

Lesley Griffiths AM  
Minister for Environment, Energy and Rural Affairs

25 January 2019

Dear Lesley

**The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019**

The Constitutional and Legislative Affairs Committee considered the Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2018 (the Regulations) at its meeting on 21 January 2019. While satisfied that the Regulations meet the sift requirements set out in Standing Order 21.3C, we further discussed the territorial application of the Regulations.

We note that you are proposing to make the Regulations on an England and Wales basis and we accept that the Welsh Ministers have the power to do so. However, we believe it would be helpful if the Explanatory Memorandum accompanying the Regulations included some reference to the cross-border nature of the Regulations. This is because, in the main, the Welsh Ministers make subordinate legislation that applies in Wales only.

For that reason we hope that, in future, all subordinate legislation laid before the National Assembly that is made by the Welsh Ministers on an England and Wales basis will include a brief explanation in the explanatory memoranda of the cross-border matters that arise and why the Welsh Ministers need to make the subordinate legislation on an England and Wales basis.



Yours sincerely

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AM**

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.  
We welcome correspondence in Welsh or English.

