

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Ref: 52SOS 18

3 June 2018

Dear Mick,

Thank you for your letter of 11 May regarding the application of amendments to the European Union (Withdrawal) Bill ("the Bill") in relation to the sifting committee of the National Assembly for Wales.

You are right to point to the different arrangements in the Assembly as compared to Westminster. These differences mean that it is not appropriate to define the length of time committees in the Assembly are given to carry out a sift in the same terms as Parliamentary committees. Following consultation with the Welsh Government we determined that a 14-day period, discounting days on which the Assembly is dissolved or in recess for a period of more than four days, would be an appropriate time period to carry out a sift.

We have endeavoured to provide a broadly similar timescale for sifting to take place in the Assembly as in Parliament. I recognise your concerns however that in some circumstances the Assembly may have a shorter time in which to sift. It is of course open to the Assembly to modify the procedures set out in the Bill (following enactment) or extend the statutory time period for sifting.

With respect to Lord Lisvane's amendment to the Bill, the Government is giving careful consideration to its response to the amendment in light of the debate at the Bill's Lords Report stage. We will work with the Welsh Government and the Assembly Commission on any implications for Wales.

The new Devolution Guidance Note (DGN 18) *Parliamentary and Assembly Primary Legislation Affecting Wales* describes how officials should interact with the new reserved powers model, which came into force on 1 April. As such it has replaced DGNS 9 and 17 which describe the previous settlement. In preparing the new guidance my department worked extensively with officials across Whitehall and consulted officials in the Welsh Government and the Assembly Commission.

We recognise in the new guidance that there are some instances in parliamentary Acts relating to the UK's exit from the EU where Statutory Instruments in devolved areas made in Parliament do not require the Assembly's consent. However, the guidance makes clear that these are exceptions to the rule, and ordinarily the UK Government needs to seek Assembly consent for any SI it is bringing forward in a devolved area (through a Statutory Instrument Consent Motion (SICM)).

Finally, I can confirm that the UK Government intends to provide guidance to departments on the establishment of common frameworks and the Intergovernmental Agreement. The guidance will be published as soon as possible after the Bill gains Royal Assent. It will however be internal guidance for UK Government officials, and as such a public consultation on its content is not being undertaken.

I am copying this letter to Chloe Smith MP, Minister for the Constitution, Elin Jones AM, Presiding Officer to the National Assembly for Wales, the Rt Hon Carwyn Jones AM, First Minister, and Julie James AM, Leader of the House and Chief Whip.



Rt Hon Alun Cairns MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru