



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Law Derived from the European Union (Wales) Bill

DATE 7 March 2018

BY Mark Drakeford AM, Cabinet Secretary for Finance

I am today formally introducing the Law Derived from the European Union (Wales) Bill into the National Assembly. The Assembly agreed, following yesterday's plenary debate, that this Bill will be treated as a government emergency Bill. I have also laid an Explanatory Memorandum to the Bill.

The Bill is intended to preserve EU law covering subjects devolved to Wales on withdrawal of the UK from the EU. Furthermore, it will enable the Welsh Ministers to ensure that legislation covering these subjects works effectively after the UK leaves the EU and the European Communities Act 1972 is repealed by the UK Government's European Union (Withdrawal) Bill.

The Bill will enable the Welsh Ministers to legislate to maintain now, and in the future, regulatory alignment with the EU in order to facilitate continued access to the EU market for Welsh businesses. And it will create a default position in law so that unless the UK Parliament legislates to the contrary, the UK Government will have to obtain the consent of the Welsh Ministers before making subordinate legislation within the scope of EU law which make changes to devolved legislation.

The Law Derived from the European Union (Wales) Bill ("LDEU Bill") has been developed in response to the provisions within the UK Government's EU (Withdrawal) Bill that would undermine our devolution settlement. As stated repeatedly, those provisions require substantial amendment in order for the Welsh Government to recommend to this Assembly that it gives its consent to the Withdrawal Bill.

Our preference remains that those amendments are made and that the EU (Withdrawal) Bill operates fairly for the whole of the UK. Although we are working closely with the UK Government to secure those amendments, and indeed

substantial progress has been made in recent weeks, we have yet to reach an agreement.

In these circumstances, it would be irresponsible for us to fail to prepare for a situation where consent for the EU (Withdrawal) Bill is withheld by the Assembly. The LDEU Bill is a fall-back option both to provide legislative continuity in Wales in a way that respects the devolution settlement. We must have continued legal certainty for Welsh businesses and citizens in Wales following the UK's exit from the EU – the LDEU Bill will provide the means of delivering that legal certainty.

What the Bill, categorically, does not do, is block or frustrate Brexit. This Government respects and accepts the outcome of the EU referendum and the LDEU Bill will facilitate the orderly implementation of exit from the EU in devolved areas in Wales. However, the vote to leave the EU was not a vote to reverse devolution. The current devolution settlement in Wales has been backed by two referendums in 1997 and 2011. Brexit is not an excuse to ignore these votes.

The Welsh Government will always pursue the best outcomes for Wales. To that end we will continue to discuss the possibility of amending the EU (Withdrawal) Bill currently before Parliament with the UK Government and the Scottish Government. Should it prove possible to reach agreement, we will not proceed with the LDEU Bill. But if this is not possible, this Bill will be essential to ensuring that the interests of Wales and devolution for Wales are protected.