



Ein cyf/Our ref: CG/PO/130/2024

Sarah Murphy, Chair
Legislation, Justice & Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

3 May 2024

Dear Sarah

Corrections to statutory instruments subject to the draft affirmative scrutiny procedure

Thank you for your letter of 23 April and your kind wishes. The Government has a full programme of legislation ahead, and I look forward to working with you and to my ongoing engagement with the Committee.

In your letter you indicate the Committee has understood my previous correspondence as saying that if the Government sought to make minor amendments to draft affirmative instruments, we would apply the same criteria as the SI Registrar to the type of amendments sought to be made.

In my letter of 18 January 2023 I explained there were two points when corrections could be made to instruments: correction prior to making (i.e. before the statutory instrument has been made by the relevant Cabinet Secretary or Minister) and correction on publication (more accurately correction as part of the registration process). In the case of the latter, which is of course after the instrument has been made, it is in accordance with paragraph 4.7.13 of *Statutory Instrument Practice*: if the correction: “... *is in the nature of something that could be covered by a correction slip ... this can be remedied*”.

In respect of correction prior to making, then my letter noted (with emphasis added):

*If the correction is considered to be of the type which could be dealt with by correction slip ... **or is a matter which the Minister has committed to remedy before the making the SI** – for example in the Senedd’s consideration of a draft affirmative SI – then the draft SI is corrected before it is submitted for making.*

In the same letter I also noted (again with emphasis added):

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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.

*In general terms, if the error is one which could be remedied by correction slip then we would prefer to deal with that as a correction [prior to] making. **If it is a very minor matter, but not one which would be suitable for a correction slip, then it still may be the case that we would seek to deal with this as matter [prior to] making.***

As to your second point, we are clear we would not seek to make substantive changes as part of the 'correction prior to making' process. Referring again to my letter of 18 January 2023 I said:

...we will either seek to withdraw and re-lay the instrument, or if time does not permit for that, then we may commit to bring forward an amending instrument ... It will always be the case that our preferred approach in these cases is to correct the draft instrument and re-lay it before the Senedd.

As your letter references the *Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024* I have copied this response to the Cabinet Secretary for Climate Change and Rural Affairs.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style and is underlined with a single horizontal line.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol
Counsel General