

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

E-bost: seneddlic@senedd.wales

22 August 2022

Dear Huw

Section 18(2) of the United Kingdom Internal Market Act 2020 (UKIMA) provides that the Secretary of State for Business, Energy and Industrial Strategy may amend entries in the tables or lists of services contained with the Act.

The Secretary of State makes the United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Services) Regulations 2022 (“the exclusion SI”) using the powers under section 18(2) of UKIMA. In accordance with section 18(8) of UKIMA, the Secretary of State has sought the Welsh Ministers’ consent to the making of the exclusion SI. The effect of these regulations are summarised in Annex A.

I am mindful the Senedd did not consent to the making of UKIMA itself. The Act, which has been imposed on Wales by the UK Parliament, purports to restrict the Senedd’s ability to legislate in devolved matters. This is something we simply cannot accept and have set out our objections in a legal challenge.

In consenting to the exclusion SI, our position with regard to UKIMA has not changed. We do not believe UKIMA has the impact on Senedd competence it purports to have. However, with the UKIMA litigation between the Welsh and UK governments yet to conclude, we recognise it may be in our interests to cooperate with the exclusions process. This is without prejudice to our position in the litigation. On this basis, I have consented to the exclusion SI.

Yours sincerely,

Vaughan Gething AS
Minister for Economy

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@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.

UK Internal Market Act 2020 (Services Exclusions) Regulations 2022

The effect of the Regulations would be to amend Schedule 2 (Services Exclusions) to UKIMA. The regulations would:

- Amend the wording of the existing social services exclusions to clarify the scope;
- Add new exclusions to Part 1 (mutual recognition) for gas, electricity, water supply and sewerage services, waste sector services, qualifications-awarding services and heat network services; and
- Remove existing exclusions for financial services, postal services, electronic communications services, services of temporary work agencies, and services of a statutory auditor from their respective entries in Part 1 (mutual recognition) and Part 2 (non-discrimination).