

**LETTER FROM THE PRINCIPAL PRIVATE SECRETARY, FIRST  
MINISTER REQUESTING CONSENT OF HER MAJESTY**

To: The Private Secretary to the Queen  
Buckingham Palace  
London  
SW1A 1AA

Dear Sir

**LAW DERIVED FROM THE EUROPEAN UNION (WALES) BILL**

Please find enclosed two copies of the Law Derived from the European Union (Wales) Bill, for which the Consent of Her Majesty is sought.

**Statutory background**

Section 111(4) of the Government of Wales Act 2006 states:

*“The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in standing orders.”*

Standing Order 26.67 of the National Assembly for Wales further states:

*“If a Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the Bill at a meeting of the Assembly.”*

**Purpose of the Bill**

The Law Derived from the European Union (Wales) Bill (“the LDEU Bill”) is intended to preserve European Union law (“EU law”) covering subjects devolved to Wales on withdrawal of the UK from the EU. Further, it will enable the Welsh Ministers to ensure that legislation covering these subjects works effectively after the UK leaves the EU (and the European Communities Act 1972 is repealed by the UK Government’s European Union (Withdrawal) Bill).

The LDEU Bill will also enable the Welsh Ministers to legislate to maintain regulatory alignment with the EU in order to facilitate continued access to the EU market for Welsh businesses and it will create a default position in law so

that unless the UK Parliament legislates to the contrary, Ministers of the Crown will have to obtain the consent from the Welsh Ministers before making subordinate legislation within the scope of EU law which make changes to devolved legislation.

### **How the Bill could affect the Crown**

The LDEU Bill contains broad powers for the Welsh Ministers to preserve EU law covering subjects devolved to Wales on withdrawal of the UK from the EU (sections 3, 4 and 5). The powers also enable the Welsh Ministers to make any necessary modifications to such EU law to ensure its effective operation following exit.

These powers approach the preservation of EU law differently compared to the European Union (Withdrawal) Bill. However, the net effect on the legal rights and obligations applicable is intended to be broadly consistent.

The LDEU Bill also includes a power to make corresponding provision to EU law that is adopted by the EU after exit (section 11). This power is not contained in the European Union (Withdrawal) Bill.

These powers are capable of being exercised in a manner that could potentially affect the private interests of Her Majesty and the Duke of Cornwall. EU law currently extends across various subject matters, including in the fields of agriculture and the environment. It is possible that modifications necessary to ensure the effective operation of EU derived Welsh law could affect existing duties on Her Majesty and the Duke of Cornwall in relation to any relevant personal property situated in Wales.

It is currently not known to what extent any of these powers will be exercised in a manner which could affect the interests of Her Majesty and the Duke of Cornwall.

I also note that Her Majesty gave consent to the European Union (Withdrawal) Bill.

### **Consent**

I respectfully ask Her Majesty for consent, in so far as Her Majesty may be affected by the LDEU Bill as introduced. Please be aware that, if granted, consent will need to be signified to the National Assembly for Wales on or before 21 March 2018. I would be grateful if you could confirm whether consent is granted by 20 March 2018.

Thank you for considering this request and please let us know if we can be of any further assistance to you.

Yours faithfully

Des Clifford  
Principal Private Secretary, First Minister

Enc: Two copies of the Bill

cc:

Mr Julian Smith  
Messrs Farrer and Co  
66 Lincoln's Inn Fields  
London  
WC2A 3LH

The Principal Private Secretary to The Prince of Wales  
Clarence House  
London  
SW1A 1BA

The Secretary to the Crown Estate Commissioners  
16 New Burlington Place  
London  
W1S 2HX  
[Jane.Dagnall@thecrownestate.co.uk](mailto:Jane.Dagnall@thecrownestate.co.uk)