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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-L/CG/0475/19

Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee
National Assembly for Wales

18 June 2019

Dear Mick,

LEGISLATION (WALES) BILL

The purpose of this letter is to inform the Committee that I have today laid a revised Explanatory Memorandum to the Legislation (Wales) Bill before the National Assembly. The Memorandum reflects the changes made to the Bill by the Committee during the Stage 2 proceedings.

One of those changes was to section 2(7) which now provides for an annual report to the National Assembly on progress made under programmes to improve the accessibility of Welsh law. Paragraph 161 of the Explanatory Memorandum (and Table 6) covers the annual report, but I also draw your attention to new paragraphs 217 and 218 which cover post-implementation review. You will see this reflects commitments already given by the Government to review the effectiveness of the Bill mid-way through the first programme to be brought forward under Part 1 (i.e. in 2023).

During the Stage 2 proceedings I was invited to write to the Committee with our views on how Assembly Members could influence the content of the mid-term review. I strongly support the role of the Assembly in considering and evaluating reports made to it by the Counsel General under section 2(7), and indeed the mid-term review report. Similarly, I encourage the Assembly to review the legislation at any time it choses to.

Assembly Members have already begun to influence the shape and content of the mid-term review, in the Stage 1 reports of both this Committee and of the Finance Committee. For example, you will see from paragraph 217 of the revised Explanatory Memorandum, that the mid-term review will include details of the resourcing and financial implications of delivering the first programme. The evidence that this Committee took during Stage 1 also covered reporting, and we will take account of that as we develop the approach to reporting.

Thought now needs to be given to the nature of the review, so that we can ensure any baseline information can start to be collected or any particular kind of engagement with stakeholders can be planned effectively. The views of the Committee would be welcome in helping to develop that early thinking.

I envisage that the mid-term review would primarily do two things: firstly, it would report on the progress of implementing the progamme to improve the accessibility of Welsh law and to consider whether the proposed content of it should be changed; and secondly (and more generally) it will provide post-legislative scrutiny of the Bill itself, including the Parts 2 and 3.

I would like to make my officials available to the Committee – perhaps once the Bill has been passed and my position statement on consolidation and codification has been published – to understand what the Committee would consider important, and to gain a fuller appreciation of how current Members could envisage a future Assembly engaging in the process of the mid-term review. I hope that these conversations could help shape any views this Committee may want to pass on to its successor towards the end of this Assembly.

Please be assured that in the meantime I will continue to take account of the work of the Committee in scrutinising this Bill, to help shape how the post-implementation review should be undertaken.

Yours sincerely,

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