



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Statement On Law Derived from the European Union (Wales) Act 2018 (Repeal) Regulations 2018**

DATE **13 November 2018**

BY **Mark Drakeford, Cabinet Secretary for Finance**

This statement is made in accordance with paragraph 1(7) of Schedule 2 to the Law Derived from the European Union (Wales) Act (LDEU Act).

The LDEU Act was passed by the National Assembly on 21 March and received Royal Assent on 6 June.

As part of the Intergovernmental Agreement reached with the UK Government in relation to the European Union (Withdrawal) Act, the Welsh Government initiated steps to secure the repeal of the LDEU Act by laying draft regulations under section 22 of the Act.

Regulations brought forward under section 22 of the Act are subject to the enhanced procedure. The draft regulations were laid before the National Assembly on 8 June for a 60-day period (ignoring any days for which the National Assembly is dissolved or in recess for more than four days).

Paragraph 1(6) of Schedule 2 to the LDEU Act requires the Welsh Ministers to have regard to:

- any representations,
- any resolution of the National Assembly, and
- any recommendations of a committee of the National Assembly charged with reporting on the draft regulations,

made during the 60-day period with regard to the draft regulations.

If after the expiry of the 60-day period the Welsh Ministers wish to make regulations in the terms of the draft, the Welsh Ministers must lay before the National Assembly a statement

stating whether any representations were made, and if any representations were made, giving details of them.

The 60-day period for representations expired on 1 October and one representation was made by the Constitutional and Legislative Affairs Committee, in respect of the draft Regulations.

The Committee identified one point for reporting under Standing Order 21.3 in respect of this instrument as follows:

Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

We note the significance of these Regulations and how the repeal would mean that important constitutional and legal matters (such as the continuation of EU-related Welsh law after exit and the powers of the Welsh Ministers to correct deficiencies in retained EU law) will be dealt with under the European Union (Withdrawal) Act 2018.

We also note that the repeal of the Act forms part of the Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks.

No other representations were received, nor were there any resolutions of the National Assembly or any recommendations from a committee of the National Assembly charged with reporting on the draft regulations.

Following the laying of this statement, the Welsh Ministers now intend to seek an Assembly resolution approving the draft regulations, allowing them to make the Regulations in terms of the draft.