

Llywydd
Chair, Business Committee

25 September 2017

Annwyl Llywydd

EU (Withdrawal) Bill

During a private session of our committee today, we discussed our approach to the scrutiny of the EU (Withdrawal) Bill, following referral of the Welsh Government's Legislative Consent Memorandum (LCM) to us and the External Affairs and Additional Legislation Committee.

Clearly, the Bill has significant constitutional implications, including implications for the scrutiny of subordinate legislation made by the Welsh Ministers in the future.

We will be working in partnership with the External Affairs and Additional Legislation Committee on scrutiny of the LCM and other matters relating to the scrutiny of the EU (Withdrawal) Bill.

Of particular interest to this committee is the procedure for the scrutiny of subordinate legislation arising as a consequence of the Bill. We have made it clear in correspondence with the Rt Hon. David Davis MP, Secretary of State for Exiting the European Union (and also in responding to a consultation exercise by the Procedure Committee of the House of Commons) that the National Assembly should be responsible for determining the procedure to be applied to the making of subordinate legislation by the Welsh Ministers.

Like many others, we are disappointed that the Bill, as currently drafted, does not accept this important point of principle.

We believe that it would be helpful for this committee (working with the External Affairs and Additional Legislation Committee and our counterpart committees across the UK) to



undertake an inquiry on the procedures that should apply to the scrutiny of subordinate legislation made by the Welsh Ministers that will arise as a consequence of the Bill.

This inquiry, which could track the progress of the Bill through the UK Parliament, could aim to influence amendments that may be needed to the face of the Bill. Alternatively, should the Bill be amended to allow the National Assembly to introduce its own scrutiny procedures for subordinate legislation, it could help the Business Committee's consideration of any changes required to Standing Orders.

We would welcome your thoughts on this approach and look forwarding to hearing from you in due course.

I am copying this letter to the Chair of the External Affairs and Additional Legislation Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

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

