

Rt Hon. Alun Cairns MP
Secretary of State for Wales
Wales Office

2 December 2016

Dear Alun

Wales Bill

At our meeting on 28 November, we reflected on the outcome of the scrutiny of the Wales Bill that has been undertaken at Committee Stage in the House of Lords.

In doing so, we compared the amendments tabled to the Bill against our report laid before the National Assembly in October.

We also noted that some of the views we expressed in our report have been echoed by both the Constitution Committee and the Delegated Powers and Regulatory Reform Committee of the House of Lords, as well as Peers during the Committee Stage debate on the Bill.

We acknowledge that some positive changes have been made to the Bill, with commitments given to bring forward further amendments. While welcome, these do not alter the fundamental problems we identified with the Bill that are likely to cause difficulties for the ability of the National Assembly to make coherent, accessible law for citizens in Wales.

As currently drafted, the Bill remains complex and impenetrable. It will not deliver the durable and lasting settlement that all of us wish to see. We are concerned that as a result, there is an increased danger of Welsh legislation made by the National Assembly being referred to the Supreme Court, leading to unnecessary costs and delays.



At the heart of the strategy proposed by the UK Government is a settlement that preserves the unified legal jurisdiction. We are not persuaded that this can remain the organising principle of devolution. As it is, we are the only legislature in the Commonwealth without a jurisdiction of our own. The Lord Chief Justice has said the position is clearly evolving as more Welsh law is passed and the process of divergence is added to by English legislation.

We have seen the First Minister's letter to you dated 23 November regarding the establishment of a statutory commission on justice in Wales. We fully endorse the contents of this letter. It seems a reasonable compromise if the Bill is to secure consent to accept the First Minister's recommendation of a Commission on Justice which involves both governments.

We therefore believe that the amendment of the Bill as suggested by the First Minister would mark a welcome way forward on a matter of considerable significance to the devolution settlement.

As a general observation, we have noticed that the timetable for the Bill is being accelerated as a consequence of other issues. We do not believe that it is acceptable or appropriate to deal with a Bill of such constitutional importance to the United Kingdom in such a manner.

I am copying this letter to the First Minister.

Yours sincerely

Huw Irranca-Davies

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

