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Chi Onwurah MP and Bill Esterson MP
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Dear Chi Onwurah and Bill Esterson

Professional Qualifications Bill – Government amendments

I am writing to provide you with an update on the Professional Qualifications (PQ) Bill and efforts to secure legislative consent motions (LCMs), ahead of its remaining parliamentary stages.

Following extensive engagement with the devolved administrations (DAs) throughout the passage of the PQ Bill, the government offered two legislative concessions in exchange for LCMs in December 2021:

- An enhanced 'consult plus' statutory consultation duty. This includes a requirement for the UK Government (UKG) to consult the relevant devolved administrations before making regulations in areas of devolved legislative competence, and to publish the details of those consultations in agreement with the DAs; and,
- An amendment to carve out the Bill from the requirements of Schedule 7B of the Government of Wales Act (GOWA) 2006.

These concessions build on the amendments which were tabled and debated by Peers in the House of Lords, and I believe these provide significant reassurance in relation to the points raised by my DA ministerial counterparts. I had hoped that on the strength of these, the DAs would grant legislative consent. However, regrettably, the DAs formally rejected this offer in early January 2022 on the basis that a requirement to obtain consent when making regulations in areas of devolved legislative competence is their red line.

Lord Grimstone (as Lords Bill minister) and I have since met our DA ministerial counterparts, with support from Sue Gray, Second Permanent Secretary with responsibility for the Union and Constitution Group at the Cabinet Office, to try to resolve outstanding concerns.

However, despite extensive engagement at official and ministerial level to provide further assurances and practical examples which demonstrate that any regulations made by UKG which are in devolved legislative competence would be limited in scope, exceptional and would always be made in consultation with the appropriate devolved administration Minister, all three Ministers refused to give their consent for this Bill.

In discussions, the DAs insisted that, in order to grant LCMs, they would need amendments to the Bill requiring that the UK Government seek consent from the DAs before UKG made regulations in areas of devolved legislative competence. In order to ensure that we have exhausted all options for obtaining legislative consent from the DAs, we re-examined the case for introducing such a duty to obtain consent.

My officials and I have considered the issue in depth and concluded that we could not make this offer. There is a risk that the UK Government would not be able to promptly and consistently implement provisions on the recognition of professional qualifications in current and future international agreements. This could jeopardise the UK's credibility in securing ambitious provisions to support UK services exports with global trade partners.

It is therefore with great regret that the UK Government will be legislating without the consent of the DAs. It was never my intention to legislate without consent and my preferred approach throughout has always been to secure LCMs. Indeed, I have invested considerable time and energy attempting to secure LCMs. Although I am disappointed with this outcome, I am satisfied that all avenues to secure legislative consent from the DAs have now been exhausted.

However, I am keen to pursue good policy outcomes and recognise the benefits of formalising in an amendment the Government's standard good practice in consulting with the DAs before making regulations, something discussed extensively during the passage of this Bill.

Today, in advance of Report Stage and Third Reading in the House of Commons, the government has tabled amendments to introduce the enhanced consultation duty and to carve out the Bill from the requirements of Schedule 7B of the Government of Wales Act (GOWA) 2006. These amendments are being made unconditionally.

It is my strong view that this Bill will operate best and in the interests of all the nations of the UK if we work collaboratively. These amendments represent a boost for the Union as we develop new ways of working together.

The PQ Bill has been carefully designed to respect the devolution settlements by providing for the DAs to make regulations within their legislative competence.

However, it is important that UKG ministers can also use the powers in the Bill because of the complex way professions are regulated across the UK.

The UK Government wants to continue working collaboratively and transparently with all devolved governments, as I hope tabling these amendments demonstrates.

I have enclosed a copy of the amendments and hope that you will be able to support these. I am very happy to meet with you to discuss further if helpful. I will also be placing a copy of this letter in the library of the House.

Yours ever,



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