

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Jenny Rathbone MS
Chair
Equality and Social Justice Committee
Senedd Cymru
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15 March 2023

Dear Jenny,

Thank you for your letter of 17 February about the Retained EU Law (Revocation and Reform) Bill. It raises a number of points on which my colleague, the Counsel General and Minister for the Constitution, has already responded to the Legislation, Justice and Constitution Committee, on two occasions, and I have included the same relevant material in this letter.

The responses to the points that you raised are set out below.

Provide the Welsh Government's view on the impact of the Bill on matters within the Committee's remit in Wales.

The Bill is essentially an enabling Bill and its full implications will be influenced by policy choices of UK Government Ministers about which pieces of legislation should be retained, amended, or left to sunset. Unless and until that detailed information is provided, we are all working in a very uncertain situation, with the obvious attendant difficulties that that causes both for the Welsh Government, and for your Committee in a scrutiny role. We hope to have fuller information very soon from the UK Government and will be able to discuss more fully with your Committee the particular implications for matters within its remit then.

Provide the Committee with a list of relevant Retained EU Law (REUL) made by the Welsh Ministers within its remit.

We intend to provide the Senedd with a list of all REUL made by Welsh Ministers.

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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.

Provide a response from Welsh Government to stakeholder views on the impact of the Bill on Wales' equality and human rights.

We are not aware of any particular stakeholder views to which the Committee refers.

Set out the Welsh Government's plans to use the Bill's powers in relation to standards within this Committee's remit.

In general, our position is that retained EU law, like EU law before it, works well. We have no intention of using any powers in the Bill to alter any standards in the remit of your Committee.

The EHRC is the regulatory body which is responsible for enforcing and monitoring the Equality Act 2010. The EHRC in its briefing for the House of Lords second reading of the Bill, in February 2023, expressed concerns that: "*the volume and speed of changes required by the Bill will make it hard for devolved governments and public bodies in Wales and Scotland to comply with the law such as by publishing equality impact assessments. This risks regression in equality and human rights **standards***". We share this valid concern and would concur with the EHRC's recommendation for "the Bill to be amended to ensure the effective scrutiny of any regulations which could result in changes to equality and human rights protections."

Provide information on what discussions Welsh Government have had with other governments in the UK about the impact of the Bill on matters within the Committee's remit and whether/how any changes to relevant REUL might be coordinated, if the Bill is passed.

We have made clear to the UK Government the importance of appropriate co-ordination on all pieces of REUL covering devolved matters, or which have an impact on devolved matters. We work closely with the Scottish Government on matters of mutual interest. We maintain close co-operation with officials in the Northern Ireland Civil Service on appropriate matters.

Explain how and whether relevant items on the Welsh Government's legislative programme might be affected.

We will continue to share information about the Bill as it becomes available, and we are open to having preliminary discussions in confidence about potential implications for business in the Senedd.

Provide the Welsh Government's view on how the Bill might interact with Wales' equality and human rights international obligations.

The Welsh Government is keen to ensure that anything arising from the REUL Bill does not jeopardise its compliance with any international obligations. Given the complex nature of compliance, and the UK Government's responsibility for international relations, we will need to engage further with the UK Government to understand better their approach to this issue. We will revert to the Committee in due course in light of their response.

Provide the Welsh Government's view on how the Bill might interact with the UK Government's Bill of Rights Bill, if it is reintroduced.

It is premature to be able to provide an assessment of any such impact until, at least, the precise intentions of the UK Government in relation to relevant policy areas governed by pieces of REUL are clearer, and until there is any clear action from the UK Government by way of progressing the Bill of Rights Bill. At present, the Bill remains introduced but has not progressed to a 2nd reading in the House of Commons.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter "J".

Jane Hutt AS/MS

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