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Llywodraeth Cymru
Welsh Government

David Rees AM
Chair
External Affairs and Additional Legislation Committee
National Assembly for Wales

SeneddEAL@assembly.wales

11 March 2019

Dear David,

I am writing to you following my appearance at the External Affairs and Additional Legislation Committee on 4 February to provide you with more detailed information about the Welsh EU Exit SI programme, the progress to date and possible future SIs relating to EU Exit.

By the week of my appearance, 29 proposed negative procedure statutory instruments had been laid before the National Assembly for consideration by the Constitutional and Legislative Affairs Committee (CLAC) for sifting, as required for SIs proposed for the negative procedure to be made under the EU (Withdrawal) Act 2018. Of these 29, the committee agreed that 27 should be made by the negative procedure. All of these have now been laid before the National Assembly. Three further SIs have been made under the negative procedure but not using powers under the EU (Withdrawal) Act. All of these negative SIs are being laid in time for them to come into force by 29 March.

CLAC considered two of the proposed negative SIs should be subject to the affirmative procedure and the Welsh Government accepted both recommendations, laying a draft of the first as affirmative on 19 February and the second on 5 March. Including these, we have laid 11 affirmative SIs to be considered by the National Assembly ahead of exit day. For ease of reference, I have attached a table of all the EU Exit SIs laid before the National Assembly to date.

Additionally, we are anticipating up to eight SIs, which are intended to come into force after 29 March. The majority of these would make amendments to Welsh law in consequence of UK legislation, which has not yet been made. For example, we may need to make amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 but these are dependent on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, which is undergoing Parliamentary scrutiny. Further SIs may be required as a result of emergency legislation made in response to a no deal exit on 29 March, should that situation occur.

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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.

The remainder of the SIs are unrelated to UK legislation currently in Parliament and will come into force after exit day as their provisions do not need to take effect until a later date. We are endeavouring to lay these at the earliest opportunity to enable scrutiny of the complete picture of EU Exit SIs.

I hope this information is of use to the committee in providing a more detailed context for your consideration.

I am copying this letter to Mick Antoniw AM, chair of the Constitutional and Legislative Affairs Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremy Miles', written in a cursive style.

Jeremy Miles AM

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