

Jane Hutt AS/MS
Y Dirprwy Weinidog a'r Prif Chwip
Deputy Minister and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JH/3258/20

Mick Antoniw MS
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Legislation, Justice and Constitution Committee
Senedd Cymru
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John Griffiths MS
Chair
Equality, Local Government and Communities Committee
Senedd Cymru
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06 October 2020

Dear Chair,

Thank you for your joint letter of 30 September about the Legislative Consent Memorandum (LCM) that was recently laid with regards to the UK Government's Domestic Abuse Bill (the Bill). You asked me three questions in relation to the LCM.

You have asked for an explanation as to why there was a delay in laying the LCM before the Senedd, when the Bill was introduced to the House of Commons on 3 March but the LCM was not laid before the Senedd until 3 August. The Bill was introduced before the UK Parliament for its first reading on 3 March and my officials were involved in ongoing discussions with their counterparts in the UK Government; specifically regarding the powers for the proposed Domestic Abuse Commissioner and the ability of the Senedd to scrutinise the same. Further work on reviewing the Bill in its totality was then halted as both Legal Services and policy officials responded to the unprecedented and fast moving work as a result of COVID-19. The scrutiny of the Bill has only recently restarted and my officials have resumed dialogue with UK Government officials and are considering the Bill as a whole. It is unfortunate that the LCM was not laid from the outset due to the huge volume of work created by COVID -19, however, I believe that now presents an opportune time to scrutinise

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

the Bill, given that the UK Government amendments have been recently notified to us and that the Bill is now proceeding before the House of Lords.

You have also asked for details of the analysis undertaken in order to determine that clauses 3, 65, 66, 68 and 73 fall within the Senedd's competence, and why clause 1 and 2 are not included in the LCM. You highlight that the UK Government's Explanatory Notes to the Bill states that the Bill is not within legislative competence of Senedd Cymru, and therefore consent is not required. It remains my view that there are good arguments as to why the provisions identified are within the legislative competence of the Senedd Cymru. The overall purpose of the Bill is to raise awareness and understanding of domestic abuse and its impact on victims, the prevention of domestic abuse, including strengthening support for victims of abuse and their families; this has a clear impact on devolved matters.

The Legislative Consent Motion process must be viewed in the context of the Sewell convention as set out in section 107(6) of the Government of Wales Act 2006 and the Devolution Guidance Note, 'Parliamentary and Assembly Primary Legislation Affecting Wales', which provides that Parliament will not legislate "with regard to devolved matters" without the consent of the Senedd Cymru. Domestic abuse in general is a devolved area, as highlighted by the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

I hope my letter clarifies these matters. I look forward to receiving your report next month and, as you know, I remain committed to eliminating all elements of domestic abuse and look forward to discussing this Bill with Members of the Senedd during the debate on 10 November.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane', with a horizontal line above it.

Jane Hutt AS/MS

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