

STATUTORY INSTRUMENT CONSENT MEMORANDUM

The UK Statistics (Amendment etc) (EU Exit) Regulations 2019

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“the Assembly”) if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The UK Statistics (Amendment etc) (EU Exit) Regulations 2019 (“the Regulations”) was laid before Parliament on 24th January 2019 and is now being laid before the Assembly. The order can be found at: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-uk-statistics-amendment-etc-eu-exit-regulations-2019>

Summary of the Statutory Instrument and its objective

3. The purpose of the Regulations is to correct deficiencies in legislation arising from the UK leaving the European Union in relation to the provision of statistical information.
4. The Regulations will update references to “EU obligations” and “EU legislation” from the Statistics and Registration Services Act 2007 by replacing them with their retained equivalents. The Regulations also make an equivalent amendment to the Data Protection Act 2018.
5. The Regulations will also amend the Public Contract Regulations 2015, the Concession Contracts Regulations 2016, the Utilities Contracts Regulations 2016 and the Electricity Supplier Obligations (Amendment and Excluded Electricity) Regulations 2015 to enable the retention of references to a classification of economic activity. The latter of those is outside devolved competence.
6. The Regulations also revoke retained EU law that requires the UK to provide statistical information to the European Commission, but since these amendments could not be made by the Welsh Ministers (as they are outside devolved competence) they do not require approval.

Relevant provision to be made by the SI

7. The Regulations amends sections 29, 39, 45A, 45B and 45C of the Statistics and Registration Service Act 2007 to update references to EU law and EU obligations to their retained EU law equivalents. This will ensure that those references continue to operate effectively post exit. For example, where the 2007 Act prohibits the release of information which

would be contrary to EU law that bar to release will continue to be effective post exit.

8. It is the view of the Welsh Government that the provisions described in paragraph 7 above fall within the legislative competence of the National Assembly for Wales in so far as they relate to the provision of statistical information.

Why it is appropriate for the SI to make this provision

9. There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK and Wales, which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

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Minister for Finance and Trefnydd
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