

Julie James AC/AM
Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-L/JJ/0429/18

Mr Mick. Antoniw AM
Chair of the Constitutional and Legislative Affairs Committee
National Assembly for Wales

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20 July 2018

Dear Mick,

I wrote to you in January and March about the use of subordinate legislation-making powers included in the UK Government's European Union (Withdrawal) Act ("the Act"). I am also writing in response to recommendation 4 of your Committee's report on "*Scrutiny of regulations made under the European Union (Withdrawal) Act 2018: operational matters*", published on 10 July.

I also wrote to you in June and stated in that letter that, in the extraordinary circumstances of the UK leaving the EU, the Welsh Government is willing to allow UK Ministers to make uncontroversial, technical correcting regulations in devolved areas under the Act, with the consent of Welsh Ministers.

Given these parameters, officials have been working intensively to develop delivery plans. They are confident that they have identified all the EU-derived domestic instruments covering areas devolved to Wales that require correction in order to ensure their operability post-exit and believe they have a clear idea of what needs to be corrected.

In my letter in June I also said that there are around 400 EU-derived domestic instruments that contain deficiencies which are likely to need to be addressed. This figure includes all the domestic legislation that requires correction whether or not it is Welsh made. In order to correct the deficiencies in these instruments around 50 statutory instruments (SIs) will need to be made by the Welsh Ministers.

It is important to note that while the number of EU-derived domestic instruments that require addressing is unlikely to change significantly, it is almost certain that there will be a fluctuation in the figure given for SIs made by the Welsh Ministers as the programme progresses. Officials are continuing their work to group SIs but it is difficult to give a completely clear account of this work as it will be informed by policy and drafting decisions to be made by the UK Government and our response.

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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.

Amendments to Schedule 2 of the Act, made in May also give powers to the Welsh Ministers to correct deficiencies in directly applicable EU instruments in certain cases. Officials are working with UK Government officials to identify how best to make changes to these instruments. However, work is not sufficiently advanced to allow me to provide the number of SIs that may be produced in this area.

Officials are continuing to work on the best way in which to bring forward corrections and to identify when they will need to lay the correcting SIs in their areas and to prioritise them. We plan to begin laying the correcting SIs in the autumn.

The Cabinet Secretary for Finance and I would be willing to meet with you informally.

Yours sincerely,



Julie James AC/AM

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