

Rt Hon Alun Cairns MP
Secretary of State for Wales

23 March 2018

Dear Alun,

Amendment of clause 11 of the European Union (Withdrawal) Bill

Thank you for your letter dated 13 March 2018 to update me and the External Affairs Committee on the further steps the UK Government has taken in relation to the clause 11 of the EU (Withdrawal) Bill.

The Committee considered your letter alongside the amendments that have been tabled at its meeting on 19 March 2018.

We are pleased to see the improved level of engagement between the UK and Welsh Governments and are grateful for the steps you have taken to keep us informed of progress on these issues.

On the amendments to clause 11, we appreciate the UK Government's willingness to propose a solution to the impasse we currently face on the treatment of devolved areas of competence once EU law restrictions are lifted from them.

From our perspective, whilst it is clear that positive progress has been made, the amendments fall short of the six objectives we set for improving the Withdrawal Bill.



In the context of the amendments, a key factor for us is the failure to acknowledge a role for the Assembly in the control of powers for which it is responsible. We believe that any regulations laid under an amended clause 11, and any primary legislation utilised to establish frameworks in devolved areas, should be subject to the Assembly's legislative consent.

We note that the amendments were debated before being withdrawn or not moved in the House of Lords on 21 March 2017. We hope that the UK Government will bring forward amendments to meet our objectives in the coming weeks.

In your letter dated 13 March 2018, you state:

“The powers passing to the devolved administrations as a result of the amendment to clause 11 have never previously been held or exercised by the Welsh or Scottish governments, since the devolution settlements were created in the context of our membership of the EU”.

This appears to stand apart from the amendments to clause 11, which deal with the legislative competence of the Assembly as opposed to the powers of devolved governments.

Can you please clarify how this statement relates to the amendments to clause 11?

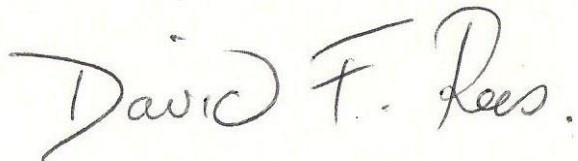
On 8 March, the Cabinet Office released a press statement (“UK Government to table devolution amendments to EU Withdrawal Bill”) that included the following text:

“[...] there would be a provision for the UK Government to maintain a temporary status quo arrangement over a small number of returning policy areas where an agreement for a UK framework had not been reached in time for EU Exit”.



We ask that you clarify how the UK Government's amendments to clause 11 limit the power described above to circumstances where "an agreement for a UK framework had not been reached in time for EU Exit".

Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large initial 'D' and 'R'.

David Rees AM, Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

