

Leighton Andrews AM
Minister for Public Services
Cardiff Bay
CF99 1NA

7 March 2016

Dear Leighton,

Public Sector Exit Payments – Enterprise Bill

Further to my letter of 1 March and following the laying of the Revised Supplementary Legislative Consent Memorandum on 3 March, I have been made aware that amendments have been tabled by the Secretary of State to the Enterprise Bill. These will give to the Welsh Ministers regulation-making powers in relation to exit payments made to Assembly Members and Welsh Government Office-Holders. The Secretary of State will retain regulation-making powers over exit payments for others including the Presiding Officer, the Deputy Presiding Officer and Assembly Commissioners.

In passing the National Assembly for Wales (Remuneration) Measure 2010, the Assembly established the principle that all decisions relating to Members' remuneration were made independently of the Assembly, the Assembly Commission and the Welsh Government, namely by the Remuneration Board.

Croesewir gohebiaeth yn y Gymraeg neu Saesneg/We welcome correspondence in Welsh or English

It is, therefore, inappropriate for the Welsh Ministers to have any remit in relation to Members' remuneration (including those who hold additional offices). I seek your commitment, in the event of the amendments being passed, that you will not seek to make regulations to fetter the power of the Remuneration Board to make decisions on exit payments.

I remain disappointed that there has also been no recognition of the need for constitutional separation between the Welsh Ministers and the Assembly in relation to exit payments for staff of the Assembly Commission. I understand that the Welsh Ministers will have a power to relax the limit on exit payments. In this case, I request that delegate this power to decide in relation to Assembly Commission staff to Assembly Commissioners.

Finally, I am most disappointed that these amendments have (apparently) emerged from inter-governmental discussions without prior consultation with the Assembly or the Remuneration Board, and at the last amending stage. This offers the Assembly very little opportunity to take any steps on this issue. Given the unsatisfactory and complex way in which these powers relate to areas which are properly within the remit of the Assembly Commission and Remuneration Board, I ask you, prior to the Assembly debate on 15 March on the Legislative Consent Motion, to set out your view and understanding of how these powers will apply and be exercised in relation to Assembly Members, all Office Holders who fall within the remit of the Remuneration Board and Assembly Commission staff.

I am copying this letter to Christine Chapman AM, Chair of the Communities, Equality and Local Government Committee which has been considering the relevant Legislative Consent Memorandum, Dame Dawn Primarolo, Chair of the Remuneration Board, the Secretary of State for Business, Innovation and Skills and the Secretary of State for Wales.

Best Wishes,



**Dame Rosemary Butler AM
Presiding Officer**