brexit Freedoms Bill

The Bill will contain provision relating to retained EU law (REUL) including procedures for changing it. The Bill is expected to contain proposals for regulatory reform across a wide range of policy areas.

3. Non-Domestic Rating Bill

The Bill will be used to amend and clarify existing powers and certain parameters within the non-domestic rates system.

4. Energy Security Bill

The Bill will deal with a number of issues including carbon capture and storage, fuel supply, price tariffs and further energy related issues.

5. Bill of Rights

The Bill is likely to include proposals to revoke and replace aspects of the Human Rights Act 1998 with a Bill of Rights, and to reduce the role of the European Court of Human Rights.

The Human Rights Act is a fundamental aspect of the Senedd's legislative competence as legislation passed in the Senedd must be compatible with the Act.

6. Trade (Australia and New Zealand) Bill

The Bill will contain provision associated with the implementation of the UK's trade agreements with Australia and New Zealand, including in relation to procurement rules.

7. UK Infrastructure Bank Bill

The Bill will contain provision relating to the governance of the UK Infrastructure Bank.

8. Levelling Up and Regeneration Bill

The Bill will contain broad provision relating to a range of issues, including local government and planning.

9. Mental Health Reform Bill

The Bill will amend the Mental Health Act 1983 on issues including processes and treatment.

10. Online Safety Bill

This Bill was introduced in the last Parliamentary session and makes provision for and in connection with the regulation by OFCOM of certain internet services, communications offences, and connected purposes. A legislative consent memorandum was laid in relation to this Bill on 30 March 2022.

11. Procurement Bill

This Bill is intended to reform the current procurement regime.

The Minister for Finance and Local Government published a Written Statement about our approach to collaborating with the UK Government in this area on 18 August 2021.

12. Transport Bill

This Bill will include provision relating to railways, electric vehicle charge points and vehicle standards.