



Eich cyf/Your ref: PO798/EJ/OR
Ein cyf/Our ref

Elin Jones AM, Llywydd
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

12 February 2020

Dear Elin,

Withdrawal of Statutory Instruments

Thank you for the copy of your letter to the Chair of the Legislation, Justice and Constitution Committee regarding The Sustainable Drainage (Enforcement) (Wales) (Amendment) Order 2019.

I would like to reassure you that processes have been put in place to avoid similar circumstances arising in future.

This was a very unusual occurrence which has no precedent, either here in the Senedd, or at the UK Parliament. At the point the omission came to light, my officials liaised with Senedd Commission staff to discuss the approach to handling. Initially it was considered the appropriate course of action would be to withdraw the 2019 Order under Standing Order 27.11 when the replacement draft 2020 Order was laid, as set out in the letter from the Minister for Environment, Energy and Rural Affairs of 11 December. However, further discussions between our officials concluded that this was not how this Standing Order should be interpreted, and ultimately the 2019 Order was not withdrawn.

Thank you for setting out your interpretation of Standing Order 27.11, and your expectations of the Welsh Government were such an issue ever to arise again. I am happy to confirm if we need to withdraw an instrument once it has been made or approved, and where revocation or other alternative options are not available, we would explain our reasons to both you and the Senedd, as we have done on this occasion. During the plenary debate on the replacement Order on 4 February, the Minister for Environment, Energy and Rural Affairs provided an apology to the Senedd and an explanation why it was not possible for the 2019 Regulations to come into force.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

I am sending a copy this letter to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The script is cursive and fluid.

Rebecca Evans AC/AM

Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd