

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Mike Hedges MS  
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Llywodraeth Cymru  
Welsh Government

13 January 2025

Dear Mike Hedges,

Thank you for the Legislation, Justice and Constitution Committee's report on the Legislative Consent Memorandum for the Product Regulation and Metrology Bill.

Please find enclosed my response to the issues raised in the report.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive style.

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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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.

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# **The Welsh Government's Legislative Consent Memorandum on the Product Regulation and Metrology Bill**

## **Response to the LJC Committee Report**

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In November 2024, the Legislation, Justice and Constitutional Committee (LJCC) submitted its report on the Welsh Government's Legislative Consent Memorandum on the Product Regulation and Metrology Bill. The report includes 6 recommendations. This is the Welsh Government's response to those recommendations.

### **1. Introduction**

The Product Regulation and Metrology Bill (the Bill) was introduced in the House of Lords on 4 September 2024. At the time of publication, the Bill was at the committee stage in the House of Lords. The Lords' Report is scheduled to be published in February 2025.

The Bill makes provision about the marketing or use of products in the United Kingdom and the units of measurement and the quantities in which goods are marketed in the United Kingdom.

On leaving the EU, the UK set up an independent regime, which the UK Government (UKG) considered was needed to be able to adapt to new technologies such as Artificial Intelligence (AI), as well as to reflect the shift in both what consumers buy and how they buy it. The UKG believe they need new powers to address current and future threats and ensure a continued supply of safe goods.

It was the view of both the UK and Welsh Governments that the Bill required the legislative consent of the Senedd. To this end a Legislative Consent Memorandum was laid in the Senedd on 20 September 2024.

The Legislative Consent Memorandum outlined a number of reasons for the Welsh Government to support the Bill. However, it also highlighted that the Bill, as currently drafted, will in effect lead to the Welsh Government having less powers to introduce reforms in a range of areas, as compared to the period when the UK was part of the EU Single Market. Therefore, it stated, further engagement is required with UK Government with respect to the enabling powers within the Bill and the role of Welsh Ministers and the Senedd.

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## **2. Response to the Recommendations**

### **Recommendation 1**

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The Committee recommends that

The Cabinet Secretary should continue to provide regular updates to the Committee and the Senedd on its position in respect of the Bill, to enable it to form a view on whether or not it should provide its consent.

#### **Response: Accept**

Whilst there are no significant updates at this time, the Welsh Government will provide updates to the Senedd when able to do so.

Officials continue to have had positive discussions with their UK Government counterparts to discuss potential legislative options. Welsh Government hope to obtain further information on the UK Government position in early 2025.

### **Recommendation 2**

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The committee recommends that

The Cabinet Secretary should state:

- whether the Welsh Government believes a Bill introduced in the Senedd could be used to amend the Bill – if enacted – to the extent that it applies to devolved areas; and
- whether the Welsh Government considers that following such an approach would be viable, should it be necessary, to resolve its concerns in respect of the Bill.

#### **Response: Accept**

The outlined approach would require a full assessment of legislative competence but were such provision within the competence of the Senedd, then it could amend UK Parliament legislation.

We are confident that positive outcomes will be reached with UK Government and so do not believe such an approach will be necessary.

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### **Recommendation 3**

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The committee recommends that

The Bill should be amended to enable the Welsh Ministers to exercise the delegated powers contained within the Bill in devolved areas.

#### **Response: Accept**

We are continuing to discuss the allocation of delegated powers with UK Government, with a view to ensuring devolution is fully reflected.

### **Recommendation 4**

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The committee recommends that

The Cabinet Secretary should set out the different ways the Welsh Government is seeking the Bill to be amended to ensure a role for the Welsh Ministers and the Senedd.

#### **Response: Accept**

As previously noted, there has been Ministerial and official engagement on this Bill where potential legislative amendments have been discussed.

The Cabinet Secretary for Economy, Energy and Planning met with Lord Leong in October, shortly after the Bill was introduced, where concerns were raised about the need to ensure the Bill is amended to respect devolution.

As outlined in the response to Recommendation 3, officials continue to have positive discussions with their UK Government counterparts to discuss potential legislative options to address the Welsh Government's and Senedd's concerns. Welsh Government are also in touch with their Scotland and Northern Ireland counterparts to understand their perspective on the Bill and the possible legislative options which could address devolved nations concerns.

Welsh Government await to hear an update from UK Government on their position early in 2025 and an update will be provided to the committee shortly after, which will set out next steps with respect to further engagement.

### **Recommendation 5**

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The committee recommends that

The Cabinet Secretary should set out the Welsh Government's assessment of the Bill's interaction with the United Kingdom Internal Market Act 2020 and commit

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to provide such an assessment in any supplementary legislative consent memoranda laid in respect of the Bill.

**Response: Accept in part**

The Bill is intended to support the smooth functioning of the UK internal market, which we recognise is critical for businesses and growth across Wales.

Welsh Government assessment is that any regulations introduced using powers in the Bill would align with the principles outlined within the UK Internal Market Act.

Should there be instances of regulatory difference across the UK in areas covered by the Bill, the UK Internal Market Act would apply. For example, this might require an exclusion of the market access principles in the Act.

We have concerns about the way the previous UK Government sought to use the UK Internal Market Act to impose policy choices for England in devolved areas. We will work with the new UK Government to look at how the UK Internal Market Act can better respect devolution, as part of the statutory review of the Act in 2025.

**Recommendation 6**

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The committee recommends that

The Cabinet Secretary should set out the Welsh Government's assessment of the Bill's interaction with UK common policy frameworks and commit to provide such an assessment in any supplementary legislative consent memoranda laid in respect of the Bill.

**Response: Accept in part**

The interaction with common frameworks will depend on the outcome of discussions around delegated powers. The interaction with individual common frameworks will also be dependent on the manner in which the delegated powers are purported to be exercised.

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