



Mike Hedges
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

22 November 2024

Dear Mike,

Thank you for your letter of 11 November following the Legislation, Justice and Constitution Committee's consideration of the Welsh Government's response to the Committee's report on the Local Government Finance (Consequential and Miscellaneous Amendments and Revocations) (Secondary Legislation) (Wales) Regulations 2024 ("the Regulations") on 4 November.

In relation to the first technical point, the enabling power in section 54(1) of the Local Government (Wales) Act 1994 ("the 1994 Act") was included in the preamble in error. In terms of addressing the issue, the Welsh Ministers have not identified a power that can be relied upon to omit the provision from the statute book.

However, to ensure that it is clear to anyone reading the Regulations that regulation 11(4) has no legal effect, the Welsh Government's editorial team has confirmed that commentary has been included on [legislation.gov.uk](https://www.legislation.gov.uk) (at <https://www.legislation.gov.uk/wsi/2024/998/regulation/11/made>) to confirm that regulation 11(4) has no effect as the power in section 54(1) was not transferred to the National Assembly for Wales (as it was then) nor subsequently to the Welsh Ministers.

In relation to the third technical point, regulation 23 applies certain amendments previously made to regulation 3(2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 ("the 1989 Regulations") (in respect of England) to Wales. Consideration was given to the most suitable drafting approach given that regulation 3(2) contains parallel text. Whilst the Welsh Government remains content that regulation 23 is legally effective, it is accepted that an alternative may have been to textually amend the 1989 Regulations. The Committee's comments on the drafting approach are noted and will be taken into account when drafting future instruments.

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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.

We trust this clarifies the Welsh Government's position.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language