



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

Bernard Jenkin MP  
Chair, Public Administration and Constitutional Affairs Committee  
House of Commons  
London SW1A 0AA

28 November 2017

Dear Mr. Jenkin,

### **Inquiry into devolution and exiting the EU**

I noted with interest your Inquiry into Devolution and Exiting the European Union. This is a key area for the parliaments of the United Kingdom as we consider how to put in place new arrangements following our withdrawal from the European Union.

The National Assembly for Wales' External Affairs Committee has produced a number of relevant reports into the implications for Wales of leaving the European Union and legislation relating to this process. I am sure they will be of interest to your Committee.

I would like, in particular, to address your fourth area of inquiry: **How can the four UK Governments and Parliaments promote wider and deeper trust and understanding in their relationships?**

Our Constitutional and Legislative Affairs (CLA) Committee has been conducting its own inquiry into interinstitutional relations, entitled A Stronger Voice for Wales. I expect that this report when published will prove of use to your Committee's inquiry. I gave my evidence to this inquiry on 3 July 2017. The transcript for this meeting is publicly available on the National Assembly's website.

The key points that I made were as follows:

#### **Inter-parliamentary relations**

1. Collaboration between the Assembly and other institutions has increased and continues to do so. Where joint scrutiny has been carried out it has been well received.
2. The need for more formalised inter-parliamentary arrangements will depend on how inter-governmental arrangements evolve.

**Cynulliad Cenedlaethol Cymru**

Bae Caerdydd, Caerdydd, CF99 1NA

Llywydd@cynulliad.cymru

www.cynulliad.cymru

0300 200 7403

**National Assembly for Wales**

Cardiff Bay, Cardiff, CF99 1NA

Llywydd@assembly.wales

www.assembly.wales

0300 200 7403



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

### **Inter-governmental relations**

3. Any new inter-governmental decision-making arrangements (such as the Council of Ministers proposed by the First Minister of Wales) must be based on clear principles of subsidiarity, parity of esteem and transparency.
4. Such arrangements would require new inter-parliamentary oversight and collaborative arrangements to ensure effective scrutiny by the UK's legislatures.
5. Effective scrutiny by the respective parliaments of their governments will require increased transparency and equal access to information.

### **Legislative Consent**

6. Legislative consent procedures must be fit for purpose, legally enforceable and afforded equal status by Westminster in respect of all the nations of the UK.
7. Currently, the UK Government could disregard the process, for example in respect of Brexit legislation. Strong arguments were presented during scrutiny of the Wales Bill on the case for making it a robust process.
8. The scope of legislative consent arrangements in respect to each of the devolved nations is currently different; it should apply consistently.
9. The UK Parliament's procedures need to provide greater transparency on whether the Assembly has consented or not, and respect the Assembly's decisions across all legislation, including subordinate legislation. In my oral evidence to the Assembly's CLA Committee, I raised the question of whether there should be a vote in the Commons if consent has not been given by the National Assembly on any particular issue.
10. Any proposal to share powers in areas of devolved competency post-Brexit should be agreed by the legislatures of the UK, not just the devolved governments.

### **Joint Working at Committee Level**

11. There is significant collaboration and joint-working between committees of the Assembly and other parliaments. Most of it is relatively informal.
12. There has been some joint scrutiny and it has worked well.
13. Discussions are taking place between committee officials and their counterparts in other legislatures as to how to enhance joint-working in key areas e.g. Brexit.

**Cynulliad Cenedlaethol Cymru**

Bae Caerdydd, Caerdydd, CF99 1NA

Llywydd@cynulliad.cymru

www.cynulliad.cymru

0300 200 7403

**National Assembly for Wales**

Cardiff Bay, Cardiff, CF99 1NA

Llywydd@assembly.wales

www.assembly.wales

0300 200 7403



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

14. Committees on specific matters should come together e.g. environmental committees, especially if common UK policy frameworks emerge from Brexit.
15. Potential obstacles to greater inter-parliamentary relations include the practicalities of additional meetings, the divergent constitutional ambitions of the constituent nations of the UK and House of Commons Standing Orders. I would support a change to House of Commons Standing Orders to facilitate formal joint committee working. It is positive to note that since I gave evidence to the inquiry, the first Inter-parliamentary Forum on Brexit took place on 12 October 2017 and was attended by the Chairs of the Assembly's CLA and EAAL Committees. A statement was issued after the meeting.
16. I also note that the "statement of principles" published following the Joint Ministerial Committee (European Negotiations) on 16 October to guide negotiations around any potential UK or GB wide common frameworks after Brexit includes a commitment that "frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures."

It is clear that the constitutional position in the UK is changing and the purpose and nature of our inter-institutional arrangements need to reflect that, particularly in the context of the UK's withdrawal from the European Union. I trust that this is of assistance and I look forward to reading your report in due course.

Yours sincerely,

Elin Jones AM  
Llywydd

**Cynulliad Cenedlaethol Cymru**

Bae Caerdydd, Caerdydd, CF99 1NA

Llywydd@cynulliad.cymru

www.cynulliad.cymru

0300 200 7403

**National Assembly for Wales**

Cardiff Bay, Cardiff, CF99 1NA

Llywydd@assembly.wales

www.assembly.wales

0300 200 7403