

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Mick Antoniw AM  
Chair, Constitutional and Legislative Affairs Committee  
National Assembly for Wales

[SeneddCLA@assembly.wales](mailto:SeneddCLA@assembly.wales)

18<sup>th</sup> April 2019

Dear Mick,

On 15 March 2019, I laid before the Assembly a Legislative Consent Memorandum in relation to the Rivers Authorities and Land Drainage Bill (the Bill), which has now been referred for three weeks of Committee scrutiny. Having reconsidered the Bill, I am writing to advise you of my intention to submit a revised Legislative Consent Memorandum on this matter. The original Memorandum sought consent for Clause 2 and Clause 4 of the Bill, but the revised version will now also seek consent for both Clause 3 and Clause 5. The details regarding the purpose of these provisions is set out in the Memorandum and I set out the reasoning for the revised Memorandum below.

The UK Government publishes guidance on aspects of devolution for its own UK officials in the form of Devolution Guidance Notes (DGN). Following the Wales Act 2017, the Wales Office reviewed these notes to take account of the reserved powers model and revised them accordingly. To ensure consistency, Welsh Government officials have also revised their approach for assessing whether provision in UK Bills require the consent of the National Assembly for Wales. It is this new approach which has resulted in the need to revise the Memorandum. The new approach is being written into our reciprocal guidance which we intend to share with the Committee once it is finalised.

Under the previous approach, when assessing which provisions in a UK Bill would be within the Assembly's legislative competence and therefore require the Assembly's consent, we would previously have disregarded provisions which would require Minister of the Crown consent, were they to be included in an Assembly Bill. However, the new DGN instructs UK Government officials to seek consent for such provisions.

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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.

As a result of the new DGN, we now consider Clauses 3 and 5 to be within legislative competence and will therefore require Assembly consent. I will therefore submit a revised Legislative Consent Memorandum outlining these provisions to be considered by the Assembly.

I have copied this letter to the Climate Change, Environment and Rural Affairs Committee, who considered the original Memorandum.

Regards,

**Lesley Griffiths AC/AM**

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