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Llywodraeth Cymru
Welsh Government

David Rees AM
Chair
External Affairs and Additional Legislation Committee
National Assembly for Wales

SeneddEAL@assembly.wales

11 March 2019

Dear David,

I am writing to you following my appearance at the External Affairs and Additional Legislation Committee on 4 February to provide you with more detailed information about the Welsh EU Exit SI programme, the progress to date and possible future SIs relating to EU Exit.

By the week of my appearance, 29 proposed negative procedure statutory instruments had been laid before the National Assembly for consideration by the Constitutional and Legislative Affairs Committee (CLAC) for sifting, as required for SIs proposed for the negative procedure to be made under the EU (Withdrawal) Act 2018. Of these 29, the committee agreed that 27 should be made by the negative procedure. All of these have now been laid before the National Assembly. Three further SIs have been made under the negative procedure but not using powers under the EU (Withdrawal) Act. All of these negative SIs are being laid in time for them to come into force by 29 March.

CLAC considered two of the proposed negative SIs should be subject to the affirmative procedure and the Welsh Government accepted both recommendations, laying a draft of the first as affirmative on 19 February and the second on 5 March. Including these, we have laid 11 affirmative SIs to be considered by the National Assembly ahead of exit day. For ease of reference, I have attached a table of all the EU Exit SIs laid before the National Assembly to date.

Additionally, we are anticipating up to eight SIs, which are intended to come into force after 29 March. The majority of these would make amendments to Welsh law in consequence of UK legislation, which has not yet been made. For example, we may need to make amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 but these are dependent on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, which is undergoing Parliamentary scrutiny. Further SIs may be required as a result of emergency legislation made in response to a no deal exit on 29 March, should that situation occur.

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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.

The remainder of the SIs are unrelated to UK legislation currently in Parliament and will come into force after exit day as their provisions do not need to take effect until a later date. We are endeavouring to lay these at the earliest opportunity to enable scrutiny of the complete picture of EU Exit SIs.

I hope this information is of use to the committee in providing a more detailed context for your consideration.

I am copying this letter to Mick Antoniw AM, chair of the Constitutional and Legislative Affairs Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremy Miles'.

Jeremy Miles AM

Y Cwnsler Cyffredinol a Gweinidog Brexit
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List of Welsh EU Exit Statutory Instruments Laid in the National Assembly to date

Negative Procedure

1.	The Elections (Wales) (Amendment) (EU Exit) Regulations 2019
2.	The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019
3.	The Environmental Noise (Wales) (Amendment) (EU Exit) Regulations 2019
4.	The Equality Act 2010 (Statutory Duties) (Wales) (Amendment) (EU Exit) Regulations 2019
5.	The Animal By-Products and Transmissible Spongiform Encephalopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
6.	The Livestock (Records, Identification and Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
7.	The Radioactive Contaminated Land (Modification of Enactments)(Wales) (Amendment) (EU Exit) Regulations 2019
8.	The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019
9.	The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendment) (Wales)(EU Exit) Regulations 2019
10.	The Service Charges (Consultation Requirements) (Wales) (Amendment) (EU Exit) Regulations 2019
11.	The Zoonotic Disease Eradication and Control (Amendment) (Wales) (EU Exit) Regulations 2019
12.	The Exotic Diseases in Animals (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
13.	The Equine Identification (Wales) (Amendment) (EU Exit) Regulations 2019
14.	The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
15.	The Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019
16.	The Learner Travel (Wales) (Amendment) (EU Exit) Regulations 2019
17.	The Air Quality Standards (EU Exit) (Wales) Regulations 2019
18.	The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
19.	The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
20.	The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019
21.	The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019
22.	The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
23.	The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
24.	The Local Government Finance (Amendment) (EU Exit) (Wales) Regulations 2019
25.	The Marketing of Seeds and Plant Propagating Material (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

26.	The Teachers' Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019
27.	The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
28.	The Education (Student Finance) (Amendment) (EU Exit) (Wales) Regulations 2019 (Not made under Section 8 of the European Union (Withdrawal) Act 2018)
29.	The Sea Fish Licensing (Wales) Order 2019 (Not made under Section 8 of the European Union (Withdrawal) Act 2018)
30.	The Sea Fishing (Licences and Notices) (Wales) Regulations 2019 (Not made under Section 8 of the European Union (Withdrawal) Act 2018)

Affirmative Procedure

1.	The Local Authorities Capital Finance and Accounting Wales (Amendment)(EU Exit) Regulations 2019
2.	The Common Agricultural Policy (Amendment) (Wales) (EU Exit) Regulations 2019
3.	The Food (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019
4.	The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
5.	The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (Changed to Affirmative after sifting)
6.	The Plant Health (Forestry)(Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
7.	The Plant Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
8.	The Seed Potatoes (Wales) (Amendment) (EU Exit) Regulations 2019
9.	The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019 (Changed to Affirmative after sifting)
10.	The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019
11.	Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019