



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Assembly

DATE 31 October 2018

BY Julie James AM, Leader of the House and Chief Whip

The Local Government (Miscellaneous Amendments) (EU Exit) Regulations 2018

The Law which is being amended

- Local Authorities (Contracting Out of Investment Functions) Order 1996
- Council Tax (Discount Disregards) Order 1992

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The proposed amendments will have no impact on the Assembly's legislative competence and/or the Welsh Ministers' executive competence.

The purpose of the amendments

The purpose of this SI (negative procedure) is to correct deficiencies in UK legislation subject to exit from the European Union relating to local government finance.

In summary, this SI will remove the references to EEA-regulated firms not authorised to carry out regulated activities in the UK so that only FCA-authorised firms will be qualified to act as contractors for local authority investment functions.

The SI will also ensure that students studying within educational establishments situated in the UK and EU Member States will continue to be disregarded for the purposes of council tax. This will involve changing the reference to "Member State" to "relevant authority" and defining relevant authority as meaning England, Wales, Scotland or Northern Ireland or a Member State".

The SI and accompanying Explanatory Memorandum, setting out the effect of this

amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-local-government-miscellaneous-amendments-eu-exit-regulations-2018>

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction and the original legislation predates devolution. Therefore, making separate SIs would lead to duplication, and unnecessary complication of the statute book. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.