

Jane Hutt AS/MS  
Y Gweinidog Cyfiawnder Cymdeithasol  
Minister for Social Justice



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-JH-3827/21

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee

12 November 2021

Dear Huw,

Thank you for the Committee report on the Legislative Consent Memorandum on the Police, Crime, Sentencing and Courts Bill, laid on 28 May.

I note the two recommendations you listed which I have responded to below:

**Recommendation 1:** The Minister should, in advance of the Senedd's debate on the relevant consent motion, provide an update to her letter of 28 September 2021 and advise whether an amendment is to be laid to the Bill requiring the Secretary of State to gain consent from the Welsh Ministers prior to exercising powers under clause 17 and 18 in relation to devolved Welsh authorities.

Response – A Supplementary Legislative Consent Memorandum (SLCM) was laid on 5 November. The Bill introduced the Serious Violence Duty clauses, which includes a power in clause 17 for the Secretary of State (SoS) to direct public bodies (including Devolved Welsh Authorities) to collaborate. As introduced, the Bill required the SoS to consult with Welsh Ministers before using the power of direction. The House of Lords agreed an amendment to clause 17 on Wednesday 27 October, which now means the SoS must obtain the consent of the Welsh Ministers prior to directing a devolved Welsh authority. As a result of that amendment, the Welsh Government is now satisfied with the level of protection and safeguards afforded in terms of the interaction with Devolved Welsh Authorities. Therefore, the SLCM recommends that the Senedd gives consent to the clauses related to the Serious Violence Duty, including clauses 9 and 18.

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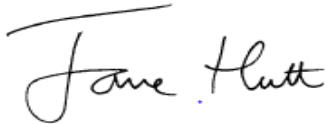
Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

**Recommendation 2:** The Minister should clarify why she believes clause 43 to be within the legislative competence of the Senedd and, if so, why the Senedd should give its consent to that clause.

Response – The inclusion of clause 43 was an administrative error. Clause 42 of the Bill should have been included instead as safeguarding issues fall within the legislative competence of the Senedd and are addressed in the Social Services and Well-being (Wales) Act 2014. It is my intention to record the correction when the relevant motion is debated in the Senedd.

Yours,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a horizontal line above the first few letters.

**Jane Hutt AS/MS**

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Minister for Social