

**Jeremy Miles AC/AM**  
Y Cwnsler Cyffredinol a Gweinidog Brexit  
Counsel General and Brexit Minister



Mick Antoniwn AM  
Chair of Constitutional and Legislative Affairs Committee

Llywodraeth Cymru  
Welsh Government

09 April 2019

Dear Mick,

I am writing in response to your letters of 14 March and 21 March 2019, concerning the Environmental Damage (Prevention and Remediation) (Wales) (EU Exit) Regulations; the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019 and; the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019.

The Committee raised two main points in relation to these Regulations. Firstly, that the difference in the use of the word 'national' across different statutory instruments is confusing and unhelpful to the reader. Secondly, that an interpretation of the word 'national' to mean the United Kingdom does not adequately or thoughtfully respect devolution.

I acknowledge these points and would like to give the Committee assurance that the Welsh Government will be taking steps to ensure clarity and consistency of practice going forward. Subordinate legislation made by the Welsh Ministers will sometimes have to use the word 'national' to mean the United Kingdom, for example to be consistent with existing legislation, but it is important that the meaning of the word is clear in every case where it is used.

The Office of the Legislative Counsel are currently revising the Welsh Government's Legislative Drafting Guidelines, with a view to issuing a new edition later this year. This will take account of the Legislation (Wales) Bill if it is passed by the Assembly and of experience since the last edition of the guidance. The revised guidance will cover points that have been raised by the Committee and others, including the issues that can arise with the word 'national'. In the meantime, the matters raised by the Committee will be communicated to officials in order to raise awareness and to ensure clarity going forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Miles', written in a cursive style.

**Jeremy Miles AM**  
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Counsel General and Brexit Minister

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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.