



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

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

Our ref: PO798/EJ/OR

27 January 2020

Dear Mick,

Withdrawal of Statutory Instruments

Many thanks for your letter dated 13 January 2020 regarding the withdrawal of statutory instruments and the issues relating to The Sustainable Drainage (Enforcement) (Wales) (Amendment) Order 2019.

I agree with your view that it is not appropriate for the Welsh Government to use Standing Order 27.11 to unilaterally withdraw statutory instruments that have been approved by the Assembly. I also agree that the Welsh Government should only withdraw instruments in certain circumstances.

It is my interpretation that Standing Order 27.11 is intended to apply to subordinate legislation that has been laid but has not yet either been made by Welsh Ministers or approved by the Assembly. However, its current wording is also useful in providing sufficient flexibility for those very rare circumstances where it may be appropriate to withdraw instruments once they have been made or approved, and where revocation or other alternative options are not available. In these instances, I would always expect the government to explain the withdrawal, first to me and then to the Assembly.

Since the Minister wrote to me regarding this issue on 11 December, I understand that the Welsh Government decided not to withdraw the original order before laying a revised order on 14 January for debate in Plenary on 4 February.

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Nonetheless, I would still expect the Minister to provide an explanation during the Plenary debate outlining why a new order needs to be considered, and why the first was not made despite being approved by the Assembly.

Yours sincerely,

Elin Jones AM
Llywydd

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