



Ein cyf/Our ref: MA/RE/2320/22

Peredur Owen Griffiths, MS
Chair
Finance Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

12 July 2022

WELSH TAX ACTS etc. (POWER TO MODIFY) BILL

Dear Peredur,

Thank you once again for your consideration of the Welsh Tax Acts etc. (Power to Modify) Bill during Stage 3.

Prior to the Stage 4 proceedings on 12 July, I want to provide clarification on a comment I made in relation to Group 4. Amendment 10, tabled by Peter Fox, provided that draft affirmative regulations laid before the Senedd in relation to extending the life of the regulation making power in section 1 of the Bill cannot be put to a vote before a minimum period of 28 days have passed from the date they were laid.

In my response, I noted there was no limitation on the period that needed to pass before made affirmative regulations can be voted upon. This was a misspeak as there is a minimum laying period of 20 days for made affirmative regulations set out within Standing Orders.

Standing Order 27 applies to both draft and made affirmative statutory instruments. Standing Order 27.5 states that it covers statutory instruments laid before the Senedd which, unless the Senedd approves it by resolution, cannot remain in force beyond the period specified in the enactment conferring the power to make the instrument (SO 27.5(iii)). Standing Order 27.7 states that no motion may be considered in Plenary unless either 20 days has elapsed or the appropriate committee has reported on the statutory instrument.

This is only disapplied by Standing Order 27.7A if the enactment that gives the power to make the Statutory Instrument specified different timings. An example would be section 4(7) of this Bill, which allows for 28 days for made affirmative regulations before a motion can be passed.

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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.

However, to confirm this does not alter my view of Peter Fox's amendment. The laying period of 20 days for draft affirmative regulations is sufficient for the purposes of this legislation. As I set out in the Siambur at the Stage 3 proceedings, draft affirmative regulations do not come into force until they are voted upon. As such in my view, they do not raise the same procedural concerns and therefore do not require the same level of safeguard as made affirmative regulations.

I have asked the record of proceedings to add a footnote of clarification to the transcript for the Stage 3 proceedings.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government