

Rt Hon Carwyn Jones AM
First Minister of Wales

23 March 2018

Dear First Minister,

European Union (Withdrawal) Bill: Scrutiny arrangements

The Secretary of State for Wales wrote to the Llywydd on 16 March 2018 in relation to changes to the European Union (Withdrawal) Bill ('the Withdrawal Bill'), copied to you and the External Affairs and Additional Legislation Committee.

In that letter, the Secretary of State writes:

"There remain some outstanding issues relating to scrutiny arrangements by the Assembly where the First Minister's view, as set out in his 5 February letter, differs from the recommendations made by the Assembly's Constitutional and Legislative Affairs Committee following its scrutiny of the Bill. I have asked the First Minister to confirm whether his consideration of the Committee's recommendations have resulted in any change in what he is seeking."

Whilst the Constitutional and Legislative Affairs Committee ('the CLA Committee') has proposed detailed scrutiny arrangements for the subordinate legislation that will flow from the Withdrawal Bill, this remains an area of considerable interest to us as the Assembly committee charged with overall scrutiny of the Brexit process.



Without commenting on the detail of the CLA Committee's proposals, we believe that they are broadly in line with our position on scrutiny arrangements, as expressed in the sixth objective that we set for improving the Withdrawal Bill.

In discussing our position on the setting of scrutiny arrangements, the Cabinet Secretary for Finance has previously been clear in stating that this should be a matter for the Assembly to determine.

I would be grateful if you could provide us with details of how your position differs from that of the CLA Committee's recommendations and whether it differs from our position as expressed in our sixth objective for the Withdrawal Bill.

A copy of our objectives for the Withdrawal Bill are enclosed for ease of reference.

A second point we wish to raise is in relation to enhanced explanatory material.

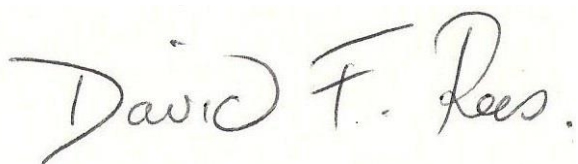
The Secretary of State, in paragraph 3.3 of the annex to his letter to the Llywydd dated 16 March, states:

“The First Minister has confirmed that the requirements for enhanced explanatory material relating to the effect of SIs and equalities statements should not be applied to Welsh Ministers' powers.”

I would be grateful if you could confirm your reasons for this decision.

I have copied this letter to the Chair of the CLA Committee and the Llywydd.

Yours sincerely,



David Rees AM, Chair of the External Affairs and Additional Legislation Committee
Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

