

Jane Hutt AS/MS
Y Trefnydd a'r Prif Chwip
Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

David Rees AS/MS
Cadeirydd y Pwyllgor Biliau Diwygio

10 Mai 2024

Annwyl David,

Diolch am eich llythyr dyddiedig 2 Mai 2024 ynglŷn â Bil Senedd Cymru (Rhestrau Ymgeiswyr Etholiadol) a'r ymgysylltiad rhwng Llywodraeth Cymru a Swyddfa Cymru. Yn ystod sesiwn graffu'r pwyllgor ar 1 Mai fe wnes i gadarnhau fod gohebiaeth wedi bod rhwng Ysgrifennydd Gwladol Cymru a Phrif Weinidog Cymru. Er gwybodaeth i'r pwyllgor, rwy'n amgáu copi o'r llythyr a ddaeth i law gan Ysgrifennydd Gwladol Cymru a'r ateb gan Brif Weinidog Cymru. Rhannwyd copïau o'r llythyrau hyn gyda chadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad yn ogystal.

Er bod Llywodraeth Cymru wedi ymgysylltu â'r Weinyddiaeth Gyfiawnder a Swyddfa'r Comisiynydd Gwybodaeth, ni fu unrhyw ymgysylltiad penodol â Swyddfa Cymru wrth ddatblygu'r deddfwriaeth. O ystyried fy marn i fod y Bil o fewn cymhwysedd deddfwriaethol y Senedd fel y mae'n ymwneud â'r Senedd ac etholiadau'r Senedd, a chan nad yw Llywodraeth Cymru wedi nodi'r angen am unrhyw gydsyniad Gweinidog y Goron mewn perthynas ag ef, ni ystyriwyd bod angen ymgysylltu â Swyddfa Cymru yn ystod datblygiad y Bil. Mae hyn yn unol â'r ymarfer arferol ar gyfer Biliau'r Llywodraeth.

Sylwch fod y Prif Weinidog, yn ei ymateb i Ysgrifennydd Gwladol Cymru, yn nodi y byddai Llywodraeth Cymru yn agored i gynnal cyfarfod rhwng swyddogion ar ôl i bwyllgorau'r Senedd gwblhau eu gwaith craffu cyfnod 1. Rydym yn credu mai dyma'r amser mwyaf priodol i gynnal unrhyw drafodaethau.

Yn gywir,

Jane Hutt AS/MS
Y Trefnydd a'r Prif Chwip
Trefnydd and Chief Whip

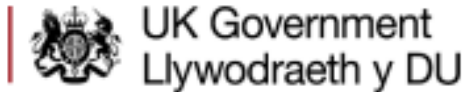
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.



Rt Hon David TC Davies MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

Ref: 033MISC24

T: 0292 092 4216
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Vaughan Gething MS

First Minister of Wales
Welsh Government
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Tŷ Hywel
Cardiff Bay
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21st March 2024

Dear Vaughan,

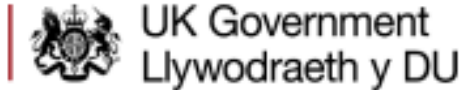
I would like to reiterate my congratulations to you on becoming the First Minister of Wales. I look forward to working together to deliver for people across Wales.

Unfortunately, I am writing so soon as I have serious concerns with the Welsh Government's decision to introduce the Senedd Cymru (Electoral Candidate Lists) Bill, despite the Llywydd concluding, on the basis of legal advice, that it does not fall within the Senedd's legislative competence.

The Llywydd has set out detailed concerns that, in her view, the Bill relates to the reserved matter of equal opportunities (a reserved matter in Schedule 7A to the Government of Wales Act 2006) and modifies the law on reserved matters (in this case, section 104 of the Equality Act 2010), indicating that the proposals would not be within the legislative competence of the Senedd. I note that notwithstanding this, the Welsh Government maintains that the Bill's provisions are within the Senedd's competence. I have not seen any analysis from the Welsh Government explaining its position.

I understand you have decided to proceed to introduce the Bill despite the Llywydd's assessment of competence. The Senedd Reform Committee has now said it will consider the question of competence as part of its scrutiny of the Bill.

Given that a key aspect of the role of Secretary of State for Wales is ensuring that legislation in both the UK Parliament and Senedd reflects the devolution boundary, I am therefore duty bound to express my grave concern that the Llywydd and the Welsh Government are not in agreement on this Bill.



Rt Hon David TC Davies MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

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While improving the gender diversity of parliaments across the UK is an ambition we share, I am concerned that Welsh Ministers are yet to make clear how relevant UK legislation, including the Equalities Act 2010 and the Gender Recognition Act 2004, relates to the provisions in the Bill, particularly in regard to the definition of a 'woman'.

I would like our officials to meet to discuss and better understand the Welsh Government's position on the Senedd's legislative competence in relation to this Bill at the earliest opportunity.

Yours sincerely,

A handwritten signature in blue ink that reads 'David T.C. Davies'.

Rt Hon David TC Davies MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

Vaughan Gething AS/MS
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref:IM/FM -/05011/24

David T C Davies MP
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London
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22 April 2024

Dear David,

I am writing in response to your letter dated 21 March regarding the introduction of the *Senedd Cymru (Electoral Candidate Lists) Bill* (the Bill).

The Bill delivers on the recommendation of the Special Purpose Committee (SPC) on Senedd Reform that the Senedd should be elected with integrated statutory gender quotas. The SPC's recommendations were endorsed by the Senedd, and the Welsh Government committed to bringing forward legislation to deliver on those recommendations.

The Welsh Government's position on the Bill has been set out in the [Explanatory Memorandum](#), and in the [Oral](#) and [Written Statements](#) made by the Member in Charge, Jane Hutt MS (Bill webpage: [Senedd Cymru \(Electoral Candidate Lists\) Bill](#)).

The Reform Bill Committee launched its Stage 1 scrutiny of the general principles of the Bill on 13 March, including holding its first scrutiny session with the Member in Charge. The Committee will continue to gather evidence over the coming weeks and the Bill will also be considered by both the Legislation, Justice and Constitution Committee and the Finance Committee later this month. All relevant transcripts and recordings can be accessed from the Reform Bill Committee webpage or from the web pages of the relevant committees. All three committees are due to report on the general principles of the Bill in June.

I would be happy for our officials to meet to discuss the Bill at an appropriate time in the future, shortly after the Committees have completed their Stage 1 scrutiny of the Bill.

Yours sincerely,

VAUGHAN GETHING

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