



Rt Hon Alun Cairns MP
Secretary of State for Wales
1 Caspian Point
Cardiff Bay
CF104DQ

22 March 2018

Dear Alun

Changes to the European Union (Withdrawal) Bill

You wrote to me on 16 January 2018 (and again on 16 March 2018) regarding the European Union (Withdrawal) Bill (the Bill). In particular, you provided an update on amendments made to the Bill at Committee stage in the House of Commons and included a list of questions relating to scrutiny procedures that should apply to regulations in devolved areas.

At the time of your letter, the National Assembly's Constitutional and Legislative Affairs Committee (CLA Committee) had already initiated its inquiry into the powers in the Bill to make subordinate legislation. Its report, *The Scrutiny of regulations made under the European Union (Withdrawal) Bill*, was laid and published on 16 February and covers the questions you raised in your 16 January letter.

The Chair of CLA Committee wrote to you on 16 February enclosing its report and setting out its views on all the issues raised in your 16 January letter.

On 7 March, Assembly Members debated the report of the CLA Committee and unanimously endorsed recommendations 1, 2, 4 and 7. For ease of reference, those recommendations are set out in an annexe to this letter.



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Therefore, I draw your attention to those recommendations and ask that you receive this letter as formal notification of the National Assembly for Wales's position on what amendments should be made to the Bill in respect of procedures for the scrutiny of subordinate legislation.

I agree that it is important that your officials work closely with Assembly officials in the drafting of these amendments before they are tabled to ensure that the recommendations of the CLA Committee are effectively translated to amendments to the Bill.

I am copying this letter to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee, David Rees AM, Chair of the External Affairs and Additional Legislation Committee and the First Minister.

Yours sincerely,

Elin Jones AM

Llywydd

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

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Annexe – Constitutional and Legislative Affairs Committee report ‘*Scrutiny of regulations made under the European Union (Withdrawal) Bill*’ - recommendations 1, 2, 4 and 7

Recommendation 1. We recommend that the sifting mechanism currently included in the Bill should be extended to cover all regulations that are made under the Bill and are laid before the National Assembly, and that a committee of the National Assembly is responsible for making a recommendation as to the appropriate procedure for the regulations.

Recommendation 2. The recommendation made by the sifting committee under recommendation 1 should be binding, save where the National Assembly resolves otherwise. This requirement should be reflected on the face of the Bill.

Recommendation 4. We recommend that the Bill is amended in line with paragraphs 44 to 46 of this report, which include endorsements of recommendations made by the House of Lords Constitution Committee and the House of Lords Delegated Powers and Regulatory Reform Committee.

Recommendation 7. We recommend that the made affirmative procedure for urgent cases should also apply to regulations made by the Welsh Ministers (whether acting alone or acting with UK Ministers in composite regulations or acting with UK Ministers in joint regulations) in order for there to be consistent treatment of ministers of all governments.