

The Great Repeal Bill and its implications for Wales – consultation questions

1. The Great Repeal Bill and the broader legislative approach to Brexit

1.1 What is your view on the UK Government’s approach to legislating for Brexit and the implications this might have for Wales, devolution and the balance of power between the Assembly and Welsh Ministers?

2. The granting of delegated powers

Paragraph 4.6 of the White Paper states that:

“Legislation that is within the competence of the devolved legislatures or ministers giving effect to EU law will also need to be amended as we leave the EU. We therefore propose that the Bill also gives the devolved ministers a power to amend devolved legislation to correct law that will no longer operate appropriately, in line with the power we propose should be held by UK ministers.”

The power to grant delegated powers to UK Ministers rests with Parliament. In areas of devolved competence, the Assembly holds the power to grant delegated powers to Welsh Ministers, though Parliament can also grant these powers to Welsh Ministers.

2.1 How can the drafting of the Great Repeal Bill ensure that the Assembly has sufficient oversight over powers delegated to Welsh Ministers?

3. Scrutiny and control of delegated powers

The White Paper sets out a range of constraints that are to be placed on the delegated powers provided to UK Ministers and, by extension, Welsh Ministers. These include limiting the powers so that they are not available to Government for making policy changes and time-limiting the powers (see paragraphs 3.16 to 3.25).

3.1 Are the constraints proposed in the White Paper sufficient?



The White Paper recognises that Parliament will need to be satisfied that the procedures in the Bill for making and approving secondary legislation are appropriate.

3.2 Should the Assembly be free to determine the procedures for making and approving secondary legislation where powers are delegated to Welsh Ministers?

3.3 If so, how can this be reflected in the drafting of the Great Repeal Bill?

3.4 If the Assembly is free to determine the procedures for making and approving secondary legislation where powers are delegated to Welsh Ministers what procedures should it consider?

The House of Lords Constitution Committee has suggested that Parliament could establish a sifting mechanism within Parliament that considers whether a particular piece of delegated legislation contains policy decisions that should trigger an enhanced form of parliamentary scrutiny ([see Chapter 3](#)).

3.4 Should the Assembly consider a similar sifting mechanism for considering delegated legislation brought forward under the Great Repeal Bill?

3.5 How could such a system work in practice?

3.6 What provision for this, if any, should be made in the Great Repeal Bill?

The House of Lords Constitution Committee has suggested that Ministers should provide specific information in Explanatory Memoranda accompanying statutory instruments to aid the scrutiny process ([see Chapter 3](#)).

3.7 What information should Welsh Ministers be required to include in explanatory memoranda accompanying statutory instruments brought forward under the Great Repeal Bill to demonstrate that the legislation meets any constraints on powers?

3.8 Should the Assembly set these requirements in its own Standing Orders?

3.9 If it should, how could/should this be reflected in the drafting of the Great Repeal Bill?



4. Engaging with stakeholders

4.1 How can the Assembly ensure that the Welsh people, stakeholders and organisations have sufficient opportunity to contribute to the legislative processes established by the Great Repeal Bill?

We are happy to receive any other views that you might have on the approach to legislating for Brexit, the role of the Assembly and the role of Welsh Ministers in the process.

How to respond to the consultation

Submissions should focus on answering the questions above.

The Committee welcomes responses in Welsh or English from individuals and organisations. We ask that organisations with their own language policies provide bilingual responses in line with those policies.

Submissions should be no longer than 2,000 words, contain numbered paragraphs, and sources of evidence should be referenced and hyperlinked where possible.

Please submit your response to SeneddEAAL@assembly.wales

The deadline for submissions is: **10.00 Monday 8 May 2017**

