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Ref: 283SOS13

19 December 2013

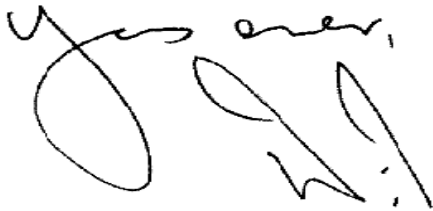
Dear David,

Thank you for your letter of 21 November, enclosing a copy of the Constitutional and Legislative Affairs Committee's review of the outcomes of the inquiry into powers granted to Welsh Ministers in UK laws.

In response to the Committee's recommendations, I attach a letter that I sent to the First Minister in March, setting out the UK Government's position on amending Devolution Guidance Note 9 to cover modification of Welsh Ministers' functions which are outside the Assembly's legislative competence.

Your Committee also recommended that the UK Government publish Devolution Guidance Note 7 (court proceedings) as a matter of urgency (recommendation 4). Devolution Guidance Notes (DGNs) provide UK Government Departments with guidance on how to work in accordance with the devolution settlements. Importantly, their purpose is to provide an introduction to the main principles involved in the managing of the devolution settlements, bilateral relations, correspondence, parliamentary business and legislation and concordats. It is not to devise additional mechanisms or procedures or to "clarify" the constitutional settlement.

Most of the DGNs have been operating successfully for many years. However, DGN 7, covering court proceedings, has never been published. Most of the procedures for referring questions of legislative competence to the Supreme Court are set out clearly in the respective Devolution Acts, and so it is open to question what might be gained from drafting guidance on this issue. It could not, for example, address the issue raised by the First Minister in his evidence to the Committee, that there ought to be a means of obtaining preliminary rulings from the Supreme Court on questions of competence. We will give further consideration in the New Year as to the need for DGN 7.

A handwritten signature in black ink, appearing to read 'David Jones', with a large, stylized initial 'D'.

Rt. Hon. / Y Gwir Anrh. David Jones MP / AS
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru