

29 January 2024

Dear

ATISN 20040 Cost of legal challenges against UK Government

Thank you for your request which I received on 29 December 2023. You asked for information on how much the Welsh Government has spent on legal challenges (including legal advice and representation) against the UK Government over the last five years. I have taken this to mean challenges where legal proceedings have been issued or where a letter before action has been sent. Your request included a breakdown of the following costs:

- 1. Legal advice and representation before challenges were made, during legal proceedings, and before and after subsequent appeals – by legal challenge/year.*

From searches of the Welsh Government's records, the following costs have been identified:

Miller v Secretary of State – £80,781

Miller v Prime Minister – £18,397

Challenge to UK Internal Market Act – £92,440

Further, the Welsh Government brought two legal challenges relating to Baglan Energy Park: to the Official Receiver (which was not a challenge to the UK Government) and to the Secretary of State for the Department for Business, Energy & Industrial Strategy (BEIS) (which was a challenge to the UK Government).

The Welsh Government does not hold separated costs for solicitor fees (including disbursements) relating to those two challenges, which totalled £334,527.01.

The Welsh Government does hold separated costs for barrister/Counsel fees (including disbursements) in those two challenges:

Challenge to Secretary of State for BEIS – £59,364

Challenge to Official Receiver (which, while not a challenge to the UK Government, has been provided for completeness) – £88,924.84

There were further combined costs of £10,860 for barrister/Counsel fees that cannot be separated.

- 2. Associated administrative costs linked to these cases (e.g. Civil Service support, other internal/external support sought).*

I confirm that the Welsh Government does not hold disaggregated costs or other information on the distribution of administrative and other resources to these or other specific activities.

3. Any associated costs affiliated with the Welsh Government's legal challenges, including travel, hotel and food expenses.

Miller v Secretary of State – £3,583

Miller v Prime Minister – £3,991.60

Challenge to Secretary of State for BEIS – the Welsh Government does not hold disaggregated costs.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely