

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/your ref JH/PO/134/25

Mark Isherwood MS
Chair, Public Accounts and Public Administration Committee

Mike Hedges
Chair, Legislation, Justice and Constitution Committee.

28 March 2025

Dear Mark and Mike,

I am writing in response to the Committee's letters of 14 and 21 march in respect of the Legislative Consent Memorandum on the Public Authorities (Fraud, Error and Recovery) Bill ('the Bill').

I have reflected on the points raised in your letters and my response is set out below. To note, where I have used clause references from the Bill, these are consistent with the latest version, as brought from the Commons, dated 18 March 2025.

<https://publications.parliament.uk/pa/bills/cbill/59-01/0204/240204.pdf>

Legislative consent

I am pleased that the Public Accounts and Public Administration Committee concurs with the Welsh Government's view that Parts 2 and 3 of the Bill do not require consent (albeit with the exception of clause 99).

I remain of the view that, within Part 1 of the Bill, only clauses 1, 2, 5, 6, 7 (and Schedule 1), 9, 10, 64, 65, 67 and 69 (and Schedule 2) of the Bill as introduced which meet the SO29 Test. These clauses either confer functions on DWAs or relate particularly closely to the investigation of fraud against DWAs. Please note that of these clauses, clauses 1, 2, 7 (and Schedule 1), 9, 64, 65 and 69 (and Schedule 2) were identified by the UK Government as meeting the SO29 Test (as stated in paragraph 11 of the original LCM).

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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.

Regarding clause 99, I remain of the view that application clauses do not generally meet the SO29 Test because they have no legal effect separate to the provisions to which they relate.

Yours sincerely,

A handwritten signature in black ink, reading "Jane Hutt". The signature is written in a cursive style with a large initial 'J' and a distinct 'H'.

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