

Rebecca Evans AM
Minister for Finance and Trefnydd
Welsh Government

6 February 2019

Dear Rebecca

The Public Procurement (Amendment Etc.) (EU Exit) Regulations 2019

The Constitutional and Legislative Affairs Committee considered the Welsh Government written statement issued under Standing Order 30C for the above named regulations at its meeting on 4 February 2019.

I would like to draw your attention to concerns we have with the written statement(s).

The Welsh Government laid a written statement under Standing Order 30C in respect of these Regulations on 18 December 2018. A Statutory Instrument Consent Memorandum, under Standing Order 30A, was also laid. The Committee considered the Statutory Instrument Consent Memorandum and written statement at its meeting on 14 January 2019.

We now note that the Welsh Government has laid this further written statement in respect of the same Regulations. We would be grateful to receive clarification as to when and why the original statement was withdrawn, and why a second statement was not then laid until 25 January 2019.

I would also like to draw your attention to a number of concerns we have with the Regulations.

The written statement lists the legislation being amended by the Regulations, but it does not identify which legislative powers of the National Assembly or executive powers of the Welsh Ministers are affected by this instrument. The written statement says that the Regulations enable functions to be exercised by the Cabinet Office in relation to Devolved Welsh Authorities, either with the



consent of the Welsh Ministers or exercised concurrently with the Welsh Ministers. However, the written statement does not say whether this relates to all functions, whether the Regulations restate existing arrangements, or whether these represent new arrangements in terms of how functions are exercised in relation to devolved Welsh Authorities. We would be grateful for clarification on this matter.

In addition, the written statement correctly identifies implications for the National Assembly's competence in the future, at which point Minister of the Crown consent will be needed under Schedule 7B of the Government of Wales Act 2006 to make any changes in these areas. However, if these are new arrangements it is unclear why the Welsh Government did not lay a Statutory Instrument Consent Memorandum as it did, in December 2018, in relation to changes that these Regulations make to the Equality Act 2010.

I would be grateful for a response and clarification on the matters raised above by 14 February 2019.

Yours sincerely



Mick Antoniw
Chair

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

