

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and

Trefnydd

23 March 2023

Dear Lesley

Retained EU Law (Revocation and Reform) Bill – Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4)

At our meeting this week we considered your letter of 17 March 2023 in which you told us that the Welsh Government has moved the Senedd debate on legislative consent for the Retained EU Law (Revocation and Reform) Bill from 21 March to 28 March 2023. You note that this has been possible because Report Stage in the House of Lords will begin on 19 April.

You also note that, because it has been possible to move the debate, you would be recommending a reporting deadline of 27 March and that you "hope this additional time allows [my] Committee to consider and report on Memorandum No. 4".

We noted the laying of Memorandum No. 4 at our meeting on 13 March 2023 and you will be aware that we wrote to the Business Committee advising that we do not believe it is practical for us to give careful and detailed consideration to Memorandum No. 4 and produce a report that could meaningfully and usefully inform the Senedd's debate on a legislative consent motion for the Bill.

As I believe we have demonstrated regularly, we will always aim to respond positively to tight deadlines. However, piecemeal delays to debates and postponements to reporting deadlines do not necessarily assist or enable my Committee (nor perhaps other Senedd Committees) to plan and perform our scrutiny function effectively, and often create missed opportunities.

We appreciate that the scheduling of business in the UK Parliament is outside the control of the Welsh Government and, in relation to the Bill, the Welsh Government itself may be having to adjust programmed work and key tasks. We have said on many occasions that the lack of control of the



legislative process is one of the serious inadequacies of a different parliament legislating for Wales on matters within the Senedd's legislative competence.

We understand that the amendments made to the Bill which are the subject of Memorandum No. 4 do not change the Welsh Government's recommendation on whether the Senedd should give its consent to the Bill, and note that the Welsh Government's position is that "the Bill continues to present the same legal, constitutional, policy and practical concerns".

Given that the Bill is yet to complete Lords Report Stage, we are mindful that the Bill could be further amended and such amendments may require the Welsh Government to lay additional supplementary legislative consent memoranda.

You will be aware that we wrote to the Counsel General on 8 March 2023 and expressed our concerns that, as Bills which are subject to legislative consent memoranda near the end of the scrutiny process in the UK Parliament, the Welsh Government should do more to ensure the Senedd is given critical information in a more timely manner.

Should the Welsh Government become aware of relevant amendments being tabled in the UK Parliament for the purpose of Lords Report Stage proceedings, we would welcome early notification, even if that is in advance of any necessary supplementary legislative consent memoranda being laid before the Senedd. This may afford us time to consider the fast-moving developments and changes to the Bill and plan how we may be able to report to the Senedd.

I am copying this letter to the Counsel General and to the Llywydd.

Yours sincerely,

A handwritten signature in dark ink, reading "Huw Irranca-Davies", with a horizontal line drawn underneath.

Huw Irranca-Davies

Chair