

Rt Hon Grant Shapps MP
Secretary of State for Business, Energy and Industrial Strategy
Nusrat Ghani MP
Minister for Industry and Investment Security

21 December 2022

Dear both

Retained EU Law (Revocation and Reform) Bill

My Committee has, for some time, been keeping a watching eye on the UK Government's plan for retained EU law, and we began asking questions of the Welsh Government some months ago.

You will appreciate that of concern to us, as legislators, is the fact that the Bill would enable Ministers, rather than parliaments, to significantly alter the UK's regulatory and legal landscape.

With the laying of the Bill before the UK Parliament, and in anticipation of the Welsh Government bringing forward the likely necessary consent memorandum, my Committee agreed to seek the views of stakeholders both in Wales and across the UK on a number of matters including to what extent the Bill might impact Wales' regulatory landscape; the Welsh Government's decision not to carry out its own assessment of REUL; and whether the Bill might introduce new limitations for the Welsh Government, which wants to improve pre-Brexit standards, where possible.

Stakeholders have expressed to us deep concerns about the extent of the task at hand and the significant pressure caused by, what is seen by many as, a completely unnecessary sunset date of 31 December 2023. The evidence we received is available on our website.

In recent months the Welsh Government's Counsel General, Mick Antoniw MS, has commented on the likelihood of the Bill leading to the Welsh Government's own legislative programme being almost completely overwhelmed, and the financial and resource implications for the Welsh Government being enormous.

The Welsh Government has now laid before the Senedd the required legislative consent memorandum for the Bill and my Committee is leading on its consideration.

On 5 December we took evidence from the Counsel General on the Bill and the Welsh Government's corresponding legislative consent memorandum. The Counsel General again spoke of his concerns that the implementation of the Bill, should it be passed and enacted, has the potential to overwhelm all governments in the UK. These concerns were echoed by the First Minister on 9 December in evidence to the Scrutiny of the First Minister Committee.

While we reserve the right to hold-back our full comments on the Bill, and the Welsh Government's corresponding legislative consent memorandum, until we are able to issue a comprehensive report in the new year, for reasons of pragmatism we would urge you to listen to stakeholders and reconsider the 31 December 2023 sunset date contained in the Bill. Furthermore, and again while we have yet to fully consider all the implications of the Bill on Welsh devolution and the Senedd, at this time we can see no reason why the power to extend the sunset date, contained in clause 2, should not also be granted to the Welsh Ministers for devolved matters.

We are aware of correspondence exchanged between Ms Ghani and the Scottish Parliament's Constitution, Europe, External Affairs and Culture (CEEAC) Committee. In a letter dated 13 December 2022, Ms Ghani states that written evidence on the Bill will be provided to the CEEAC Committee by the Department for Business, Energy & Industrial Strategy. We would welcome receipt of similar written evidence, particularly as regards the intergovernmental working with the Welsh Government and the effect of the Bill on Welsh devolved areas. We would be grateful if this could be received as soon as possible in order to inform our report on the Welsh Government's Legislative Consent Memorandum by 9 February 2023.

Once published, I will share with you a copy of my Committee's report on the Bill.

I am copying this letter to Mick Antoniw MS, the Welsh Government's Counsel General and Minister for the Constitution, and to the Constitution, Europe, External Affairs and Culture Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair