



Dame Rosemary Butler DBE AM
Presiding Officer
National Assembly for Wales
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6 June 2014

Dear Rosemary

Queen's Speech 2014

Her Majesty the Queen announced the UK Government's legislative programme for 2014–2015 in Her Speech to both Houses of Parliament on 4 June. I wish to inform you of the anticipated implications of the proposed legislative programme for business in the National Assembly for Wales.

In writing to you, I am fulfilling the Welsh Government's commitment given in our response to the Constitutional and Legislative Affairs Committee's report "Inquiry into powers granted to Welsh Ministers in UK Laws 2012".

The Welsh Government strives to identify and protect Welsh interests in UK legislation. We will be liaising with the UK Government to ensure to the best of our ability Parliamentary legislation takes account of Welsh interests, and adheres to Devolution Guidance Notes and Memorandum of Understanding requirements.

In general, the Welsh Government believes primary legislation in devolved areas should normally be enacted by the Assembly. However, as the First Minister's evidence to the Constitutional and Legislative Affairs Committee's 2012 inquiry made clear, there are circumstances in which it is sensible and advantageous to make provision for Wales, which would otherwise be within the Assembly's competence, in UK Parliamentary Bills. In such cases, the Assembly's consent to the UK Parliament legislating on these issues for Wales is sought by means of a Legislative Consent Motion (LCM) laid before the Assembly, in accordance with Standing Orders.

The Queen's Speech itself announced 11 new Bills and 1 draft Bill which the UK Government intends to take forward in the Fourth Session of Parliament. A further 2 draft Bills are also included in the programme. Some of these Bills have now been introduced, whereas others will be at different stages of development. This means our knowledge of the proposed provisions varies from Bill to Bill; and our engagement with the UK Government on individual Bills varies, depending on the extent to which provisions on those Bills fall within devolved areas of competence or raise cross-border issues. Further, where Bills have not yet been published, we are constrained in what we can say at this stage because of the confidentiality of inter-governmental relations.

Having said that, I am able to share with you our initial assessment of the legislative proposals in terms of their implications on devolved matters and the possible requirement for Assembly consent.

A number of the Bills will apply and have effect in Wales in non-devolved areas of policy, where the Assembly's consent is not required. In those cases, we will consider the impact on Wales and make representations to the UK Government as needed.

Some Bills will make provision which is within the Assembly's competence, giving rise to the need for Legislative Consent Motions to be laid in the Assembly. At present, our best estimate is that two to three Bills seem likely to contain such provisions, these are set out below. The need for consent will be kept under review and may change once we have been able to scrutinise the texts of individual Bills, and as the details of further Bills are finalised.

In the case of draft Bills, the Assembly will, of course, have the opportunity to consider their provisions in detail during the pre-legislative scrutiny period and provide input on the content of provisions affecting Wales prior to each Bill's introduction.

Infrastructure Bill

The UK Government's objectives for this Bill include bolstering investment in infrastructure, reforming planning law to improve economic competitiveness and enhancing energy independence and security. Some of its provisions will relate to England only, however, a number of proposals will apply or have implications in Wales, for example, those relating to the Land Registry's role and measures to deal with invasive non-native species. UK Government proposals to support development of gas and oil from shale and geothermal energy, by making provisions about the underground access regime, are still subject to consultation. This is a wide-ranging Bill and we expect an LCM will be required for some aspects of it.

Small Business, Enterprise and Employment Bill

The UK Government has said that its objectives for this Bill are to open up new opportunities for small businesses to innovate and grow, and to help ensure that the UK is recognised globally as a fair place to do business. This is a wide-ranging Bill. We consider it very likely that an LCM will be needed in relation to a number of provisions in the Bill.

Serious Crime Bill

The Bill is concerned with arrangements to tackle serious crime and is expected to apply to Wales in the same way as to England. Although it is unlikely that an LCM will be needed for the vast majority of the Bill, further consideration will need to be given to some specific areas in order to decide if an LCM is needed.

Timing

The Welsh Government will table any necessary LCMs as soon as possible in order for them to be scrutinised appropriately, prior to the National Assembly determining whether to give consent. All consent issues should ideally be considered by the time the Bill has reached its final amending stage in the first House of introduction. However, there are always instances where amendments to bills are laid late in the Parliamentary process, and in those circumstances we will try to ensure any amendments with consent implications for the Assembly are brought to the Assembly's attention as soon as practicably possible.

As the detailed content of the UK Government's proposed bills becomes clear, it is likely we will identify additional areas where it makes sense to legislate in a UK Bill, or provisions which fall wholly or partly within the competence of the Assembly and which therefore require its consent. There may be further Bills introduced, including Private Members Bills which may require LCMs. Any additional proposals of this kind, together with relevant amendments to the UK Government Bills, will be drawn to the attention of the National Assembly as they arise.

I will continue to provide the Business Committee with regular updates on UK legislation as it affects Assembly Business as the new Parliamentary session proceeds.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AC / AM

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business