



Ein cyf/Our ref: MB/FM/2597/13

David Melding AM  
Chair, Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
CLA.Committee@wales.gov.uk

10<sup>th</sup> July 2013

Dear David

**The Constitutional and Legislative Affairs Committee's report on its inquiry into powers granted to Welsh Ministers in UK laws**

Following my evidence to the Committee on 22 April, I am writing to provide an update on some of the matters we discussed.

**Implementation of recommendation 5 of the Committee's report**

This recommendation relates to extending the application of the Legislative Consent process to cover modification of Welsh Ministers' functions which are outside Assembly legislative competence.

While I agree with this recommendation, it can only be taken forward if the UK Government will agree to amend Devolution Guidance Note 9 to acknowledge that the Assembly's consent should be sought in these circumstances. The Secretary of State for Wales takes the view that the different application of the LCM process in Wales compared with Scotland and Northern Ireland is justified by the nature of the devolution settlements.

I undertook to continue to press the Secretary of State on this. I have written to him again, and intend to raise the issue with him at one of our regular bilateral meetings.

**Guidance for Welsh Government officials on liaison with the UK Government over Assembly Bills, Parliamentary Bills and Section 109 Orders.**

Work is underway to update the earlier guidance on this which is significantly out of date. This is, in effect, the Welsh Government counterpart to DGN 9 and DGN 17. Subject to consultation with the Wales Office, I hope to be in a position to share this guidance with the Committee by the end of the year.

**Implementation of recommendation 1 of the Committee's report**

In response to this recommendation, the Welsh Government agreed to lay a memorandum before the Assembly setting out our understanding of the Sewel convention as it applies to Wales.

Most changes to Standing Orders flowing from the Committee's recommendations, apart from that relating to extending the LCM process to cover Welsh Ministers' functions outside Assembly legislative competence, have been made or are about to be made. We will, therefore, now proceed with drafting a statement, which I will share with the Committee after the Assembly returns from the Summer recess, prior to laying before the Assembly.

### **Work on a Welsh statute book**

Finally, the Committee asked me about our progress in improving access to legislation and I undertook to respond in writing with more detailed information.

It is important to be clear about the elements of the work involved when talking about what has been referred to as a "Welsh statute book".

The statement made by the Counsel General in June 2012, related to one specific aspect of the work currently underway, which is ensuring that the legislation.gov.uk website is available in the Welsh language. We are not talking here about ensuring that the legislation of the National Assembly and the Welsh Ministers is published in Welsh - that is happening and always has. We are talking about translating the website itself. I am pleased to be able to inform the Committee that, after a delay caused by the work being more complex than anticipated, the new site is in its final testing stages, part of which involves Welsh Government officials checking its content. The launch of the newly bilingual site is therefore imminent.

The other elements of the work are longer term projects. A comprehensive Welsh statute book requires a commitment over many years to separate, consolidate and restate legislation that currently applies to England or the rest of the UK as well as Wales. The scale of such a project is vast and there are no quick fixes or easy answers. It will take time. The Counsel General is continuing to consider means in which this work could be accelerated and the resources involved in doing so.

Similarly the Welsh Government's collaboration with Westlaw to create an online encyclopaedia of Welsh laws is also a huge task and remains a work in progress. The Counsel General answered an Oral Question on this issue in plenary on 19 June, and will inform Members of further progress in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**CARWYN JONES**