

Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

23 December 2020

Dear Lesley

UK Environment Bill

Thank you again for your **letter dated 28 August 2020**, in which you responded to the recommendations we put to you in our **report on the Legislative Consent Memorandum for the UK Environment Bill** (first report).

At our meeting on 14 December 2020, we considered the **Supplementary Legislative Consent Memorandum (Memorandum No.2)** which you laid before the Senedd on 4 December 2020.

You will be aware that the Business Committee has **set us a reporting deadline** of 4 February 2021 for the Memorandum No.2. Given the relatively short time available for committee consideration, it would be helpful if you could respond to the questions set out below.

1. We note that you consider new clause 107 and new Schedule 16 to be within the legislative competence of the Senedd. Given this view, please can you say if you have:
 - a. requested that the UK Government table an amendment to the Bill to give the Welsh Ministers the same powers as the Secretary of State in relation to Wales?
 - b. pursued with the UK Government any amendments to the Bill to ensure the Welsh Ministers' involvement in the making of regulations that relate to Wales under Schedule 16?
2. Please can you elaborate on why you consider that new clause 107 and new Schedule 16 relate to matters within devolved competence when DEFRA say that it relates to the reservation in section C1, paragraph 65 of Schedule 7A to the *Government of Wales Act 2006* (the creation, operation, regulation and dissolution of types of business association)?



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3. Are there ongoing discussions between the Welsh and UK Government to try resolve the dispute as regards new clause 107 and new Schedule 16? If so, please can you provide the detail of such discussions.
4. Please can you provide us with all copies of correspondence between the Welsh and UK Governments about section 107 and Schedule 16 of the Bill (including any responses to your letters of 8 September and 4 December 2020)?
5. If an agreement on the dispute as regards new clause 107 and new Schedule 16 cannot be reached, what further action do you intend to take?
6. In relation to the concurrent plus functions in the Bill, we note that the Environment Bill is not covered by the Government of Wales Act 2006 (Amendment) Order 2021 that was laid before Senedd Cymru on 10 December 2020. Can you provide an update on how the Welsh Government intends to address the issues around the concurrent plus functions in the Bill?

We intend to address concerns that arise with your response of 28 August 2020 in our report on the Supplementary LCM. However, we would like to raise one issue with you regarding the response you gave to our recommendation 20, which in part asked for an explanation as to why you had not discussed clause 81 with UK Ministers. Your response stated that “Engagement at Official level has been sufficient to secure agreement on” clauses 81 and 82.

7. Please could you explain in respect of your response to the first bullet of recommendation 20:
 - the precise nature of the agreement between officials i.e. what has been agreed and the status of the agreement?
 - whether the agreement between officials, and its content, has been signed of by Ministers of both the Welsh and UK Governments?
 - why it was considered appropriate to not discuss a concurrent plus power with UK Ministers?

We would be grateful to receive a response by no later than 13 January 2021.

Yours sincerely,



Mick Antoniw MS

Chair of the Legislation, Justice and Constitution Committee

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

