



Ein cyf/Our ref: LF/FM/5171/11

David Melding AM
Chair
Constitutional & Legislation Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff

15th December 2011

Dear David,

Written Statement by the Welsh Government on Localism Bill

I am replying to your letter to Carl Sargeant of 14th November on the above subject.

As you will be aware, Standing Order 30 requires that the Assembly's attention be drawn to UK Government Bills in certain specified circumstances: where a Bill provision either has a significant impact on the functions of the Welsh Ministers or the Counsel General, or it has a (more than trivial) impact on the legislative competence of the Assembly. SO 29 does not require the Welsh Government, in any written statement laid under that Standing Order, to include an explanation of why a Bill's provisions or amendments are considered not to have an impact on the Assembly's competence. We would not therefore normally expect to do so.

You have however specifically asked about certain provisions in what is now the Localism Act. In the case of the provisions conferring powers on the Welsh Ministers to pass EU infraction fines on to Welsh public authorities in that Act, the Government considers that they deal with the financial consequences of breaching EU law, as opposed to compliance with EU law, and are therefore not within the competence of the Assembly.

I hope that the above provides the explanation that you were seeking.

I am copying this letter to Carl Sargeant, the Counsel General and the Presiding Officer.

Yours sincerely

CARWYN JONES