

Hannah Blythyn MS
Deputy Minister for Social Partnership

16 January 2023

Dear Hannah

Social Partnership and Public Procurement (Wales) Bill

Thank you for your [letter of 15 December 2022](#) in response to our [report on the Social Partnership and Public Procurement \(Wales\) Bill](#). We considered your letter at our meeting on 9 January 2023.

We noted your response to our report's recommendations, and, in particular, your response to recommendations 7 and 8. Those recommendations called on you to table amendments to the Bill to apply the affirmative procedure to the regulation-making powers within sub-sections 38(3)(a) and (b) of the Bill, which relate to procurement strategies.

We are aware, as you state, of the Welsh Government's own guidelines on the criteria it should take into account when selecting the appropriate procedure for subordinate legislation. While they are extremely helpful, we will come to our own view on a particular provision based on a range of factors, including our own analysis of the Bill and the context of each provision.

You also state in your letter that the powers within sub-sections 38(3)(a) and (b) are:

"... a future-proofing arrangement to ensure that any changes in procurement practice – which could be dictated by wider statutory changes over which the Welsh Government may have no discretion – are able to be applied if this should become necessary."

Based on your explanation, it continues to appear to us that these powers could enable significant changes to primary legislation, and therefore we continue to believe that it is appropriate that the affirmative procedure is applied to them.

I am copying this letter to the Chair of the Equality and Social Justice Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair

