

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

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Mick Antoniw MS
Counsel General and Minister for the Constitution

14 July 2023

Dear Mick,

Retained EU Law (Revocation and Reform) Act 2023

Thank you for your letter of 7 July 2023 in which you responded to the questions we asked on 27 June. We are grateful that we were able to pursue some of these matters with you at our meeting on 10 July.

Following the session we had with you, we were able to review more fully the responses you provided in your letter and there are further points we wish to raise with you, particularly within the context of the discussion during the meeting.

We value your ongoing engagement with us on this significant piece of legislation, and I would welcome a response to the questions in the Annex by 1 September 2023.

I am copying this letter to the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

ANNEX

Question 1: In your letter to us on 7 July you confirmed that the Welsh Government has undertaken an assessment of the retained EU law listed in Schedule 1 to the Act and “there are no apparent problems for areas within devolved competence arising from the revocation of the instruments listed” and that “we do not currently see the need for the exercise of such powers [to exclude retained EU law from the Schedule] and have no current plans to use them”.

- a. During our meeting you told us that this work was “still work in progress”, it would be “something that we will want to scrutinise much more closely leading up to that particular point”, and that engagement with UK Government officials is continuing. Please would you confirm our understanding that the Welsh Government’s assessment of the Schedule is therefore still ongoing, and will you confirm that you will provide an updated and final assessment to us as soon as possible.
- b. Please would you clarify if the Welsh Government’s assessment has involved consideration of any and all implications for Wales, and not just matters which fall within devolved competence.
- c. When we asked for your response to the concerns expressed by environmental organisations about the Schedule, you said you were not aware of any concerns but you acknowledged that concerns may have been raised in other ministerial portfolios. We would welcome confirmation as to whether any concerns with the retained EU law listed in the Schedule has been raised with any Welsh Minister, and details of the concern(s) raised.

Question 2: In your letter of 7 July, in response to questions 4 to 6 which related to the exercise by UK Government Ministers of regulation-making powers in devolved areas, you told us that the Welsh Government remained in discussion with the UK Government about “an alternative consent mechanism”. During our meeting you told us “we have a concession, I think in writing, that, basically, the UK Government... will not legislate in these areas without the consent of Welsh Government”. Please can you confirm the terms of this agreement and share with us the correspondence which sets out its negotiation and final details. Please can you also clarify how the Welsh Government will keep the Senedd informed and share relevant information about the exercise of these regulation-making powers by UK Government Ministers.

Question 3: In relation to the sunseting of directly effective rights and obligations, in your letter to us on 7 July you said discussions are ongoing between the UK Government and the Devolved Governments on this matter, including whether concerns could be addressed using the appropriate powers in the Act. You added “This is a significant piece of work that we are now having to apply on a case-by-case basis across different policy areas and pieces of legislation”, and you said you would

keep us informed of progress. We welcome your commitment to keep us informed. Please would you also provide further detail on the work which is being undertaken by the Welsh Government.