



Mick Antoniw AM  
Chair, Constitutional and Legislative Affairs Committee  
National Assembly for Wales.

4 April 2019

Dear Mick,

Thank you for your letter dated 21 March 2019 regarding **The Developments of National Significance (Wales) (Amendment) 2019**, which the Committee discussed at its meeting on 18 March 2019.

The Government's response to the Committee's report began by stating:

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"As stated in the Committee's report, regulation 2(13)(b) inserts a new paragraph 8A into Schedule 1 of the Developments of National Significance (Wales) Regulations 2016. The wording used in the new paragraph 8A mirrors that used in Schedule 1, where "fel a ganlyn" has been used in the Welsh text to convey "as if" in the English text, where appropriate.

Similarly, regulation 2(14)(b) inserts a new paragraph (8) into Schedule 8 of the 2016 Regulations. The wording used in the new paragraph (8) mirrors that used in Schedule 8, where "fel a ganlyn" has been used in the Welsh text to convey "as if" in the English text, where appropriate."

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This was intended to explain that the amendments in question, which include the phrase "fel a ganlyn", were so worded for consistency with the wording and style of the original Regulations being amended (i.e. The Developments of National Significance (Wales) Regulations 2016). When amending text it is our custom to reflect the phraseology and style of the original text. Doing otherwise would create inconsistency within the original text. Our aim at all times is to ensure that the text is clear and accessible to the user, and one of the means to that end is to reflect the vocabulary and phraseology of the text being amended in the amending text.

We accept that "fel petai" (or "fel pe bai") is the usual or literal translation of the phrase "as if" and indeed, you will see that we normally use "fel pe bai" to convey "as if" in our legislation.

In response to the Committee's concern we have started to examine how we draft modifications in the Welsh-language text (i.e. when amendments are presented as text which is to be read in a certain way ("as if") in certain circumstances). We shall be amending our style guidance in this respect to ensure that our legislation continues to use clear and simple language.

It remains our opinion that, notwithstanding the Committee's point that "fel a ganlyn" is not a literal translation of "as if", the use of the phrase "fel a ganlyn" to convey "as if" was justifiable in this particular instance, in order to ensure consistency with the 2016 Regulations. I can assure you that we will bear the Committee's comments in mind and continue to strive to use clear and simple language in legislation, to ensure it is accessible to all.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JM', with a stylized flourish at the end.

**Jeremy Miles AM**

Y Cwnsler Cyffredinol a Gweinidog Brexit  
Counsel General and Brexit Minister