

Rebecca Evans MS

Minister for Finance and Local Government

11 April 2023

Dear Rebecca,

Legislative consent for the Procurement Bill

Thank you for providing an initial response, during the recent Senedd debate on legislative consent motions, to my Committee's latest report on legislative consent memoranda laid in respect of the UK Government's Procurement Bill. The report, which was laid on 14 March 2023, contained three recommendations for the Welsh Government. It was therefore disappointing not to have received a formal written response from the Government ahead of the debate, considering that two weeks had elapsed since the laying of the report. I believe this would have greatly informed the debate, and would have provided much needed clarity on some of the complex issues under consideration within the memoranda.

I would therefore be grateful if you could set out your written responses to each of the recommendations within the report as soon as possible, and within two weeks of this letter.

During the debate, I also asked you whether you had escalated your concerns in respect of the regulation-making powers within clause 89 of the Bill (to add international agreements to the list in Schedule 9) and clause 92 of the Bill (to deal with the procurement consequences of trade disputes) through the inter-governmental Dispute Avoidance and Resolution Process. You will recall that in response to my Committee's report on the first and second memorandum laid in respect of the Bill you said that it was neither possible nor appropriate to predict when relationships would break down to the point that use of any dispute resolution mechanisms should be considered. However, since you stated during the debate that your concerns during the Bill "present a threat to fundamental constitutional principles and our devolution settlement", it continues to be unclear why it appears you



have not yet escalated these concerns, since these provisions will soon make their way onto the statute book.

I would therefore also be grateful if you could confirm whether you have now escalated these concerns via the Dispute Avoidance and Resolution Process, and if you are yet to do so, explain why that is not the case.

Finally, I note your comments regarding the scrutiny available to the Senedd (paragraphs 458–459 of the transcript) but would take this opportunity to remind you that neither the legislative consent process nor regulations made under the Bill (once enacted) offer the same amount of time or detailed opportunity for scrutiny and engagement with stakeholders as a Bill introduced to the Senedd by the Welsh Government.

I look forward to your response.

Yours sincerely,

A handwritten signature in dark ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies
Chair