



Our ref MA(L)-JJ-0445-18

Mick Antoniw AM

Chair, Constitutional and Legislative Affairs Committee

17 September 2018

Dear Mick,

European Union (Withdrawal) Act 2018 – regulations made under Schedule 4

Thank you for your letter of 11 July about this. You say that you do not believe that the sifting process provided for by paragraph 4 of Schedule 7 to the Act is intended to apply to negative resolution regulations made by the Welsh Ministers under Schedule 4, but you seek the Welsh Government's view on the point.

You suggest that it is the application of paragraph 1(10) of Schedule 7 which is the source of potential confusion. Our view is that this is a 'signposting' provision only. If it had been intended to apply the provisions of paragraph 4 of Schedule 7 to the making of Schedule 4 regulations, then it would have been necessary to make specific reference to the application of paragraph 4, and this of course the Act does not do. It is worth noting that paragraph 18 of Schedule 7 does make specific provision for paragraph 4 to apply to regulations made by the Welsh Ministers under Part 2 of Schedule 2 (implementing the withdrawal agreement). The absence of any such specific provision for the application of paragraph 4 to regulations made by Welsh Ministers under Schedule 4 supports our interpretation that the sifting procedure envisaged by paragraph 4 was not intended to, and does not, apply to regulations made by Welsh Ministers under Schedule 4 (as indeed that procedure does not apply to Schedule 4 regulations made by UK Ministers).

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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 hope that is helpful. I am copying this letter to the Cabinet Secretary for Finance.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The script is cursive and fluid, with the first name "Julie" and the last name "James" written in a single continuous line.

Julie James AC/AM

Arweinydd y Tŷ a'r Prif Chwip

Leader of the House and Chief Whip