

Dawn Bowden AM
Chair, Committee on Assembly Electoral Reform

29 January 2020

Dear Dawn

Thank you for your letter of 16 December 2019.

I would first like to outline the role of our committee to set the context for our response.

Standing Order 21 requires us to scrutinise and report on all statutory instruments laid before the National Assembly. In addition, it may scrutinise and report on other subordinate legislation. We also scrutinise and report on all Bills laid before the National Assembly, as well as Legislative Consent Memoranda for UK Bills, Statutory Instrument Consent Memoranda and Standing Order 30C Written Statements. We undertake this work in accordance with deadlines set out within Standing Orders and by the Business Committee.

Our remit also extends to wider constitutional matters and is increasing to formally take on justice issues, in response to some of the recommendations contained in the report of the Commission on Justice in Wales.

We, and our predecessor Committee, have generally been composed of a small number of Members, meaning we are not, and have not been, party balanced. As a result, we have traditionally worked in a non-partisan way and that has become a strength of our committee¹.

Nevertheless, we recognise that our scope to undertake policy inquiries within our remit is limited because of the formal, time-dependent legislative scrutiny duties placed on us

¹ See [Letter to Llywydd, Chair of Business Committee 24 May 2018](#) for further views on the size of the Committee



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by the legislature and the variable flow of the legislation itself. This issue has been particularly relevant in the Fifth Assembly because the Committee's workload has increased as a consequence of scrutinising Brexit-related legislation and becoming a Stage 1 committee for two Assembly bills. Looking to the future, it is not yet clear how the UK's exit from the EU will impact on the nature and volume of primary and secondary legislation to be scrutinised by a committee with responsibilities under Standing Order 21.

So while a broad committee remit can provide the necessary flexibility to undertake work on cross-cutting matters, our legislative scrutiny obligations mean that the broader our remit becomes, the more difficult it will be to undertake inquiries in a timely manner across the range of responsibilities we hold. A larger parliament with more elected Members may permit a different committee structure, which may in turn allow for subjects within our current remit to be allocated to committees in a different way.

Related to this point, we believe that the Committee on Assembly Electoral Reform may wish to take account of the Commission on Justice in Wales' recent report, which makes recommendations for changes to existing Assembly structures.

I would also like to draw your attention to some of the findings contained in our predecessor Committee's report, **Making Laws in Wales**, about the impact the size of the National Assembly has on legislative scrutiny:

- paragraphs 222 – 233 considered the capacity of the Assembly to undertake legislative scrutiny generally;
- paragraphs 330 – 337 considered the scrutiny of subordinate legislation by committees;
- paragraphs 338 – 346 considered post-legislative scrutiny by committees.

Chapter 8 of the report considered Assembly committee structures (paragraphs 378-388) and the importance of data when making decisions about improving the scrutiny process. These sections may also, therefore, be of interest.

Furthermore, our **Stage 1 report on the Senedd and Elections (Wales) Bill** highlights evidence we received about Assembly capacity issues and this may also be relevant to your work.

Yours sincerely



Mick Antoniw AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

