

Jack Sargeant MS

Minister for Culture, Skills and Social Partnership

31 January 2025

Dear Jack

Legislative consent memoranda on the Employment Rights Bill

At its meeting on 27 January 2025, the Legislation, Justice and Constitution Committee considered the legislative consent memorandum and supplementary legislative consent memorandum which you laid in respect of the Employment Rights Bill on 5 December and 19 December 2024, respectively.

To inform our consideration of the memoranda, we would be grateful if you could provide further information in relation to some of the clauses of the Bill which you believe require consent, as set out below.

As you state in the legislative consent memorandum in respect of clause 26, the Senedd Commission is within the scope of this provision. Could you please provide further information as to why it is appropriate that the Senedd Commission is within its scope, while most devolved Welsh public bodies are excluded?

Clause 26 also provides that a Minister of the Crown must consult the Welsh Ministers before making regulations that apply to a number of bodies under this provision; however there is no similar requirement to consult the Welsh Ministers when making regulations that apply to the Senedd Commission. Could you please explain why this is the case?

Clauses 49, 52 and 54 remove or amend various provisions of the *Trade Union and Labour Relations (Consolidation) Act 1992*, as amended by *Trade Union Act 2016*; provisions which have been disapplied as regards devolved Welsh authorities by the *Trade Union (Wales) Act 2017*. Clause 71 accordingly repeals section 1 of the 2017 Act given it will become redundant and no longer have legal effect. Given that the subject matter of the 1992 Act is now expressly reserved under paragraph 141(d) of



Schedule 7A to the *Government of Wales Act 2006*, could you please clarify why you believe the provisions within clauses 49, 52, 54 and 71 require the consent of the Senedd?

As you state in the supplementary legislative consent memorandum, the Government amendments to clause 25 will result in powers being conferred on the Welsh Ministers in respect of devolved Welsh authorities. Please could you clarify, as per the requirement in Standing Order 29.3(iv), which Senedd procedure will be applicable to subordinate legislation made in exercise of these powers?

I would be grateful for a response to these questions by Thursday 13 February 2025. You will be aware that the Business Committee has set a reporting deadline of 7 March 2025 for the memoranda.

I am copying this letter to the Chair of the Economy, Trade and Rural Affairs Committee and the Chair of the Equality and Social Justice Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair