



Department for Levelling Up,
Housing & Communities

Huw Irranca-Davies
Chair, Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Rt Hon Michael Gove MP
*Secretary of State for Levelling Up, Housing
and Communities*
Minister for Intergovernmental Relations

***Department for Levelling Up,
Housing and Communities***

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

www.gov.uk/dluhc

Email: michael.gove@levellingup.gov.uk

Our Ref: 15114784

April 2022

Dear Huw,

Thank you for your letter, dated 28 January, regarding recent legislative consent memoranda and concurrent powers contained within UK Government bills. I welcome the Committee's work in assessing legislative consent memoranda for UK Government bills that engage the Senedd's legislative consent process. These bills are vital in making sure policies work effectively and equitably in all parts of the UK. Positive collaboration continues between the UK Government and the Devolved Governments on UK Government bills, with 24 Legislative Consent Motions (LCMs) passed collectively to date by the devolved legislatures for bills and Acts in the current legislative session of Parliament. We remain fully committed to the Sewel Convention and to the associated practices for seeking consent, as set out in both the Devolution Memorandum of Understanding and Devolution Guidance Notes.

I note the concerns you have raised on behalf of the Committee regarding concurrent powers on devolved matters in UK Government bills. Concurrent powers are a useful legislative mechanism, allowing for one consistent set of regulations to be in place across the UK. They also respect the devolution settlements by allowing both UK Government and Devolved Government Ministers to make regulations, where appropriate. This position is reflected in the case of the Professional Qualifications Bill, which is currently making its way through Parliament. I am aware that both BEIS Bill Ministers Lord Grimstone and Paul Scully MP have had extensive discussions with Welsh Government Minister Jeremy Miles MS on the use of concurrent powers within the Professional Qualifications Bill. I am also aware that the Bill Ministers wrote to Minister Miles on 21 February 2022 setting out the UK Government's current position on the Bill along with the UK Government's intention to amend the Bill to add a statutory 'consult plus' mechanism to all of the Bill's concurrent powers. This is in addition to exempting the Bill's concurrent powers from the restrictions of Schedule 7B of the Government of Wales Act 2006.

You raise concerns over the inclusion of powers in recent UK Government bills which could be used to amend existing primary legislation and the Government of Wales Act 2006 in particular. I can assure you that such provisions are not automatically included in bills, but are only considered

in unique and compelling circumstances. Each bill is drafted according to its specific policy intent and the most appropriate way to affect those policy changes. In the case of the Professional Qualifications Bill, the powers are targeted and constrained to make sure they are appropriate; they provide the necessary flexibility to implement our new system for recognising professional qualifications in a complex professional regulatory landscape, which consists of both primary and secondary legislation across more than 200 regulated professions. I hope I can provide you and the Committee with the necessary reassurance when I say that the UK Government has no intention to use these powers to amend the Government of Wales Act 2006.

I recognise your broad argument in regard to Minister of the Crown consent. However, in the specific context of the Professional Qualifications Bill we have simply made Welsh Ministers' competence the same as that of the Senedd. This means that the same consent requirements apply, so that Welsh Ministers need consent for any provision in regulations they make under the Act which would otherwise be outside competence because of the effect of paragraph 12 of Schedule 7B to the Government of Wales Act 2006. Consent is needed in the same circumstances when the Senedd legislates. We believe this delivers the right result, and follows the general principles of the Welsh devolution settlement as set out in the 2006 Act.

I also welcome and appreciate the Committee's interest in the Review of Intergovernmental Relations, undertaken jointly by the UK Government and Devolved Governments. I am grateful for the Welsh Government's support of the new intergovernmental arrangements which will herald a new era for joint working between the UK Government and the Devolved Governments. Legislative consent featured on the agenda for the first meeting of the Interministerial Standing Committee (IMSC) held on 23 March which, I hope, demonstrates our ambition to work with the Devolved Governments at a much earlier stage. I look forward to working with the Welsh Government, Scottish Government and the Northern Ireland Executive, as well as with the devolved legislatures in implementing the new working arrangements.

I am copying this letter for reference to the Lord Grimstone of Boscobel; Paul Scully MP, Minister for Small Business, Consumers and Labour Markets; Kwasi Kwarteng MP, Secretary of State for Business, Energy & Industrial Strategy; Simon Hart MP, Secretary of State for Wales; and Jeremy Miles MS, Welsh Government Minister for Education and Welsh Language.

With every good wish,

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive, slightly slanted style.

**Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities
Minister for Intergovernmental Relations**