



Our Ref: MA/KS/5217/19

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

17 December 2019

Dear Mick,

This letter is to inform you that I have laid a Statutory Instrument Consent Memorandum in the National Assembly for Wales in respect of *The Pilotage Act 1987 (Amendment) Regulations 2019*, as required by Standing Order 30A (SO30A).

This SI was made on the 4th October following a decision by the Department for Transport to separate the provisions of a previous SI related to EU Exit on the basis that the provisions with the regulations depended upon section 2(2) of the European Communities Act 1972. Section 2(2) was subject to repeal upon the planned Exit day of 31 October. It was made under negative resolution and the objection period is predicted to end in early January.

Welsh Government was not informed of this development until after the decision to make the SI had been taken. The objective of the SI is to update the definition of 'EEA State' in the Pilotage Act 1987. This relates to the acceptance of qualifications from states that are party to the EEA Agreement. As currently drafted, the definition of EEA State in the Pilotage Act 1987 does not include states that became a party to the EEA Agreement after May 2003 when the definition was inserted into the Act.

SO30A provides that any Member may table a motion for a debate on this SI. The First Minister's position, due to the volume of correcting SIs and limiting timescales, was to develop a compromise to ensure that Brexit related SICMs would be dealt with in a timely manner, whilst also ensuring that they would be brought to the Assembly's attention, always recognising that where any Member believed that a SICM should be debated by the Assembly, it would be open to them to table a motion.

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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.

In correspondence with you in August the First Minister stated that, as the majority of the programme to correct the statute book has been substantially completed, the time is right to re-examine this approach and revert to the normal procedure whereby Welsh Government table Motions for SICMs.

I will therefore be tabling a motion for debate in early January to ensure the Assembly has an opportunity to consider the SI before the expiry 40-day 'praying period', which enables MPs to reject the instrument.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken', with a long, sweeping flourish above the name.

Ken Skates AC/AM

Gweinidog yr Economi a Thrafnidiaeth
Minister for Economy and Transport