

STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Draft Wales Bill**

DATE **1st March 2016**

BY **Rt. Hon. Carwyn Jones AM, First Minister of Wales**

Llywydd, I would like to make a statement responding to the Secretary of State's announcement yesterday that the Wales Bill is to be "paused".

We do now have an opportunity - if the will is truly there - to repair the damage done by a flawed process and produce a genuinely meaningful piece of legislation.

I should first make clear to the Assembly that I know no more about the Secretary of State's intentions than has appeared in the press. The Welsh Government was not notified beforehand of the content of the Secretary of State's announcement, nor has there been any follow-up communication as to what might happen next. If there is to be any real progress with this Bill, it must be a Bill made with Wales, not for Wales, as recognised by both the Assembly's committee on constitutional and legal affairs and more recently the Welsh Affairs Select Committee.

The UK Government's press release about the announcement makes a number of points, and I deal with these in turn.

First, on the overall model of devolution, the so-called 'necessity' test is to be removed. On the face of it, this is to be welcomed, and of course reflects the views of this Assembly, and of many others who have commented on the Bill. But it remains unclear exactly what the announcement implies. Sadly I cannot envisage a situation where there will be no restrictions at all on the Assembly's powers to modify the private and criminal law. Unfortunately, it is impossible for me to comment further without seeing more detail.

That is also true of the second element of yesterday's announcement, on Ministerial powers and consents. The Welsh Government's position has been clear for many months and is on the record. The Secretary of State announced that he will look at each of these with a view to devolving as many as possible. That is good, but this cannot be a matter for the Secretary of State alone: if there are to be exceptions to the general principle, these must be agreed between the two governments, and that will require dialogue. Welsh Government officials have held two meetings with Wales Office officials where this was on the agenda and I wrote to the Secretary of

State specifically on this issue on 23 November 2015. Other than his public indication yesterday that the English veto on Welsh laws was never his intention, we have had no response.

The same point needs to be made in relation to reservations. Here, we are told that the Wales Office is to review the existing list in discussion with Whitehall departments, and that each reservation will have to be “justified”. My officials held 15 meetings with UK Government officials between October and January and have provided a full and comprehensive view on each of the reservations to them. Again, no response.

If this process remains entirely internal to the UK Government, I can have little confidence that this won't be another Bill made for Wales, not with Wales.

Finally, I turn to the question of legal jurisdiction. Here, it is clear that the Secretary of State has rejected the unanimous view of this Assembly, and that of the Welsh Affairs Committee; that this is a matter meriting further examination. Instead, we are to have a working group “to consider what distinct arrangements are required to recognise Wales’ needs” within the existing jurisdiction. From the press announcement, it appears that the Welsh Government is to be represented on this group, but we've not yet been approached.

I would, however, like to make a more general point. I believe that the creation of a legal jurisdiction for Wales is an inevitable constitutional development within the United Kingdom. I have urged the Secretary of State to take a more far-sighted view and I would like to see the UK Government move towards this now, rather than under the pressure of events later on.

Llywydd, last October, in a statement to the Assembly about publication of the draft Bill, I said this:

“A Wales Bill should provide an opportunity to improve the way Wales is governed. But unless significant changes are made to make the Bill fit for purpose that opportunity will be lost. We will continue our constructive dialogue to help achieve that, and we look to the UK Government to respond accordingly in line with the needs of the people of Wales”.

Those words are as true today as they were six months ago. Much more needs to be done to secure a constitutional basis for the governance of Wales in the UK that meets the Secretary of State's own tests of clarity, coherence, stability, workability and sustainability.