



Department for Energy Security & Net Zero

Andrew Bowie MP
Minister for Nuclear and Networks

**Department for Energy Security
& Net Zero**

www.gov.uk

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

Our ref: MCB2023/16220

24 July 2023

Dear Huw,

Thank you for your letter of 12 July 2023 regarding the legislative consent process in the Senedd for the Energy Bill and the engagement that has so far taken place between the UK Government and the Welsh Government.

I take devolution very seriously and do not recognise the remarks made by Minister James during your Committee's recent meeting. I am committed to the Sewel Convention and, as the Minister leading the Bill, I have a fundamental interest in ensuring that it works to the benefit of every part of the UK.

The Energy Bill is a very large piece of legislation. As introduced, the Bill contained 243 clauses and 19 Schedules and has been amended during its passage to now contain 330 clauses and 22 Schedules. The policy scope of the Bill is wide, covering everything from carbon capture and hydrogen production to energy code governance reform, heat networks regulation and offshore wind electricity generation.

I recognise that the devolution landscape for energy is complicated, particularly in Wales and I am mindful that some provisions in the Bill engage the LCM process in the Senedd. The Bill respects the devolution settlement while ensuring that we limit regulatory divergence as far as possible in the interests of supporting cross-border nascent industries like CCUS and hydrogen.

I do not believe it is the case that the Welsh Government had no knowledge of the Bill's contents prior to its introduction. My officials shared draft clauses where possible and held a series of 'deep dive' sessions with Welsh Government officials on each measure well in advance of the Bill's introduction. Notwithstanding the short delay to the Bill when the urgent Energy Prices Act 2022 was prioritised, and the additional complexities associated with large pieces of legislation, the Welsh Government has now had the best part of a year to consider it.

When the Bill was first introduced in the UK Parliament, my predecessor wrote to Minister James to set out the UK Government's devolution analysis and seek her support for an LCM for the devolved provisions. At subsequent amending stages in the UK Parliament, my predecessors and I wrote to Minister James in similar terms.

My officials have sought to engage their counterparts extensively about the Bill, including seeking weekly meetings since the Bill was introduced. In addition, there have been many conversations, meetings, and emails between Welsh Government officials and UK Government officials who lead on the Bill's individual measures.

The Welsh Government's delay in laying the Legislative Consent Memorandum has not helped our discussions. Indeed, the Memorandum presents the first instance I have seen which sets out the Welsh Government's concerns with the Bill in full. As the Memorandum only covers the Bill as introduced, I still do not know the Welsh Government's position on large parts of the Bill which have been amended. Close engagement between UK and Welsh Government officials has mitigated these shortcomings to an extent and has allowed for a package of amendments to be shared at official level. I intend to write to Minister James shortly to set out these amendments formally.

In the committee session, Minister James raised concerns around ensuring sufficient time for consultation on draft proposals. My department will always seek to engage the Welsh Government at the earliest opportunity. This is why, within the context of the Energy Bill, I proposed to Minister James that the Bill is amended to introduce new statutory protections which ensure that consultation on draft proposals for secondary legislation would take place over a statutory period of time.

Minister James also raised discussions between the UK and Welsh governments relating to offshore wind. I have responded to several of Minister James's letters on the offshore wind environmental improvement measures in the Bill and I discussed the Energy Bill issues with Minister James when we met on 22 May 2023. The offshore wind measures were also discussed in a meeting between Minister Stuart and Minister James on the 26 April 2023. My door is always open to further discussions on this and any other matter.

Yours aye,

A handwritten signature in black ink, appearing to be 'Andrew Bowie', with a stylized flourish at the end.

Andrew Bowie MP
Minister for Nuclear and Networks