



Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: EJ/AJ

07 May 2019

Dear Mick,

Thank you for your letter regarding the application of Standing Order 30A.

As you are aware, it is a long-established convention that the UK Parliament will not normally legislate with regard to devolved matters without the consent of the Assembly. Within that context, Standing Orders 29 and 30A set out the Assembly's procedures for signifying consent to provisions in Bills and Statutory Instruments before the UK Parliament that make provision either within, or modifying, the Assembly's legislative competence.

While the practical operation of the convention relies much on inter-governmental working, the convention is fundamentally an inter-Parliamentary one in that it is the Assembly that gives consent for the UK Parliament to legislate within its competence. That inter-Parliamentary dimension is reflected in the fact that since 2013 the Clerk of the Assembly has notified her peers in the Commons and Lords when the Assembly has passed or rejected a consent motion, so that Members of Parliament can be informed of the Assembly's decision via the order paper.

While neither Standing Order 29 nor 30A require a member of the government, nor anyone else, to table a consent motion in relation to relevant provisions in any UK Bill or Statutory Instrument, the tabling and passing of such a motion is the only way that the Assembly's consent to such provisions can be sought and given. If no such motion has been considered – let alone passed – by the Assembly in relation to a relevant provision in a UK Bill or Statutory Instrument, the Assembly cannot be said to have given its consent to that provision. I would be concerned if the UK Parliament were proceeding to legislate in those circumstances, as it would seem to me to breach the convention of only legislating with the Assembly's express consent.



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

On your final point, the provision for a Member other than a member of the government to table a consent motion was introduced in 2013 alongside removing the requirement for the government to table a motion in relation to each and every memorandum laid. The procedure was designed to be used in circumstances where the government's memorandum indicated that the government does not consider it appropriate for consent to be given, and enables other Members then to make the opposite case and to table a consent motion to that effect. It was not anticipated it would be needed in situations where the government supports the proposed UK legislation, as in those circumstances the expectation is that government would table their own motion seeking the Assembly's consent for the legislation to proceed.

I hope that provides clarity for the Committee on my interpretation of the relevant Standing Orders.

Yours sincerely,

Elin Jones AM
Llywydd