



Ein cyf/Our ref MA/JJ/3676/22

Huw Irranca-Davies, MS
Chair, Legislation, Justice and Constitution Committee

9th December 2022

Dear Huw Irranca-Davies

Thank you for your letter of 25 November 2022 regarding the Climate Change, Environment and Infrastructure Committee's concerns about The Environmental Protection (Single-use Plastic Products) (Wales) Bill.

When the Government wrote to the Business Committee about this in July, there was a twofold reason why it should be expedited:

- Firstly, there was an urgent need to implement the ban in Wales on the most commonly littered single use plastics, and to keep up with equivalent bans in the rest of the UK.
- Secondly, the Counsel General's application in the legal proceedings in relation to the United Kingdom Internal Market Act 2020 (UKIMA) that were before the Supreme Court at the time.

The Business Committee agreed that, in order to enable the Bill to provide the practical example requested by the Court, it would need to be passed by the Senedd as soon as possible. This was the basis on which the Business Committee granted approval for an expedited timetable.

Since then, the Supreme Court Judgment set out in the Counsel General's Written Statement of 18 August closed off the particular avenue of litigation being pursued at the time. However, it left the door open for the arguments to be considered in a future case. The government's rationale for the expedited timetable has therefore not changed.

Our determination (and the Llywydd's) that the Bill is within the Senedd's legislative competence does not preclude it from providing an example of Senedd legislation against which arguments about UKIMA can be tested in future litigation. In the meantime, given that we have determined the Bill is within competence, our position remains it is fully effective and enforceable.

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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 expedited timetable, while shorter in duration, has allowed the Bill to complete all the necessary steps. To aid the scrutiny process, on the 15 August, I published a draft of the Bill to give Senedd Members and interested stakeholders an opportunity to see the proposed scope and direction of the Bill. It also gave the Climate Change, Environment and Infrastructure Committee an opportunity to consult on the proposal. Similarly, in advance of the Stage 2 debate, I wrote to you to set out the changes we intended to propose.

The Bill has enjoyed support from across the Senedd and I have been pleased to work with the Committees and members of different political parties to enhance it. This has been a true example of collaboration and joint-working. I am pleased the Bill was approved by the Senedd on Tuesday evening and that its legacy will be something we can all be proud of.

Yours sincerely



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change