



Your ref: PO/RB/CW
Our ref: MA-L/LA/0223/16

Dame Rosemary Butler AM
Presiding Officer
National Assembly for Wales

Private.Office@assembly.wales

9 March 2016

Dear Rosemary,

Thank you for your letters of 1 and 7 March, regarding the provisions in the Enterprise Bill around the cap on public sector exit payments. I agree wholeheartedly with your wish to ensure that the constitutional separation between the Assembly, its staff and Welsh Ministers is maintained.

I fully understand your concerns and am keen that the Enterprise Bill and any subsequent arrangements to cap exit payments respect the constitutional separation between the Assembly, its staff and the Welsh Ministers.

As you are aware, amendments to the Bill were tabled shortly after your letter arrived on 1 March. The Legislative Consent Memorandum has been revised in light of these amendments and I have confirmed that I will now promote the Legislative Consent Motion in the Assembly.

The amendments would give the Welsh Ministers regulation-making powers in relation to exit payments made to Assembly Members. However, I can confirm that it is not my intention to interfere with the systems already in place and, indeed, I consider that it would be inappropriate for the Welsh Ministers to cap exit payments in relation to Assembly Members.

I understand that it is your view that the Treasury would retain regulation-making powers in relation to Assembly office-holders such as the Presiding Officer, Deputy Presiding Officer and Assembly Commissioners. I have asked my officials to discuss this point further with your officials and with Treasury officials as I am not clear that this was the intended effect of the amendments tabled (i.e. as persons undertaking those offices are all Assembly Members, the intention may be that they are covered by the Welsh Ministers' regulation-making power). This issue requires further discussion and confirmation from the Treasury as to their intention.

I can confirm that, if the regulation-making power lies with the Welsh Ministers, we would not seek to exercise that power. If the regulation-making power lies with the Treasury, I will seek to confirm their intentions. The Treasury's consultation document for these provisions says that they would not seek to make regulations in relation to Members of Parliament and I would expect their position to be the same in relation to Assembly Members, but this would need to be confirmed by the Treasury.

With regard to staff of the Commission, the effect of the amendments is that, if the Treasury make regulations about a cap on exit payments which apply to staff of the Commission, the Treasury would be required to confer on the Welsh Ministers a power to relax the cap.

While I would support the delegation of the power to relax the cap to the Assembly Commissioners in respect of Assembly Commission staff, we need to discuss the available options with Treasury officials. I will come back to you when I have a clearer picture of the options available to achieve the separation you seek.

I hope that this letter goes some way towards alleviating your concerns. As you know I am very happy to meet and discuss these issues with you. I have asked my officials to discuss this matter further with yours.

Best wishes,



Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services