

Rebecca Evans MS
Minister for Finance and Local Government

26 May 2023

Dear Rebecca

The Welsh Government's Legislative Consent Memorandum on the Non-Domestic Rating Bill

The Finance Committee considered the Welsh Government's Legislative Consent Memorandum for the Non-Domestic Rating Bill ('the memorandum') at our meeting on 24 May, alongside a letter issued by the Chair of the Legislation, Justice and Constitution Committee ('LJC') on 18 May raising further questions about its content.

We share the concerns expressed by the LJC Committee in relation to the following areas:

The memorandum states, in relation to clause 13 and Part 4 of the Schedule to the Bill, that "the Welsh Government continues to engage with the UK Government" and "further discussions around these specific powers [are] anticipated throughout the passage of the Bill".

We reiterate calls made by the LJC Committee and ask for assurances that, if discussions with the UK Government result in amendments being made to the Bill which provide new delegated powers to the Welsh Ministers, a supplementary legislative consent memorandum will be laid before the Senedd. This would provide sufficient time for Senedd Committees to scrutinise any



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changes made to the Bill and enable our committee to fully understand and consider the financial implications, if any, of such powers being delegated.

Secondly, paragraph 39 of the memorandum notes that clause 15(3)(d) of the Bill “alters the procedure for making regulations from made affirmative to draft affirmative”. As the letter from LJC makes clear, this regulation-making power was delegated to the Welsh Ministers through the Local Government and Elections (Wales) Act 2021. Like LJC, we are concerned that a UK Bill is being used to downgrade a scrutiny procedure for a delegated power which the Senedd itself only approved two years ago.

Given the impact this will have on the ability of Senedd Committees to scrutinise the full impact of these regulations, both financial and otherwise, we reiterate calls asking you to provide a thorough explanation as to why the changes introduced by clauses 15(3)(d) and 15(4) are being made.

In order to inform the Committee’s further consideration of the memorandum before the reporting deadline of 22 June, I would be grateful for a response by 9 June.

I am copying this letter to the Local Government and Housing Committee, the Economy, Trade and Rural Affairs Committee, and the Legislation, Justice and Constitution Committee.

Yours sincerely



Peredur Owen Griffiths MS
Chair of the Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

