



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE European Parliamentary Elections (Amendment and Revocation)
(United Kingdom and Gibraltar) (EU Exit) Regulations 2022

DATE 2022

BY Mick Antoniw MS, Counsel General and Minister for the
Constitution

SO 30C – SI laid in Parliament which amends legislation in a devolved area

In alignment with my obligations under Standing Order 30C, I wish to make members aware of the consent that I have provided to the UK Government to legislate to revoke legacy European Parliament elections legislation on the Welsh Government's behalf.

The purpose of the Statutory Instrument

The UK Government's Department for Levelling Up, Housing and Communities has recently made us aware of their intention to revoke legacy European Parliament elections legislation retained in UK law that is no longer required within the UK and to remove redundant references to European Parliamentary elections in some secondary legislation relating to domestic elections. The UK Government intend to exercise the powers granted to them by sections 8(1) (in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) and (g) of the 2018 Act) arising from the withdrawal of the UK from the EU) and 24(3) f Schedule 7 to the European Union (Withdrawal) Act 2018 in order to do so.

The Statutory Instrument will:

- a) omit redundant references related to European Assembly elections in the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111) – These regulations extend to Scotland only;

- b) omit redundant references related to European Parliamentary elections in the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294) – this includes some general amendments to remove redundant references and also to remove provisions which relate to the combination of polls at a PCC election and a European Parliamentary election and at a combined authority mayoral election and a European Parliamentary election;
- c) omit redundant references to European Parliamentary elections and a consequential amendment in Schedule 4 to the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) – PCC elections are reserved elections;
- d) make a consequential amendment to the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67) - a combined authority is a type of local government institution introduced in England by the Local Democracy, Economic Development and Construction Act 2009. These do not apply in Wales;
- e) omit Table 2 from Part 2 of Schedule 1 to the European Parliamentary Elections Etc (Repeal, Revocation, Amendment and saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310).

The specific Legislation to be revoked under the Statutory Instrument is as follows:

- (a) *Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations;*
- (b) *Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and European political foundations;*
- (c) *Council Decision (EU, Euratom) 2018/994 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC;*
- (d) *the European Parliamentary Elections (Welsh Forms) Order 2014.*

Any impact the Statutory Instrument may have on the Senedd’s legislative competence and/or the Welsh Ministers’ executive competence

The Statutory Instrument contains provisions that revokes legislation (three EU instruments and the European Parliamentary Elections (Welsh Forms) Order 2014), the subject matter of which is within devolved competence, so the Statutory Instrument requires the prior consent of the Welsh Ministers.

The Statutory Instrument has no impact on the Welsh Ministers’ executive competence or the Senedd’s legislative competence. The Statutory Instrument does not involve the transfer of any functions to or from the Welsh Ministers nor does it confer any new functions on the Welsh Ministers.

Why consent was given

This is largely a technical and non-controversial matter. There is no divergence between the Welsh Government and the UK Government on the policy and making separate arrangements would lead to duplication and unnecessary complication of the statute book. Therefore, I am content that providing consent for the UK Government to make these revocations on behalf of Wales is the most appropriate course of action in this particular instance for reasons of efficiency and expediency.