



Department for
Communities and
Local Government

Baroness Taylor of Bolton
Chairman of the Constitution Committee
House of Lords
London
SW1A 0PW

Lord Bourne of Aberystwyth
Minister for Faith

*Department for Communities and Local
Government*
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3672
Fax: 0303 444 3291
E-Mail: lord.bourne@communities.gsi.gov.uk

www.gov.uk/dclg

11 November 2017

Dear Ann,

Telecommunications Infrastructure (Relief from Non-Domestic Rates) Bill

Thank you for your letter of 12 October concerning the Telecommunications Infrastructure (Relief from Non-Domestic Rates) Bill.

I am grateful to the Constitution Committee for its consideration of the Bill. The Committee has asked for an explanation of why, if it is expected that consultation would take place regarding the use of the power in clause 4 to amend Welsh primary legislation, the Bill does not include a duty to consult with the Welsh Assembly.

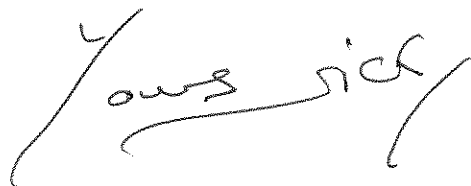
I note the Committee's concerns. However, regarding the amendment of a Measure or Act of the National Assembly for Wales, the power reflects well-established reciprocal arrangements. The power in clause 4 of the Bill also enables the Welsh Ministers to amend Acts of Parliament, where those amendments are in consequence of any provision in the Bill. 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.

These reciprocal arrangements allow consequential amendments to be made, ensuring that the legislative programmes of both the Welsh Government and the UK Government run smoothly. Similar powers exist in other local government finance legislation. For example, Section 20 of the Local Government Finance Act 2012 contains a power for the Secretary of State to make consequential amendments to Welsh Assembly legislation without the need to consult.

In practice, my Department will liaise with the Welsh Government as necessary when we expect the power in clause 4 of the Bill to be used in respect of legislation made by either the Assembly or Welsh Ministers. Firstly, any intention to use the power will be discussed between officials in advance of the power being exercised. Secondly, the Secretary of State will write to the First Minister and Presiding Officer, informing them of the intention to use the power. Furthermore, any provision made under this power is narrowed by the requirement that it must be consequential on provisions in the Bill. This is a strict test which means anything we do under these powers must be absolutely necessary or clearly desirable to ensure the Bill works as intended.

I also note that since the Committee considered the Bill, the Welsh Assembly debated and approved the Legislative Consent Motion for the Bill on 17 October 2017.

I hope the information outlined above provides clarity on the concern raised by the Committee.

A handwritten signature in black ink, appearing to read 'Yours sincerely', written in a cursive style.

LORD BOURNE OF ABERYSTWYTH