

Powers in the EU (Withdrawal) Bill to make subordinate legislation

Submission from the Wales & Europe Working Party of Cytûn – Churches Together in Wales

Cytûn (Churches Together in Wales) brings together the main Christian denominations of Wales, and a number of other Christian organisations, to work together on matters of common concern. The 17 member denominations have around 165,000 adult members in every community across Wales, and regular contact with many more adults, children and young people. A full list of member churches and organisations can be found at: <http://www.cytun.cymru/us.html>

The Wales & Europe Working Party was founded in the aftermath of the June 2016 referendum to enable the churches to work together in responding to the result and the many resulting changes in the life of the nation. All member churches of Cytûn are involved. Resources published by the Working Party can be found at: www.cytun.cymru/waleseurope

We would welcome the opportunity to be involved further in the work of the Committee. Any queries should be directed to the Revd Gethin Rhys, National Assembly Policy Officer for Cytûn, at gethin@cytun.cymru. This response may be published in full.

Previous responses

We have responded to two previous consultations on the EU (Withdrawal) Bill, and our responses can be found at: <http://www.cytun.cymru/waleseurope/PDFs/Ewrop-CytunEAALC-consultation-05-17.pdf> (May 2017)

<http://www.cytun.cymru/waleseurope/PDFs/Cytun-EAALC-Consultation-08-17.pdf> (Sept 2017)

The meeting of the Working Party held on 23rd November 2017 agreed that our previous responses still stand, and we note that the Committee will take them into account.

Additional concern

The meeting of the Working Party on 23rd November wished to convey an additional concern. We note that UK Government legislation related to withdrawal from the European Union, other than the EU (Withdrawal) Bill itself, contains many of the features about which we and the Committee have expressed concern. These include:

1. Powers to enable UK Government ministers to amend, by subordinate legislation, devolved legislation without consultation with the National Assembly (e.g. Section 2(6)(a) of the Trade Bill)
2. Restriction of the National Assembly's ability to modify by subordinate legislation "retained EU law" (e.g. Schedule 1 Section 2 of the Trade Bill) while retaining that power for Ministers of the Crown (e.g. Section 2(6)(a) of the Trade Bill)
3. Powers to enable UK Government ministers to amend or repeal any Act of Parliament by subordinate legislation (e.g. Section 54(2) of the Taxation (Cross-Border Trade) Bill).

The inclusion of such provisions in other legislation – especially in legislation with a wide remit, such as that relating to trade, or in legislation not requiring a Legislative Consent Motion in the National Assembly – would to a significant extent obviate the amendment of such provisions in the EU (Withdrawal) Bill itself.

We therefore wish to urge the Committee to scrutinise all this legislation and seek its amendment in line with its proposed amendments to the EU (Withdrawal) Bill.

30th November 2017.



Parch./Revd Gethin Rhys

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