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Llywodraeth Cymru
Welsh Government

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Annwyl Paul,

Ysgrifennaf atoch i'ch hysbysu bod Llywodraeth y DU wedi cyflwyno dau welliant i'r Bil Cymwysterau Proffesiynol ar 22 Chwefror.

Mae Llywodraeth y DU yn bwriadu cynnal Cyfnod Adrodd Tŷ'r Cyffredin yn fuan. Yn anffodus, nid yw hyn yn rhoi cyfle i'r Senedd ystyried y gwelliannau cyn cwblhau'r Cyfnod Adrodd. Mae hyn hefyd yn golygu bod Llywodraeth y DU yn bwrw ymlaen â'r Bil heb sicrhau cydsyniad deddfwriaethol gan y Senedd, nac yn wir unrhyw un o'r Llywodraethau Datganoledig. Mae hyn yn gwbl annerbyniol ac yn torri confensiwn Sewel. Er bod y gwelliant 'torri allan' i'w groesawu, nid yw'r gwelliannau a gyflwynwyd yn mynd i'r afael yn llawn â'm pryderon.

Bydd y gwelliannau'n gofyn am Femorandwm Cydsyniad Deddfwriaethol Atodol pellach (Memorandwm Rhif 3) gael ei osod gerbron y Senedd. Byddaf yn ysgrifennu atoch eto i nodi fy safbwynt ar y gwelliannau, sydd wedi'u hatodi isod.

Yn gywir,

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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.

Sub-clause 16 (7)

(7) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—

- (a) omit the “or” at the end of paragraph (vi), and
- (b) after paragraph (vii) insert “; or
- (viii) the Professional Qualifications Act 2022”.

New Clause

“Consultation with devolved authorities

- (1) Before making regulations under this Act, the Secretary of State or the Lord Chancellor must consult—
 - (a) the Welsh Ministers, to the extent that the regulations contain provision which could also be made by the Welsh Ministers by virtue of section 16(2) (ignoring any requirement for the consent of a Minister of the Crown under section 16(5));
 - (b) the Scottish Ministers, to the extent that the regulations contain provision which could also be made by the Scottish Ministers by virtue of section 16(3);
 - (c) a Northern Ireland department, to the extent that the regulations contain provision which could also be made by a Northern Ireland department by virtue of section 16(4).
- (2) The Northern Ireland department which is to be consulted in accordance with subsection (1)(c) is such Northern Ireland department as the Secretary of State or (as the case may be) the Lord Chancellor considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (3) Before making regulations under this Act in relation to which the Secretary of State or the Lord Chancellor has consulted a devolved authority (or more than one devolved authority) in accordance with subsection (1), the Secretary of State or (as the case may be) the Lord Chancellor must publish a report on the consultation.
- (4) But the Secretary of State or (as the case may be) the Lord Chancellor may not publish the report unless either—
 - (a) the devolved authority concerned (or, if more than one, each of them) has agreed to the description included in the report for the purposes of subsection (5)(a), or
 - (b) there is no such agreement but the period of 30 days, beginning with the day on which a draft of the report was first sent to the devolved authority concerned (or, if more than one, the last of them), has expired.
- (5) The report on the consultation must include—
 - (a) a description of—
 - (i) the process undertaken in order to comply with subsection (1), and
 - (ii) any agreement, objection or other views expressed as part of that process by the devolved authority (or devolved authorities) concerned, and
 - (b) an explanation of whether and how such views have been taken into account in the regulations (including, in a case where the Secretary of State or (as the case may be) the Lord Chancellor proposes to make the

regulations despite an objection, an explanation of the reasons for doing so).

- (6) The duty to consult in subsection (1) does not apply in relation to any revision of the regulations which arises from the consultation; and, for the purposes of subsection (4)(b), the draft report need not be identical to the published report for the period of 30 days to begin.
- (7) In this section “devolved authority” means the Scottish Ministers, the Welsh Ministers or a Northern Ireland department.”