

Lesley Griffiths AM
Cabinet Secretary for Energy, Planning and Rural
Affairs

24 September 2018

Dear Lesley

UK Agriculture Bill

At last week's meeting of the Constitutional and Legislative Affairs Committee, members considered your written statement of 12 September 2018 regarding the Introduction of the UK Agriculture Bill. Members also discussed the accompanying joint statement by the UK Government and the Welsh Government regarding the Agricultural Framework Progress Update of September 2018.

We have noted that, through the UK Bill, Welsh Ministers will be provided with substantial delegated powers in a number of significant areas. These areas include new financial powers for future agricultural schemes, the setting of marketing standards, supporting rural communities, and the modification of retained EU law relating to the CAP Basic Payment Scheme.

We have also noted that the UK Bill will give Welsh Ministers broad powers to give financial assistance to the agriculture industry in Wales without the need for primary legislation that may be fully scrutinised by the National Assembly. In highlighting this point, we acknowledge that the Assembly will have scope, albeit limited, to consider the UK Agriculture Bill as part of the legislative consent process.

While a number of these powers will mean that subordinate legislation made by Welsh Ministers under the UK Agriculture Bill will be subject to the affirmative procedure in the National Assembly, we have noted that, as drafted, the UK Bill will enable Welsh Ministers to bring forward subordinate legislation using the



negative procedure in a number of key areas. These include the modification of legislation that governs the basic payment scheme, and changing the EU Regulation on the financing, management and monitoring of the common agricultural policy. On this point, we would be grateful for your reasoning as to why you have asked the UK Government to include such powers in the Bill.

We further noted that it is not your intention to bring forward regulations (subject to the UK Bill being enacted) until the Welsh Government's policy development process has concluded. In your statement, you have reiterated the commitment in "Brexit and our Land" to bring forward a white paper in spring 2019. As the Committee responsible for scrutinising delegated legislation in the National Assembly, I would be grateful if you would keep us informed of the timetables for bringing forward these regulations.

Both your written statement and the Joint Statement state that the Welsh Government and the UK Government are of the view that the majority of the future agricultural framework will be managed through non-legislative, intergovernmental working. We would be grateful if you could elaborate on why this is the case and provide details of the minority of areas which you believe will require legislative under-pinning.

You may be aware that this Committee is in the process of finalising a written agreement with the Welsh Government (led by the Cabinet Secretary for Finance) that will represent the agreed position of the National Assembly for Wales and the Welsh Government on the information that the Welsh Government will provide to the National Assembly with regard to its participation in inter-governmental meetings, concordats, agreements and memorandums of understanding. Therefore we would also be grateful to receive information about any inter-governmental deals currently being discussed in respect of agriculture.

Finally, we note that you are continuing to work with the UK Government to resolve your outstanding concerns (namely provisions relating to the World Trade Organisation (WTO) Agreement on Agriculture and the Red Meat Levy) before bringing forward advice to the Assembly on legislative consent. We look forward to considering any Legislative Consent Memorandum for this UK Bill when such a Memorandum is laid before the Assembly.

This letter is copied to the Chair of the Climate Change, Environment and Rural Affairs Committee.



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.

