

## **Ministry of Housing, Communities & Local Government – Written Evidence (GOU0012)**

### **Request:**

The Constitution Committee has been reconstituted and is expected to continue its inquiry on *The Governance of the Union: Consultation, Co-operation and Legislative Consent*.

We have been asked to provide a list of legislation for which the UK Government has sought legislative consent from one or more of the devolved legislatures and consent has been withheld, but the legislation has nonetheless received Royal Assent. They have requested a separate list for each of the devolved administrations. To note, the Committee would intend to publish the lists as formal written evidence and refer to them in its final inquiry report.

### **Response:**

The Sewel Convention is a parliamentary convention which states that the UK Parliament will not normally pass legislation on a devolved matter without the consent of the relevant devolved legislature. In practice this is achieved via the passing of a legislative consent motion in a devolved parliament, likely on the recommendation of the corresponding devolved government. To facilitate this, the UK Government requests legislative consent motions (LCMs) for bills which legislate for devolved matters or alter devolved executive or legislative competence. The UK Government is committed to resetting the relationship with devolved governments and looks forward to working collaboratively with them, as demonstrated by the Prime Minister's visits to the UK nations soon after taking office. The UK Government also intends to agree with the devolved governments a new memorandum of understanding regarding the Sewel Convention and outlining how the nations will work together for the common good

In most cases, an LCM is passed. In a few cases, legislation has proceeded when not all of the requested LCMs have passed, and those bills have proceeded to Royal Assent. It is a decision for Parliament whether the legislation is passed without consent. The majority of Acts which did not have consent from any of the devolved legislatures related directly to the UK's departure from the EU. The number of Acts which passed without an LCM from the Northern Ireland Assembly is higher than for the Senedd or Scottish Parliament given the Northern Ireland Executive or Assembly were not convened for two periods during this Parliament.

The UK Government does not have records of any bills becoming Acts without consent prior to the start of the 2019 Parliament apart from the European Union

(Withdrawal) Act 2018, which was passed without LCMs from the Scottish Parliament or the Northern Ireland Assembly. The Senedd Cymru passed an LCM. The UK Government's record of all LCMs sought since the start of the 2019 Parliament are listed below.

## Scotland

In the 2019-2024 Parliament 50 Acts of Parliament were passed for which legislative consent was sought from the Scottish Parliament. 41 passed with legislative consent from the Scottish Parliament and 9 passed without legislative consent from the Scottish Parliament. These were:

- European Union (Withdrawal Agreement) Act 2020
- European Union (Future Relationship) Act 2020
- United Kingdom Internal Market Act 2020
- Professional Qualifications Act 2022
- Subsidy Control Act 2022
- Northern Ireland Troubles (Legacy and Reconciliation) Act 2023
- Procurement Act 2023
- Retained EU Law (Revocation and Reform) Act 2023
- Trade (Australia and New Zealand) Act 2023

## Wales

In the 2019-2024 Parliament 49 Acts of Parliament were passed for which legislative consent was sought from the Senedd Cymru. 37 passed with legislative consent from the Senedd Cymru and 12 passed without legislative consent from the Senedd Cymru. These were:

- European Union (Withdrawal Agreement) Act 2020
- European Union (Future Relationship) Act 2020
- United Kingdom Internal Market Act 2020
- Animal Welfare (Sentencing) Act 2021 (the Act passed during Senedd recess)
- Professional Qualifications Act 2022
- Subsidy Control Act 2022
- Energy Act 2023
- Procurement Act 2023
- Retained EU Law (Revocation and Reform) Act 2023
- Trade (Australia and New Zealand) Act 2023
- Leasehold and Freehold Reform Act 2024 (the Act passed during 'wash-up')
- Victims and Prisoners Act 2024 (the Act passed during 'wash-up')

## Northern Ireland

In the 2019-2024 Parliament 54 Acts were passed for which legislative consent was sought from the Northern Ireland Assembly. 22 passed with legislative consent from the Northern Ireland Assembly and 32 passed without legislative consent from

the Northern Ireland Assembly. Six of those which did not have consent were passed whilst the Assembly was convened and able to consider such matters. These were:

- European Union (Withdrawal Agreement) Act 2020
- European Union (Future Relationship) Act 2020
- United Kingdom Internal Market Act 2020
- Trade (Disclosure of Information) Act 2020
- Counter-Terrorism and Sentencing Act 2021
- Trade Act 2021

22 Acts passed whilst either the Northern Ireland Executive or Assembly or both were not convened and legislative consent could not be considered. These were:

- Professional Qualifications Act 2022
- Subsidy Control Act 2022
- Building Safety Act 2022
- Economic Crime (Transparency and Enforcement) Act 2022
- Energy Prices Act 2022
- Social Security (Additional Payments) Act 2022
- Animal Welfare (Low-Welfare Activities Abroad) Act 2023
- Child Support Collection (Domestic Abuse) Act 2023
- Economic Crime and Corporate Transparency Act 2023
- Energy Act 2023
- Identity and Language (Northern Ireland) Act 2022
- Illegal Migration Act 2023
- Levelling Up and Regeneration Act 2023
- Northern Ireland Troubles (Legacy and Reconciliation) Act 2023
- Online Safety Act 2023
- Pensions Dashboard (Prohibition of Indemnification) Act 2023
- Procurement Act 2023
- Retained EU Law (Revocation and Reform) Act 2023
- Shark Fins Act 2023
- Social Security (Additional Payments) Act 2023
- Trade (Australia and New Zealand) Act 2023
- UK Infrastructure Bank Act 2023

Four Acts passed immediately following the Northern Ireland Assembly being reconvened with no time for legislative consent to be considered prior to the UK Parliament being prorogued. These were:

- Digital Markets Competition and Consumers Act 2024
- Post Office (Horizon System) Offences Act 2024

- Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024
- Victims and Prisoners Act 2024

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