



HOUSE OF LORDS

Select Committee on the Constitution

House of Lords
London
SW1A 0PW

Tel: 020 7219 1228
constitution@parliament.uk
www.parliament.uk/lords

Lord Bourne of Aberystwyth
Department of Communities of Local Government
2 Marsham St
London SW1P 4DF

27 November 2017

Dear Minister,

Telecommunications Infrastructure (Relief from Non-Domestic Rates) Bill

Thank you for your letter of 6 November on the Telecommunications Infrastructure (Relief from Non-Domestic Rates) Bill.

You say that the clause 4 power “reflects well-established reciprocal arrangements” and that it allows Welsh ministers to amend Acts of Parliament where those amendments are in consequence of any provision in the Bill. You go on to note that “Two-thirds of Acts passed by the Assembly in 2015 and 2016 include a power for the Welsh Ministers to make consequential amendments to Acts of Parliament, without any requirement for consultation with the UK Government.”

We do not, however, consider that the existence of such Welsh legislation in itself establishes the constitutional propriety of UK legislation enabling UK ministers to amend Welsh legislation without consultation. In particular, we consider the analogy to be an incomplete one because devolved legislation can authorise Welsh ministers to amend UK legislation only within devolved competence, whereas UK legislation can enable UK ministers to amend enactments of the devolved legislatures in ways that would trespass upon devolved competence. We remain of the view that a duty to consult the Welsh Government regarding the use of the power would be appropriate, especially as such consultation is expected in practice.

Yours sincerely
Anaïra Co

Baroness Taylor of Bolton
Chairman of the Constitution Committee