



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Retained EU Law (Revocation and Reform) Bill**

**DATE**            **03 November 2022**

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

The Retained EU Law (Revocation and Reform) Bill was introduced in the House of Commons on 22 September by the then Secretary for State for Business, Energy and Industrial Strategy, the Rt Hon Jacob Rees-Mogg MP.

The Bill, as introduced, includes significant content that was not shared with the Devolved Governments prior to introduction. I wrote to the Llywydd on 5 October stating that, given the Bill contained previously unseen content and because of serious concerns about the effect of provisions in the Bill, it would not be possible to lay a Legislative Consent Memorandum within the timescales normally assigned to the process.

I wrote to the Secretary of State, setting out my concerns regarding the Bill.

The Bill as drafted includes concurrent powers that could be exercised by UK Government Ministers in devolved areas without the consent of the Welsh Ministers. This is constitutionally unacceptable, and I have strongly expressed this view. Our expectation is, in the first instance, that powers to amend devolved legislation should rest solely with the Welsh Ministers or, if held concurrently with Ministers of the Crown, that there should be a requirement on the face of the Bill for them to gain the consent of Welsh Ministers for their exercise in devolved areas.

Another major concern is the deadline to review and actively save retained EU law by the sunset date of 31 December 2023. This would see all the governments of the UK engaged in a major piece of work to review thousands of legal instruments to ascertain how they should be handled under the Bill, or otherwise risk the law being removed from the statute book on this date. The Bill includes an extension mechanism for the sunset date of specified pieces of retained EU law until 2026, however the exercise of this power is currently limited to Ministers of the Crown.

The Bill is a significant distraction at a time when the focus of government should be on matters of greater importance such as the cost-of-living crisis. It is our opinion that the body of retained EU law, as it currently stands, is in general fit for purpose. The imposition of the arbitrary deadline means that there is a very real risk in revisiting these legal instruments in haste, that interdependencies and other issues may not be identified, and that the consequence could be an inoperable statute book.

As a result of this and other concerns with the Bill, which by its very nature could significantly impact on devolution, we are recommending that the Senedd withholds its consent for the Bill.

A Legislative Consent Memorandum for this Bill has been laid today:  
<https://senedd.wales/media/wu0fwcny/lcm-ld15434-e.pdf>