

Dawn Bowden AS/MS  
Dirprwy Weinidog y Celfyddydau a Chwaraeon, a'r Prif Chwip  
Deputy Minister for Arts and Sport, and Chief Whip



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
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25 April 2022

Dear Huw,

Thank you for your letter of 25 March 2022 regarding the Cultural Objects (Protection from Seizure) Bill. I am happy to give the Legislation, Justice and Constitution Committee more information regarding the Bill and the eventual removal of the application of the provisions for Wales.

This Private Members' Bill by Mel Stride MP, and sponsored by the Department for Digital, Culture, Media and Sport (DCMS), contains provisions which amend an existing Act (the Tribunals, Courts and Enforcement Act 2007), and as introduced, contained provisions falling within the devolved competence of the Senedd and included a concurrent power. As a Private Members' Bill, the Parliamentary timetable for the Bill was less structured and it progressed at pace.

The concurrent power would have affected the Senedd's powers to make legislation in this area in the future, due to the fact that Minister of the Crown consent would be required to remove the concurrent function. The power can be considered to be practically necessary to ensure an object on loan from abroad is protected from seizure in specific circumstances, and that the authority best placed to exercise the power can do so. However as you know, the Welsh Government's position, as set out in the *Guidance on principles on concurrent powers in UK Bills*, emphasises a presumption against making new concurrent powers in devolved areas. Therefore, in line with the Welsh Government's policy approach, my officials asked the UK Government officials for an amendment to the Bill, so that it included a provision which would provide a carve out from the application of paragraph 11(1)(a) of Schedule 7B to the Government of Wales Act 2006.

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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.

I have provided a full, detailed outline of the timeline of discussions between myself, my officials and our counterparts in UK Government and DCMS (see appendix A). This timeline demonstrates our significant efforts to ensure an outcome where Wales was included in the Bill, and the devolution settlement protected. The discussions held between officials were not minuted, but I have attached the formal correspondence between myself and Mel Stride MP (appendix B and C).

You mentioned, the new intergovernmental machinery. Welsh Ministers will give further thought to managing the escalation of disagreements as disputes through the new intergovernmental relations machinery. There are no current plans to escalate any disagreement as a dispute. Of course, this would be a big step to take and should only be taken as a last resort, when all attempts to avoid this action have been exhausted.

I am copying this letter to Elin Jones MS, Y Llywydd, Delyth Jewell MS, Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee and Mick Antoniw MS, Counsel General and Minister for the Constitution.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden'.

**Dawn Bowden AS/MS**

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