

Julie James MS,
Minister for Climate Change

2 November 2023

Dear Julie,

Levelling-up and Regeneration Bill

Thank you for your letter of 17 October in response to our report on the Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Levelling-up and Regeneration Bill.

We have some follow-up questions and these are set out in the Annex to this letter. We would be grateful to receive a response by 22 November 2023. I am copying this letter to the respective Chairs of the Climate Change, Environment and Infrastructure Committee, the Economy, Trade and Rural Affairs Committee and the Local Government and Housing Committee.

Yours sincerely

Huw Irranca-Davies

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Chair



Question 1: We would normally expect a Welsh Government response to state whether it accepts or rejects a Committee recommendation. While it is possible to ascertain the Welsh Government's intention with regards to some recommendations, for others it is not. Please can you help us by making clear for the record which recommendations you accept and which ones you do not accept, providing any additional information as necessary.

Question 2: Your response did not directly address recommendation 7. As a result, Members of the Committee raised this on two occasions during the legislative consent debate (RoP paragraphs 346 and 380) but that opportunity was not taken. We would therefore be grateful if you could state whether it is still the Welsh Government's view that Part 1 of the Bill "represents an inappropriate intrusion into the legislative competence of the Senedd".

Question 3: Your collective response covering recommendations 12 and 13 considered the issues in those recommendations in very broad terms. We would be grateful if you would provide a more precise and detailed response, providing the specific information requested in recommendations 12 and 13, in accordance with the deadline set in recommendation 14. We see the relevant issues to be of considerable importance and significance to the Senedd, not least because of the concerns you express in paragraphs 93 to 103 and paragraph 111 of the Supplementary Legislative Consent Memorandum (Memorandum No. 4).

Question 4: We seek your further assistance with recommendation 18, which we do not feel has been adequately answered. We do not feel that any of the legislative consent memoranda provide an appropriate level of detail about the scope of the regulation-making powers being provided to the Welsh Ministers by this Bill being taken through the UK Parliament. We also note that you state in your response to recommendation 18 that more detail is provided in the response to recommendation 22, but this detail is not apparent. We would therefore be grateful if you would provide the information requested to the first bullet point of recommendation 18.

Question 5: In light of your response to recommendation 18, it would be helpful to understand why you have taken powers to make regulations through a UK Bill when you do not yet appear to have considered how you intend to use these powers or when you will use them?

Question 6: In light of your response to recommendation 18, please can you set out when you intend to undertake the engagement you refer to, and therefore be in a position to provide a response to the second and third bullet points of recommendation 18?

Question 7: Recommendation 22 has not in our view been answered adequately, particularly because the various legislative consent memoranda did not track changes in clause numbers as the Bill passed through the UK Parliament. Please can you therefore provide the information requested. The information should be separate from the Explanatory Notes (should the Bill receive Royal Assent)

given that such Notes are unlikely to cover the relationships with existing Welsh legislation (such as the *Well-being of Future Generations (Wales) Act 2015*) and in order to provide open, transparent and accessible information to the Senedd and Welsh stakeholders.

Question 8. During the debate you stated:

*"We had long conversations with UK Government Ministers about how we might protect the position of the Welsh Parliament and of the Welsh Government in terms of having to take into account our issues on it. I'm satisfied that in having to write a report to Parliament that sets out why we have a problem—because that's the only reason why they'd be doing it; if we didn't have a problem, there'd be no such report—they would themselves have to go through a process that made them think about why they weren't able to look at that, and, of course, it does expose that to parliamentary scrutiny. I think we would probably be able to **develop a similar process** here that would enable us to express a view on it. It's not perfect, I completely agree, but it's a great deal better than where we started, and if we don't do this we will have a **gap in our legislation**, which is much worse. I accept it's a compromise." [RoP, paragraph 404, our emphasis]*

Please could you provide more details of:

- the "similar process" you refer to and what that might entail?
- the specific gap in Welsh legislation that is now being filled?