



Ein cyf/Our ref: CG/PO/42/2023

Huw Irranca-Davies MS,
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

10 February 2023

Dear Huw,

Legislation, Justice and Constitution Committee, 16 January 2023 - Welsh Government's Draft Budget for 2023-24 (spending in relation to justice) and general scrutiny

Thank you for your letter of 3 February. I will provide answers to your questions by 23 February in the normal way.

You asked for answers to questions 7 to 10 on retained EU law by 10 February. You will see those answers in the attached annex.

Yours sincerely,

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

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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.

Annex

Retained EU Law (Revocation and Reform) Bill

7. Please could you provide an update on intergovernmental joint working and advise of any joint plans agreed to date?

I have remained in contact with UK Ministers to make clear the Welsh Government's significant and continuing concerns about the aspects of the Bill that have previously been set out. Officials from the Welsh Government, and the other Devolved Governments, remain in regular and constructive contact with their counterparts in the UK Government, both centrally and with relevant policy departments, including on potential joint work, though no formal plans have been agreed.

8. What action will you take if the Senedd refuses consent to the Bill and how will you draw any concerns you have to the attention of the UK Parliament?

In such circumstances, the Welsh Government believes that the correct approach would be for the UK Government to withdraw the Bill or to amend it so that devolved law is removed from the sunset. We would anticipate that, should the Senedd refuse consent to this bill, the Senedd would notify Parliamentary clerks of that outcome in the usual way and that, in turn, the Senedd's position would be included on the UK Parliament website pages dedicated to this Bill.

9. What action will you take if the Bill subsequently becomes law, without the amendments you would like to see made?

As above, in such circumstances, the Welsh Government will continue to work to minimise the negative consequences of the Bill for the people of Wales. However, more detail on the precise actions we would need to take remains to be identified, once we have the necessary information from the UK Government on its intentions for REUL for which it is responsible, and subject to any changes to the Bill in its Parliamentary passage.

10. Does the Welsh Government consider that the Senedd has the legislative competence to bring forward a Welsh Bill that would amend the Retained EU Law (Revocation and Reform) Bill (if and when enacted) so as to amend the sunset date as it currently applies to retained EU law in devolved areas? Is the Welsh Government considering bringing forward such a Bill if the sunset date of 31 December 2023 remains in the Bill?

The Welsh Government is considering all options for minimising the negative impact of the Bill on the people of Wales. As in any situation, should the Welsh Government bring forward primary legislation, it would need to be satisfied that the legislation falls within legislative competence.