

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0015/25 & PO/HIDCC/0032/25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

11 February 2025

Dear Mike,

I would like to express my sincere gratitude to the Legislation, Justice and Constitution Committee for considering the Water (Special Measures) Bill and producing a comprehensive report in advance of the debate in the Senedd on the Legislative Consent Motion. I would like to thank you specifically for your contribution during the debate on 21 January 2025.

I am taking this opportunity to address the recommendations in your report along with points raised during the debate which I could not respond to at the time due to the time constraints:

**Recommendation 1. The Cabinet Secretary should consider laying a supplementary legislative consent memorandum to make it clear that the Senedd's consent is being sought for clause 2 of the UK Government's Water (Special Measures) Bill.**

I addressed this point in my letter of 20 January in a response to your correspondence dated 14 January 2025. I trust that my response was satisfactory. I do not believe that an additional supplementary legislative consent memorandum is needed for clarifying the position on Clause 2.

**Recommendation 2. The Cabinet Secretary should lay a supplementary legislative consent memorandum, in which he withdraws the statement that "Water is an inherently cross border issue" and instead provides a more accurate narrative of the Welsh Government's position as regards its 2015 water strategy.**

This point was also covered in my reply to you of 20 January. I have clarified the position in Supplementary Legislative Consent Memorandum (No. 6), which was laid in the Senedd on 31 January 2025.

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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.

**Recommendation 3. The Cabinet Secretary should explain in more detail why section 48(1) of the Government of Wales Act 2006 has not yet been commenced and provide a timetable for commencing that section.**

As the Committee notes, the Welsh Government's position is that the establishment of Hafren Dyfrdwy in 2018 addressed the main objective of Section 48(1) of the Wales Act 2017. Section 48(1) is commenceable by the Secretary of State and there is currently no date set for this in Parliament. Progressing the wider work post commencement would require legislative time in the Senedd which is limited and there are multiple priorities we need to deliver before the end of the current term. The ongoing jointly commissioned independent review of the water sector which covers England and Wales is considering the regulation and management of the industry holistically and its findings will likely influence our future policy direction.

**Recommendation 4. The Cabinet Secretary should write to the Business Committee, and to this Committee, setting out firm proposals as to how Committees of the Senedd can engage with the Welsh Ministers in respect of proposing amendments to UK Bills that make provision in devolved areas.**

I am keen to ensure the Senedd is involved and kept informed as early as possible on these issues and will continue to engage proactively with Committees. The Trefnydd and Business Committee will continue to engage with relevant Committees on any proposed revisions to Standing Orders.

**Recommendation 5. The Cabinet Secretary should explain further his comments regarding amendments to the Bill that are the subject of Memorandum No. 4, in particular the reasons why the amendments go against the Welsh Government's principles for using UK Bills to legislate for Wales.**

Memorandum No 4 was laid in relation to non-government amendments which were accepted in the House of Lords at Report Stage. These amendments did not receive government support and were subsequently removed in the House of Commons at Committee Stage. This was addressed in Memorandum No.5. Therefore, the version of the Bill voted upon by the Senedd did not include the amendments referred to in Memorandum No.4.

**Recommendation 6. Any primary legislation in the future on water policy within the legislative competence of the Senedd should be in the form of Welsh Government Bills and the Welsh Government should not 'piggy-back' on, or rely on, UK Bills to deliver policy outcomes that it considers to be desirable.**

The Welsh Government's Principles on UK Legislation in devolved areas states that primary legislation in devolved areas should be enacted by the Senedd. However, they also appreciate that there may be instances where it is in the best interests of Wales for provisions within the Senedd's legislative competence to be included in UK Parliament Bills, with the consent of the Senedd. In respect of water quality, we face similar challenges across England and Wales, and working collaboratively with the UK Government in addressing these and identifying legislative solutions is an effective and practical option. The Water (Special Measures) Bill is an example of how we can work together towards a shared goal whilst respecting the principles of devolution. As I have outlined above, I will await the outcome of the independent review into the water sector I have jointly commissioned with the UK Government to inform future direction of policy in this area.

## **Letter from the committee dated January 30, 2025**

Further to your letter seeking clarification on the clauses of the Bill the Legislative Consent Motion referred to, I am happy to confirm again that the Motion the Senedd voted upon referred to the clause numbers as they were correct and up to date at the time of the debate. While I understand that clause numbers have changed throughout the Parliamentary progress of the Bill, each supplementary legislative consent memorandum reflected the latest version of the Bill.

I laid a further supplementary legislative consent memorandum on 31 January in relation to amendments made by the UK Government at Report Stage in the House of Commons. Regrettably, given the scheduling of the Bill we do not expect there to have time to hold a further Senedd debate ahead of the anticipated Royal Assent date. This is due to the pace at which the Bill is being progressed through Parliament to ensure some of the new regulatory rules in Clause 1, relating to governance and remuneration for water companies, can be in place by the start of the next financial year. I recognise that this places the Senedd in an unwelcome position, and we will continue to highlight to the UK Government the importance of affording sufficient time for the legislative competence process as part of their scheduling considerations.

I trust this letter addresses yours and the committee's concerns. Once again, I would like to thank you for your engagement and input during the passage of this Bill.

I am also copying this letter to the Llywydd.

Yours sincerely,



**Huw Irranca-Davies AS/MS**

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