

Lesley Griffiths AM  
Cabinet Secretary for Energy, Planning and Rural Affairs

23 May 2018

Dear Lesley

### **The Agricultural Wages (Wales) Order 2018**

At our meeting on 23 April 2019, we considered The Agricultural Wages (Wales) Order 2018.

We raised both technical and reporting points, which the Welsh Government addressed in its response. However, at our meeting we undertook to write regarding the merits points relating to the breach of the 21 day rule. The Welsh Government's response did not accept our reporting point.

As we indicated in our report, it remains unclear to us why it took until 27 March 2018 to approve the draft Order, when the draft Order was submitted to the Welsh Ministers in January 2018.

We have also received no satisfactory explanation as to why the draft Order was not laid until after 4pm on 29 March. As you will be aware on Maundy Thursday, in line with the Table Office's recess opening hours, as agreed by Business Committee, the cut off period for publishing documents laid in the Table Office on that day was 3pm. Given the Welsh Government's welcome commitment to accessibility of the law, it is therefore disappointing that the document was not publicly available on the Assembly's website until 3 April, two days after it came into force.

In your letter to Llywydd on 29 March 2018, you indicated that the Agricultural Advisory Panel for Wales's original timeline proposed to have new Order in force on 1 April, the



same date the UK National Level Wage and National Minimum Wage increases took effect. This point was also made in the Government response. This would have meant that in order to avoid breaching the 21 day rule, the Welsh Government would have targeted early March for laying the instrument to avoid breaching the rule and should have known at that time the 21 day rule was going to be breached. It is therefore surprising to see the Welsh Government's response state:

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"A decision to breach the 21 day rule was made on 22nd March, so that the coming into force date of 1 April could be met to provide clarity for the industry in their business planning."

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The 21-day rule is an important rule and its inclusion in statute is a reflection of that importance. Breach of the rule must be taken seriously. We are therefore disappointed that in its response the Welsh Government does not appear to have taken this breach seriously on this occasion.

We therefore ask the Welsh Government to explain why:

- i. it did not decide to breach the 21 day rule until 22 March given its intention for the instrument to come into force on 1 April; and
- ii. having made that decision, it did not lay the instrument until after 4pm on 29 March, meaning that it could not be published until after the 1 April coming into force date.

I am copying this letter to Mike Hedges AM, Chair of Climate Change, Rural Affairs and Environment Committee.

Yours sincerely



**Mick Antoniw**

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

