

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Elin Jones AM  
Llywydd  
National Assembly for Wales

11

December 2019

Dear Elin

**Withdrawal of The Sustainable Drainage (Enforcement) (Wales) (Amendment) Order 2019**

I wish to inform you that the Welsh Government intends to withdraw The Sustainable Drainage (Enforcement) (Wales) (Amendment) Order 2019 which was approved by the National Assembly in Plenary on 26 November.

Normally I would have signed the Order soon after the Plenary session. However subsequent to the Assembly debate, it was noticed Article 1(2)) had not been completed and so the Instrument approved by the Assembly did not contain any provision for it to come into force.

My officials have sought to identify whether this information could now be included, or the intention for commencement achieved by some other means. However, the conclusion we have reached is the error prevents the instrument being able to come into force at all.

As a result, unfortunately there is no available solution other than to withdraw the Instrument and re-lay it after the Christmas recess. As such, the scrutiny process will need to start afresh and a further plenary debate will be required to seek approval to a new Statutory Instrument. Fortunately, the legal change we are seeking to bring about is not time critical.

We have introduced additional steps within our internal checking processes to seek to avoid such a situation arising on another Statutory Instrument, and will be sharing the learning from this incident within the teams that work on the preparation of Subordinate Legislation.

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.

I apologise for any inconvenience to the National Assembly which will result from having to consider the Order again, albeit in a slightly revised form and that we have not been able to make the SI in accordance with the Assembly's approval. However, I hope you will agree this is the most appropriate solution in the circumstances.

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

Regards  
Lesley

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