



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Evidence submitted by the Welsh Government to the Commission on Devolution in Wales

DATE 18 February 2013

BY First Minister

The Welsh Government has today submitted its evidence to the Commission on Devolution in Wales in respect of Part II of its remit dealing with the powers of the National Assembly. The full text of the Government's evidence is attached.

www.wales.gov.uk/about/organisationexplained/devolution/?lang=en

The Government's evidence makes the following general points:

- the Commission's report can be expected to contribute to the developing constitutional debate in the UK, and should establish a longer term vision for the governance of Wales within the changing UK;
- the Commission should bear in mind the growth of support for devolution in Wales since 1999 and Welsh people's wish for the devolved institutions to play an increasing part in the governance of Wales.

The evidence reflects four considerations:

- a commitment to devolved future for Wales within the United Kingdom;
- that the devolved institutions should have the powers to enable them to improve the quality of life of people in Wales;
- the importance of a simpler and clearer settlement, which enables decisions affecting Wales to be taken in Wales, with clearer accountability;
- the need for prudence and caution in the Welsh Government's financial affairs.

The Government's evidence makes proposals on legislative and executive

competence as summarised below.

There should be a new Government of Wales Act establishing a devolution settlement for Wales based on a 'Reserved powers' model of legislative competence for the Assembly.

The list of matters reserved to Westminster should be capable of adjustment from time to time without the need for primary legislation.

The list of matters reserved to Westminster should include: the UK's constitutional fundamentals; Foreign Affairs and Defence; Home Affairs matters such as National Security, Immigration and Emergency Powers, and Social Security, Energy, Employment rights, Health and Safety, Charities and Charity law, Land Registration and Broadcasting.

The Assembly's existing legislative powers should not be reduced in any area.

The Assembly's existing legislative powers should be extended in the following areas:

- Water- the current limits on legislative competence should be removed and competence should extend to the geographical border;
- Taxation – competence should be extended in line with the recommendations in the Commission on Devolution's first report published in November 2012;
- Policing, crime prevention and community safety should be devolved, with wider criminal justice to follow in longer time, without the need for new primary legislation;
- Transport – there should be new powers for the Assembly in relation to speed limits, bus regulation, taxi regulation and ports. New responsibilities in relation to rail are being discussed separately with the UK Government.
- There should be enhanced legislative competence in relation to Social Welfare and Families, and Equality.

The existing executive powers of the Welsh Ministers should be retained, and extended in the following areas, to take effect from times agreed between the Welsh and UK Governments:

- powers in relation to Consenting of large scale energy generation (other than nuclear power), and civil contingencies should be transferred to the Welsh Ministers;
- Minister of the Crown powers in areas of devolved legislative competence should be exercised by the Welsh Ministers;

- the Welsh Ministers should have executive powers in relation to youth justice.

Action should be taken to ensure a smooth transition to a separate Welsh legal jurisdiction in due course, including a more clearly Welsh identity in the higher courts of England and Wales and acceptance of the principle that the legal business of people in Wales should be dealt with in Wales wherever possible.

All transfers of responsibilities from the UK Government to the Welsh Government should be accompanied by full budgetary transfer, subject to independent scrutiny.

The Welsh Government appreciates that it will be for the UK Government and Parliament elected in 2015 to make decisions on the Commission's recommendations, with changes likely to take effect when a new Assembly is elected in 2020 or 2021. Changes to Welsh Ministers' executive competence could take place before that time, by agreement.

In the Welsh Government's view, the proposals set out in its evidence raise no new issues of constitutional principle requiring a referendum before they could be implemented.

I will arrange for copies of the evidence to be placed in the Assembly Library.