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Mr Gareth Williams,
Clerk to the Constitutional and Legislative Affairs Committee,
National Assembly for Wales,
Cardiff,
CF99 1NA

25 November 2015

(Email - SeneddCLA@assembly.wales)

Dear Mr Williams,

CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE - INQUIRY INTO THE DRAFT WALES BILL

Thank you for agreeing to extend the deadline for Dŵr Cymru's response to the Committee's inquiry into the draft Wales Bill.

Dŵr Cymru's short response is enclosed.

A copy is being sent to the Welsh Affairs Select Committee of the House of Commons.

Yours sincerely,

Nicola Williams
General Counsel and Company Secretary
Cwnsler Cyffredinol ac Ysgrifennydd y Cwmni

COMMENTS OF DŴR CYMRU WELSH WATER ON THE DRAFT WALES BILL

1. These comments are from Dŵr Cymru Welsh Water, the statutory water and sewerage undertaker that supplies over three million people in much of Wales and some adjoining parts of England.
2. We have confined our comments on the draft Wales Bill to matters that are of direct relevance to our own operations.
3. We note that, following the passage of the Bill, the Welsh Ministers and National Assembly for Wales will have greater legislative competence over sewerage in our supply area. As a regulated business which operates in both jurisdictions, certainty is important to us. The current arrangements create complexity for our sector, so Dŵr Cymru welcomes the clarification in the draft Bill as it should help to rationalise the devolution of powers.
4. Clause 7 of the Wales Bill confers associated intervention powers onto the Secretary of State. Through amendments to sections 114 and 152 of the Government of Wales Act 2006, the Secretary of State will be able to intervene if either an Assembly Bill (section 114); or the exercise (or failure to exercise) of a relevant function (section 152) might have a serious adverse impact on sewerage services or systems in England. Dŵr Cymru finds it very hard to envisage circumstances where such a serious adverse impact on sewerage in England might arise, so Clause 7 creates a degree of unwelcome potential uncertainty for our business. We would therefore recommend that the inclusion of Clause 7 within the Bill be reconsidered.