

Y Gwir Anrh/Rt Hon Carwyn Jones AC/AM  
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: CA581  
Ein cyf/Our ref: FM/05339/11

David Melding AM  
Chair - Constitutional & Legislative Affairs Committee  
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25 July 2011

Dear David,

**CA581 – The Waste (Miscellaneous Provisions) (Wales) Order 2011**

I am writing in response to your letter of 4 July drawing my attention to the report of the Committee on Statutory Instruments which considered the Waste (Miscellaneous Provisions) (Wales) Regulations 2011 on 22 June 2011. Your letter also requested that, in circumstances where the Welsh Ministers are able to exercise discretion over the choice of procedure which applies to a piece of subordinate legislation, we should include an explanation in the Explanatory Memorandum.

I note that the Committee has reported under Standing Order 21.3 (ii) on the grounds that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly, and have nothing further to add to the Government response provided in the Committee's report.

In relation to your request regarding the content of future Explanatory Memoranda I am happy to agree that, where the enabling legislation allows Welsh Ministers discretion over the procedure to be applied, the Explanatory Memorandum will include an explanation of how that discretion has been exercised. Indeed you will have noted that the Explanatory Memorandum provided for the Waste (Miscellaneous Provisions) (Wales) Order provided just such an explanation under 'legislative background'. I will ensure that guidance to officials is amended so that any such explanation in future is moved to the section entitled 'Matters of special interest to the Constitutional and Legislative Affairs Committee'.

Yours sincerely,

**CARWYN JONES**

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