

**Y Pwyllgor Materion  
Cyfansoddiadol a  
Deddfwriaethol**

**Constitutional and Legislative  
Affairs Committee**

Carl Sargeant AM  
Minister for Local Government and  
Communities  
Welsh Government  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

14 November 2011

Dear Minister

**The Localism Bill – Written Statement by the Welsh Government**

On 18 October, you made a written Statement about proposed amendments to the Localism Bill. The amendments confer powers on the Welsh Ministers to pass on to Welsh public authorities EU infringement fines that are imposed on the UK Government by the Court of Justice of the European Union.

The Constitutional and Legislative Affairs Committee discussed these amendments at its meeting on 31 October. The Committee noted that the Welsh Government's justification for seeking these powers in this Bill is that it:

*'represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in Wales at the earliest opportunity.'*

The Committee also noted the Welsh Government's statement that:

*'These amendments giving the Welsh Ministers powers to pass on fines to Welsh public authorities do not fall within the Assembly's legislative competence...'*

In arriving at this view, the Welsh Government was required to lay a written statement under Standing Order 30 but was not required to seek the consent of the Assembly, for amendments that fall within the Assembly's legislative competence, required under Standing Order 29.

The Committee was surprised, therefore, that your statement gave no explanation of why the Government had come to the view it had on competence in this area. The Committee noted that the Assembly has extensive legislative competence in relation to public authorities in Wales. I would be grateful, therefore, if you could now provide some explanation of why

the Government has taken the view that the Assembly has no competence in this area.

The Committee also noted that the UK Government tabled the amendments on 3 October and that the Assembly was notified in your statement, on 18 October. Standing Order 29 asks for a written statement 'normally' within two weeks of amendments being tabled or agreed to. I am sure you would agree that the earliest possible notice is desirable unless there are good reasons otherwise.

I am copying this letter to the First Minister and Counsel General for information and to the Presiding Officer as Chair of the Business Committee.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

**David Melding AM**  
Chair, Constitutional and Legislative Affairs Committee