

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Dame Rosemary Butler AM
Chair of Business Committee

14 November 2014

Dear 

On 5 November I laid an Order under section 109 of the Government of Wales Act 2006 ("GoWA") which, if approved by the National Assembly and by Parliament, would grant legislative competence to the Assembly to legislate to modify section 79 of GoWA – sustainable development.

My intention, should the Order be made in time, is to bring forward such a modification to GoWA through an amendment to the Well-being of Future Generations (Wales) Bill, ("the Bill"). A shorter period of Committee scrutiny would help ensure that the Order can be made in time to bring forward the amendment to the Bill at the earliest possible time, in Stage 3 of scrutiny.

I also wrote to the Environment and Sustainability Committee, and to the Constitutional and Legislative Affairs Committee (as the two Committees which I have appeared before on the Bill) to draw their attention to the laying of the section 109 Order and to express my willingness to appear again for scrutiny on the Order.

I understand that Business Committee has requested further information about the Government's intentions in relation to amending section 79 of GoWA and considers the provision of a draft amendment would be particularly beneficial in this instance.

The section 109 Order confers legislative competence on the Assembly to make legislation which amends the duty (in section 79 of GoWA) of Welsh Ministers in respect of sustainable development. I would like to emphasise therefore that the merits of the Order, and the merits of the amendment I intend to bring forward in the Well-being of Future Generations (Wales) Bill – which will be subject to separate scrutiny as part of the Bill process – are separate matters. The section 109 Order will confer competence; the Well-being of Future Generations (Wales) Bill will be the first opportunity for the National Assembly for Wales to make use of that competence.

In reflecting the legal context, any revision to section 79 must take account of the new sustainable development duties on Welsh Ministers set out in the Bill, but retain the critical role that promoting sustainable development should have as part of our constitution. To

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illustrate the wider framework of sustainable development duties for Wales, I have set out in Annex A what is required of the current provisions in section 79 of GoWA and the comparative provisions in the Bill and the proposed revision to section 79, which I also include as an annex to this letter.

Should the section 109 Order be made law, but the Bill is not passed by the Assembly, then the proposed amendment to GoWA would fall away with the Bill, although the Assembly would retain legislative competence over section 79 and could pass other legislation making modification to the duty Welsh Ministers are under in respect of sustainable development.

In presenting the draft amendment to you at the annex to this letter, I must of course emphasise that it may be subject to minor changes when the drafting is finalised before it is formally tabled at Stage 3.

I am copying this letter to the members of Business Committee. If you are content, I am happy for this letter and draft amendment to be shared with committees scrutinising the section 109 Order.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Carl Sargeant', written over a horizontal line.

Carl Sargeant AC / AM

Y Gweinidog Cyfoeth Naturiol

Minister for Natural Resources

C.C. Paul Davies AM; Jane Hutt AM; Elin Jones AM; Aled Roberts AM; David Melding AM