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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LF/CG/5156/11

David Melding AM
Chair of the Constitutional and
Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

24 January 2012

Dear David,

**PUBLICATION OF WELSH GOVERNMENT GUIDELINES ON CHOICE OF
AFFIRMATIVE OR NEGATIVE PROCEDURE IN SUBORDINATE LEGISLATION**

I would like to draw your attention to the publication of Welsh Government Guidelines on the choice of affirmative or negative procedure in subordinate legislation. A copy of those Guidelines is attached, and another has been laid in the Assembly Library.

Coinciding with the work of the (then) Constitutional Affairs Committee in respect of their report on the Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years, the former Counsel General, John Griffiths AM, conducted review of the experience of the Welsh Government relating to legislation processes during the third Assembly and what improvements could be made. This was achieved via co-operation with Ministers, Members, Committees, officials and external interested parties.

A significant issue which arose from that review was a lack of clarity amongst Assembly Members and scrutiny committees as to exactly how the choice of Assembly procedure used in relation to statutory instruments made by virtue of powers conferred by Assembly Measures (now Assembly Acts of course) was actually arrived at.

These Guidelines set out the criteria that the Welsh Government applies in determining the procedure to be adhered to in relation to such Welsh subordinate legislation.

It is envisaged that the publication of these Guidelines will constitute a vital enhancement to the fundamental values of clarity and transparency in the Welsh Government's legislative process.

I am sending a similar letter to Rosemary Butler AM, the Presiding Officer.

Yours sincerely

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