

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



Llywodraeth Cymru  
Welsh Government

Russell George MS  
Chair, Health and Social Care Committee  
[SeneddHealth@senedd.wales](mailto:SeneddHealth@senedd.wales)

15 February 2022

Dear Russell

### **Legislative Consent Memorandum on the Nationality and Borders Bill**

I am grateful to you and your fellow members of the Health and Social Care Committee for taking the time to consider the Legislative Consent Memorandum (LCM) laid on the Nationality and Borders Bill (“the Bill”). Importantly, I note and welcome the views received from stakeholders.

I was pleased to see Members agreed with the position I set out in the LCM; that the consent of the Senedd is required for the clauses highlighted.

Your report includes three recommendations. My response to those recommendations are as follows:

**Recommendation 1. The Minister for Social Justice should provide further information about what preparations are being made by Welsh Government and devolved Welsh authorities for the implementation of clause 49 in respect of Wales should the Bill be passed as drafted.**

I laid a Legislative Consent Memorandum because I do not believe clause 49 should be implemented in Wales. I sincerely hope the Senedd will concur with our view and, if that is the case, we will urge the UK Government to make the necessary amendments to the Bill to ensure that clause 49 does not apply in Wales.

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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 for Social Justice should provide assurances that appropriate mental health and wellbeing support will be made available to people affected by the use of scientific methods for age assessment, should such methods be applied in Wales.**

We are continuing to urge UK Government brings forward amendments to the Bill to ensure such scientific methods are not utilised in Wales. We recognise the concerns that such techniques will have detrimental mental health and well-being impacts and this is one of the reasons why our Age Assessment Toolkit does not support their use.

**Recommendation 3. The Minister for Social Justice should seek assurances from the UK Government that any financial implications arising from the Bill will be met by the UK Government in line with the Statement of Funding Policy.**

We continue to urge UK Government to consider the financial implications for Wales arising from their legislation and decisions. Currently we have a lack of information about the practical requirements in the UK Government's age assessment process and this is needed to assess the financial implications more effectively. We will continue to monitor this and urge fair funding for Wales as things develop.

I am copying this letter to Huw Irranca-Davies MS the Chair of the Legislation, Justice and Constitution Committee and Jayne Bryant MS the Chair of the Children, Young People and Education Committee.

I hope my reply is helpful.

Yours sincerely,

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

**Jane Hutt AS/MS**

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Minister for Social Justice