



Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales

SeneddCLA@assembly.wales

25 April 2018

Dear Mick

I am writing in response to your letter of 17 April about the Welsh Government's response to your Committee's report on scrutiny of regulations made under the European Union (Withdrawal) Bill.

I am genuinely sorry if there has been any confusion about the Welsh Government's approach to the Committee's recommendations, particularly recommendation two, which was that the recommendation of the sifting committee should be binding, save where the Assembly resolves otherwise. To a large extent this is simply a result of the accelerated timescale with which your Committee's report was considered by the Assembly, for reasons I understand.

Your report was published on 16 February and the debate took place on 7 March (with the motion tabled on 28 February). At that point the Welsh Government had simply not had adequate time to fully consider the implications of all the recommendations, and normal practice in such circumstances is for the Assembly to be asked to take note of the Committee's report. During the debate the Leader of the House explained that the Welsh Government fully understood why the Committee had sought the endorsement of the Assembly before the Welsh Government had had the opportunity to respond formally, but she equally was very clear that as we had not had the chance to respond formally, our support for the motion was qualified insofar as we were reserving our position in respect of recommendation two, and that we wished to reflect further before we formally responded.

Having carefully considered our position, the Leader of the House responded formally to you on 27 March, confirming our position on the Committee's recommendations, and the reasons why we do not agree with recommendation two. I subsequently wrote to the Secretary of State for Wales on 29 March, copied to you, to the chair of EAAL Committee, and to the Llywydd.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As we made clear in the debate, and in our formal response to your Committee, we believe that in the vast majority of cases we will accept the recommendation of the sifting committee, particularly bearing in mind the ability of any Member to table a motion of annulment under Standing Order 27.2 for any statutory instrument made subject to the negative resolution procedure. However, there may be situations where – for reasons of urgency – we will need to act more quickly than the affirmative procedure provides for, and it is essential the government retains the flexibility to do so.

I am copying this letter to the Llywydd and to the Leader of the House and Chief Whip.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

CARWYN JONES