

Rt Hon Michelle Donelan MP  
Secretary of State for Science, Innovation and  
Technology  
HM Government

19 February 2024

## **National Underground Asset Register**

Dear Michelle,

I am writing to you following the Committee's consideration of a [Supplementary Legislative Consent Memorandum](#) related to the Data Protection and Digital Information (No.2) Bill ("the Bill"). During the reporting stage of legislative proceedings in the House of Commons, you introduced amendments to the Bill relating to establishing a National Underground Asset Register.

As you will be aware, there are hundreds of owners of underground assets across the country, ranging from local government to utility companies. All these owners will have their processes for holding such data. Whilst we do not have a specific position on the establishment of such a register, we do have concerns that the amended Bill transfers powers to the Secretary of State, through regulation-making powers, to make decisions on a National Underground Asset Register as it relates to Wales.

The Welsh Government has expressed "constitutional policy concerns" around regulation-making powers under the New Roads and Street Works Act 1991 being transferred from Welsh Ministers back to the Secretary of State (as set out in paragraph 22 of the [Supplementary Legislative Consent Memorandum No.3](#)). We are not sure, however, about its view or involvement on this policy matter more generally.

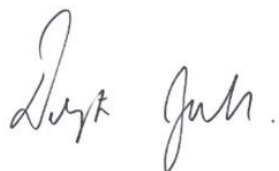
We would like to know what discussions you, or your officials, have had with the Welsh Government regarding the establishment of a National Underground Asset Register. We would like particularly to know what considerations are being given to devolved competencies and how they will be managed.

We would also welcome an outline from you about the Welsh Government's involvement in developing the policy for such a register.

As it stands, the lack of detail and transparency in the Welsh Government's Supplementary Legislative Consent Memorandum about the amendments to the Bill (identified as requiring the legislative consent of the Senedd) has hindered our ability to assess the policy implications of these changes. We would therefore welcome clarity about your discussions with the Welsh Government to assist our considerations.

As the Bill is proceeding through the House of Lords, we would be grateful to receive an urgent response to this matter. I am copying this letter to the Chairs of the Senedd's Climate Change and Environment Committee and Legislative, Justice and Constitution Committee for their information.

Yours sincerely,



**Delyth Jewell MS**  
**Committee Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.