



Department for
Business & Trade

Kevin Hollinrake MP
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Dear Huw,

Thank you for your correspondence of 1st November to Defra Ministers, regarding consent procedures between the UK and Welsh Governments on statutory instruments made under the Retained EU Law (Revocation and Reform) Act 2023. I am responding because of my role leading the REUL SI programme.

I can address your committee's first three questions together. Last year in May, the Secretary of State for Business and Trade and the Minister for Intergovernmental Relations wrote to the Counsel General to confirm that UK Government Ministers did not normally intend to use the powers under the REUL Act in devolved areas without the agreement of the Welsh Government. They added that where a UK Minister intends to exercise the powers in devolved areas, agreement would be sought via exchange of letters. This commitment covered all UK Ministers, and as such there is no need for departmental specific arrangements, although the Brexit Opportunities Unit (Now the Smarter Regulation Directorate) have made sure all departments are aware of this commitment and the process for meeting it.

On questions four and five raised by your committee, I should like to emphasise that the UK Government remains committed to the devolution settlement and, although the Sewel Convention and related procedures and practices only apply to primary legislation, we take seriously any commitments to seek the agreement of the Welsh Government.

Given the close working between our respective officials on the content of SIs before ministers are approached for consent, we hope that the Welsh Government will usually feel able to provide agreement to SIs when this is sought.

However, in the unlikely event that such agreement is not reached, our first port of call would be to understand the reasons why, and to explore alternative ways forward together.

This letter is also copied to Lord Benyon, Rebecca Pow MP, the Secretary of State for Wales and the Minister for Intergovernmental Relations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kevin', with a stylized, cursive script.

Kevin Hollinrake

Parliamentary Under Secretary of State (Minister for Enterprise, Markets and Small Business) at the Department for Business and Trade