

Government of Wales (Devolved Powers) Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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Provide that powers devolved to Senedd Cymru must not be amended or withdrawn without a super-majority vote of its elected members; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Devolved powers not to be amended or withdrawn

- (1) The powers conferred upon Senedd Cymru by virtue of the Government of Wales Act 1998, the Government of Wales Act 2006, the Wales Act 2014 and the Wales Act 2017 (“the powers of Senedd Cymru”) must not be amended or withdrawn without either the approval of a super-majority resolution of the elected members of Senedd Cymru in accordance with the procedure set out in section 2 or application of the procedure set out in section 3. 5
- (2) Any further powers devolved to Senedd Cymru are subject to the provisions of subsection (1), in regard to both their introduction and any subsequent amendment. 10

2 Consent procedure

- (1) Subject to section 3, a Minister of the Crown may not introduce a Bill in either House of Parliament to amend or withdraw the powers of Senedd Cymru, or proceed as the member in charge of such a Bill, unless the conditions in subsections (2) and (3) have been met in respect of all provisions of the Bill that would amend the powers of Senedd Cymru (“the amending provisions”). 15
- (2) The condition in this subsection is that the Minister has given notice of the amending provisions to the Llywydd of the Senedd.
- (3) The condition in this subsection is that Senedd Cymru has resolved by a simple majority of those present and voting to approve the amending provisions, and within the period of two weeks beginning two weeks after the day of that resolution the approval has been confirmed by a super-majority resolution. 20
- (4) A “super-majority resolution” is a resolution that is supported by at least two-thirds of all Senedd Members entitled to vote. 25

- (5) The Llywydd of the Senedd must inform the Speaker of each House of Parliament in writing—
- (a) where a super-majority resolution is passed under subsection (3), within the period of seven days beginning with the day of that resolution; 5
 - (b) where a motion to confirm a simple majority resolution is not passed by a super-majority resolution, within the period of seven days beginning with the day of that motion being determined;
 - (c) where Senedd Cymru otherwise rejects the amending provisions, within the period of seven days beginning with the day on which rejection is determined. 10
- (6) Subject to section 3, if the amending provisions of a Bill have been rejected by Senedd Cymru, a Minister of the Crown must not introduce any Bill, or proceed as the member in charge of any Bill, which has amending provisions of substantively the same effect within the same term of office of Senedd Cymru, unless Senedd Cymru resolves to reconsider the matter by a simple majority of members present and voting. 15

3 Dispute avoidance and resolution process

Where a Minister of the Crown wishes to introduce, or proceed as the member in charge of, a Bill contrary to the requirements of section 2, the Minister must— 20

- (a) refer the matter in dispute to be considered in accordance with the dispute avoidance and resolution process, specified in Annex D of the Cabinet Office Policy Paper titled “Review of intergovernmental relations” published on 13 January 2022, without prejudice to the legal provisions within the devolution settlements which govern matters relating to legislative competence, and 25
- (b) lay a report before Parliament of that process at least seven days before any further resolution relating to the matter in dispute being debated.

4 Compensation 30

Any financial losses incurred by Senedd Cymru as a consequence of the amendment or withdrawal of its powers by any enactment of Parliament, must be compensated by the Treasury and, in the event of a dispute, decided in accordance with the dispute avoidance and resolution process in section 3. 35

5 Parliament Act 1911

In the Parliament Act 1911, in section 2(1), after “a Bill containing any provision to extend the maximum duration of Parliament beyond five years” insert “or a Bill to amend or repeal the Government of Wales (Devolved Powers) Act 2022 unless supported by Senedd Cymru using the procedure set out in section 2 of that Act”. 40

6 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Government of Wales (Devolved Powers) Act 2022.

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Lord Wigley

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