

Andrew Bowie MP
Parliamentary Under-Secretary of State for Energy
Security and Net Zero

12 July 2023

Dear Andrew

Energy Bill

You will be aware that the Welsh Government has now begun the legislative consent process in the Senedd in relation to relevant provisions in the Energy Bill (the Bill). On 29 June 2023, the Minister for Climate Change, Julie James MS, laid before the Senedd a Legislative Consent Memorandum (the Memorandum) on the Bill. You will likely be aware that the Welsh Government is currently recommending to the Senedd that it should withhold consent to the relevant provisions in the Bill at this time.

In the Memorandum laid before the Senedd, the Minister for Climate Change states that the Welsh Government was not involved in the development of the Bill before its introduction, and "the full legal text [of the Bill] was not available for review until hours before its introduction to the House of Lords". The Minister for Climate Change also states that the Welsh Ministers have written to the UK Government to raise concerns that the Bill as drafted does not respect the legislative competence of the Senedd nor the devolved responsibilities of the Welsh Ministers.

The Minister for Climate Change was invited to attend my Committee's meeting on 10 July, when we were able to discuss with her the Welsh Government's actions to date as regards the Bill. In particular, we discussed the circumstances which had contributed to the fact that the Memorandum has been laid before the Senedd almost one year after the Bill was introduced to the UK Parliament. We would normally expect a legislative consent memorandum to be laid before the Senedd within two weeks of a Bill with relevant provisions being introduced to the UK Parliament. Further to the statements made in the Memorandum, the Minister made it clear that the delay was partly due to the lack of dialogue and cooperation between both Governments. She told us:



- “We would have very much wanted for the Welsh Government to have been involved in the development of the Bill months before the Bill was published. We would have had detailed discussions with UK Government Ministers on matters within our competence and so on. Not a single scrap of that happened at all. Nothing, absolutely not.” [Record of Proceedings, paragraph 6]
- “I’m quite annoyed by the situation the UK Government has put in where we’re struggling to keep up with the changes in a Bill that are rapid and don’t involve us at the right level at all.” [RoP, paragraph 7]
- “...there’s just nothing good to say about the way the UK Government has treated the devolution settlement. The Bill has been drafted without any nod to devolution whatsoever. (...) from a political point of view, I would say that it’s news to the energy team [in the UK Government] that there is such a thing as a devolution settlement. It’s been a hard-fought battle to get them to even understand what we’re trying to say.” [RoP, paragraph 14]
- “I have, a number of times, not just in this instance, been summoned to speak to a Minister of the UK Government at 17:30 with no idea of what they want to talk to me about, only to be told that tomorrow morning, they’re going to publish X, so that they can say they’ve consulted us. Well, I’m sorry, I don’t think that’s sufficient consultation at all.” [RoP, paragraph 19]
- “I’ve made a number of representations to the Secretary of State for BEIS, as it was then, and the Secretary of State and Ministers within the new Department for Energy Security and Net Zero. In March this year, following the UK Government amendments, with the offshore wind environment improvement package, I set out my concerns to the new Secretary of State on the clauses and on the initial considerations of the Bill. I’ve requested a meeting to discuss the concerns, but no offer to meet has been forthcoming. The first and only meeting on this Bill I have had with a UK Government Minister was with Minister Bowie in May 2023, and I have to say, in that meeting, Minister Bowie showed no appreciation that any kind of devolution settlement existed. There’s no getting away from that. It was a very short meeting, and their view was that it just doesn’t engage the devolution—. Well, they just didn’t have any appreciation of it at all.” [RoP, paragraph 29. See also paragraph 20]
- “We do normally have much better engagement. (...) but I think that what we’re looking at here is somebody who just did not realise that there was any devolution issue in it until the last minute.” [RoP, paragraph 21]



The statements and comments made by the Minister for Climate Change are concerning. We would welcome and value your response to what we have heard from the Minister for Climate Change, in particular details of the engagement – at Ministerial and official level – between your respective departments, and how you have sought to address the concerns of the Welsh Government.

I would welcome a response by 1 September 2023, so that my Committee can fully consider the evidence before reporting to the Senedd ahead of the debate which will take place on a consent motion for the Bill.

I am copying this letter to the Rt Hon Grant Shapps MP, Secretary of State for Energy Security and Net Zero; the Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations; and the Rt Hon David TC Davies MP, Secretary of State for Wales.

I am also copying the letter to the Senedd's Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies
Chair