

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LJCC2023-11-15

22 November 2023

Huw Irranca Davies MS
Chair
Legislation , Justice and Constitution Committee

Dear Huw,

Thank you for your letter of 15th November 2023 seeking responses to questions in relation to the Statutory Instrument Consent Memorandum on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023. My response is set out in the following Annex.

Yours sincerely,

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

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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

- 1. At paragraph 10 of the Memorandum, you state that the Welsh Government plans to lay a similar instrument for approval by the Senedd to changes references, in existing legislation made by the Senedd, to “retained EU law” to “assimilated law”. It appears this draft instrument, the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023, was laid on 7 November 2023. Please could you confirm therefore that your approach has been to use a Welsh Statutory Instrument to make changes to legislation made by the Senedd and the Welsh Ministers, while proposing the use of a UK Statutory Instrument for changes to UK Acts. If so, please could you explain why a single Welsh statutory instrument was not considered appropriate on this occasion.*

I can confirm we have adopted the approach you note above. The conferring of concurrent powers on Welsh Ministers occurred at a late stage in the UK Government’s process for updating legislation. It was neither practical, efficient nor readily achievable in the time available, to ask for Wales to be removed from the scope of the already well-advanced UK Government’s Statutory Instrument so that we could introduce a Statutory Instrument to cover all UK legislation applying to devolved matters in Wales.

- 2. You will be aware that my Committee has previously recommended that the Welsh Government should table motions to seek the Senedd’s agreement to the inclusion of provisions subject to statutory instrument consent memoranda. Please could you confirm whether you intend to table a motion for such a debate in respect of the provisions subject to the Memorandum.*

There will be a motion laid for a debate, scheduled to be held in the Senedd on 12th December 2023, on the Statutory Instrument Consent Memorandum on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.