

Julie James AM
Leader of the House and Chief Whip

11 July 2018

Dear Julie

European Union (Withdrawal) Act 2018 – regulations made under Schedule 4

Further to your attendance at our meeting on 11 June 2018, I would like to return to an issue raised at the meeting regarding the power to make regulations under Schedule 4 of the European Union (Withdrawal) Act 2018 (the Act).

We believe there is lack of clarity in the Act with regard to the sifting process and regulations made under Schedule 4 to the Act. While the sifting process clearly does not apply to Schedule 4 regulations made by UK Ministers, the Act is less clear as to whether the sifting process applies to Schedule 4 regulations made by the Welsh Ministers.

In brief, the confusion stems from paragraph 12(3) of Schedule 7 to the Act, which applies (among other things) paragraphs 1(8), 1(9) and 1(10) of Schedule 7 to regulations made by the Welsh Ministers under Schedule 4. We accept that paragraphs 1(8) and 1(9) need to apply to such regulations, but it is the application of paragraph 1(10) which causes the confusion.

We do not believe that the sifting process is intended to apply to negative resolution regulations made by the Welsh Ministers under Schedule 4 (and we believe that the UK Government is of the same opinion).

We would be grateful for your view as to whether the Welsh Government will be making negative resolution regulations under Schedule 4 without following the sifting process.

I look forward to receiving your response at the earliest opportunity.

I am copying this letter to the Cabinet Secretary for Finance.



Yours sincerely,

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw

Chair

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

