



Press release

Amended Wales Bill will deliver a stronger devolution settlement

From: Wales Office (<https://www.gov.uk/government/organisations/wales-office>) and The Rt Hon Stephen Crabb MP (<https://www.gov.uk/government/people/stephen-crabb>)

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Secretary of State for Wales Stephen Crabb today announced changes to the Wales Bill to remove constitutional red tape and deliver a stronger devolution settlement for Wales.



Speaking at a press conference in Cardiff Bay, one year on from the St David's Day Agreement, Stephen Crabb announced that he will:

Remove the so-called 'necessity test', so that the Assembly will be able to change the law to help enforce its legislation without first applying the test

- Reduce the number of reservations in the Bill

- Remove the general restriction on the Assembly modifying a Minister of the Crown function in devolved areas

These changes follow a four month period of pre-legislative scrutiny during which the Welsh Affairs Committee in the House of Commons and the Constitution and Legislative Affairs Committee in the Welsh Assembly heard evidence on how a reserved powers model will work in Wales.

Necessity

On the so-called "necessity test" as it applies to the general principles of the law, the Secretary of State said that he had considered representations to replace it with a different test but concluded that the best way to proceed is to remove the restriction all together.

Given that a key aim is to reduce complexity, removing the "necessity test" will cut the constitutional red tape which risks fettering the ability of the Assembly to modify the law to enforce its legislation for which it is responsible.

Consents

When the Welsh Government wants the Assembly to legislate on matters that affect a reserved body (a body for which the UK Government is responsible) they seek the consent of the UK Government to do so.

Consent is currently also needed for the Assembly to legislate about Minister of the Crown functions in devolved areas as a result of a general restriction on so called "pre-commencement functions". The Secretary of State today announced that he will remove that restriction and look at each of these functions with a view to devolving as many as possible.

Legal jurisdiction

The Secretary of State has also considered calls for a "distinct jurisdiction" or a "separate jurisdiction". With the Assembly being given full law-making powers in 2011, there is now a growing body of distinct Welsh law. At present, this makes up a tiny fraction of the overall body of law for England and Wales which has developed over 500 years of legal history. The Secretary of State today made clear that there is not a case at present for dividing the single jurisdiction of England and Wales which has worked well for the people of this country and continues to do so.

However, he announced today that there is a clear need to look at the delivery of justice in Wales to take account of the distinct and growing body of Welsh law. The Secretary of State will therefore establish a working group with the Ministry of Justice, the Lord Chief Justice's office, and the Welsh Government, to consider what distinct arrangements are required to recognise Wales's needs within the England and Wales jurisdiction when the reserved powers model is implemented.

Reservations

The Secretary of State has instructed officials in the Wales Office to work through the list of reservations with Cabinet colleagues, to see where the number of reservations can be reduced and the list simplified.

Stephen Crabb said:

" Last year I set out my vision for a Welsh devolution settlement that will stand the test of time by delivering a reserved powers model for Wales and giving further powers to both the Assembly and the Welsh Government.

This pre-legislative scrutiny process has led to a vigorous debate on the detail and I am grateful to the Welsh Affairs Committee and the Assembly's Constitutional and Legislative Affairs Committee, as well as those that gave evidence from civic society, who have helped guide the decisions I have made.

Today's announcement helps deliver on the commitments I made one year ago to introduce a historic funding floor, to devolve more powers and remove constitutional and legal red tape to create a stronger and clearer devolution for Wales

I am optimistic that we can now deliver a better Bill, and a better settlement, as a result."

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