

The Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and
Communities and Minister for Intergovernmental
Relations

4 November 2022

Dear Michael

Intergovernmental relations

Congratulations on your recent appointment as Secretary of State.

As you will be aware from our [correspondence](#) earlier this year, my Committee (and its predecessor) has spent some considerable time scrutinising how governments within the UK work together and we look forward to maintaining productive relationships with you as we continue with this important work.

In July 2022, we [wrote](#) to the Rt Hon Greg Clark MP, the then Secretary of State for Levelling Up, Housing and Communities, about proposals for UK Bills to legislate in devolved areas and received a helpful [reply](#) in August 2022.

There are a number of points on which we would welcome further clarity.

We asked a number of specific questions regarding engagement between Welsh and UK government officials. These centred on initiating discussions, timetabling, and amendments to UK Bills. In response, the Secretary of State said:

"My officials proactively provide guidance and support on engagement to UK Government bill teams throughout a bill's development and parliamentary passage. Engagement at official level should take place when developing policy which could affect devolved matters, and this engagement should continue throughout the bill's passage, including the sharing of information to allow devolved government counterparts to make informed policy decisions. This



engagement is also important to identify where a UK government bill can include provisions within a devolved legislature's competence and enable timely pragmatic solutions to policy challenges to deliver for people of Wales freeing up devolved legislatures time whilst respecting their legislative competence via the legislative consent process."

We would be grateful to know if the guidance referred to is of a formal nature, akin to, for example devolution guidance notes or an intergovernmental agreement, and also whether it covers specific advice on timetabling and the agreement between governments on proposed amendments. This information is relevant to us in helping to understand how we, and other Senedd committees, can endeavour to influence legislation passed in the UK Parliament that in many cases we would expect to be made by the Senedd.

It would also be helpful to know why the guidance referred to is not always followed (see our original letter) and how this situation can be avoided in future. The lack of engagement can have a knock-on effect on our ability, and that of the Senedd, to conduct scrutiny, which is already constrained by the use of a UK Bill rather than a Welsh one. For example, as regards, surprisingly, the Levelling-up and Regeneration Bill, we have only recently received a legislative consent memorandum from the Welsh Government some 4 months after the Bill was laid in the UK Parliament, because of the "very limited engagement by the UK Government prior to the Bills' introduction and the complexity of the Bill" (paragraph 3 of the [legislative consent memorandum](#)).

This raises a number of issues:

1. Is the matter of identifying when a UK Government Bill can include provisions within a devolved legislature's competence subject to any form of intergovernmental agreement between the Welsh and UK governments?
2. Where there is agreement between governments, for example on the UK Government's Procurement Bill, is there an exchange of Ministerial correspondence formally agreeing this position and, if so, is there any agreed restriction on such correspondence being published and shared with the relevant parliaments?
3. Is it the UK Government's agreed and principled position that it should look to free-up time in the devolved legislatures by proposing UK (or GB or England and Wales) legislation?
4. If this is the UK Government's position, on what basis have you made this assessment, why do you consider that to be appropriate, and for what purpose?

5. Has the Welsh Government approached the UK Government and used 'freeing up devolved legislatures time' as justification during discussions on the inclusion of 'Welsh provisions' in UK Bills?
6. Is it the case that it is more frequent for the UK Government to make an offer to the Welsh Government to include provisions in a devolved area within a UK Bill or do the Welsh Government regularly request such provision?
7. Are there any circumstances in which the UK Government would consider it inappropriate to include provisions in a UK Bill within a devolved legislatures competence? Can you give an example?
8. Are there any circumstances in which the UK Government would refuse a Welsh Government request to include in a UK Bill provision within a devolved legislatures competence? Can you give an example?

I look forward to receiving your response within 6 weeks of the date of this letter.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair