

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: HIDCC/PO/0398/24

Hannah Blythyn MS  
Chair  
Standards of Conduct Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

2 January 2025

Dear Hannah,

Thank you for your letter, and for the opportunity to provide evidence to the Standards of Conduct Committee in respect of your inquiry into individual member accountability. I will respond to your requests for additional information in turn.

### **What preparatory work the Government has undertaken following the commitment made in the Senedd.**

Following the Government's commitment to invite the Committee to make proposals in respect of deceptive statements, my officials have been working through the policy and legal implications of the three options identified by the Committee in the consultation – a criminal offence brought before the criminal courts, a civil offence adjudicated through an independent judicial process, or strengthening the existing Code of Conduct and standards procedures.

Officials have been working through the detailed issues and have been able to determine the initial scope of policy decisions that will be required. I will therefore be in a position to begin taking those decisions once the Committee's recommendations are known and can appropriately be taken into account.

### **Consideration of the procedure and processes for giving effect to its commitment and assessing any resource or capacity implications.**

As is the case in the development of all Government legislation, policy development is being undertaken alongside detailed analysis from Legal Services, in order to be ready to instruct our legislative drafters. Elements of the policy and legal capacity that was previously deployed in the development and delivery of the Senedd Cymru (Members and Elections) Act have been retained for this purpose.

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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.

In order to meet our commitments, we are seeking to make progress at pace. This may mean that decisions will need to be taken as to the appropriate balance between what is included within primary legislation, and what can be provided for in secondary legislation. In addition, the constitutional significance of any legislative proposals in this space means that it is essential that they receive the appropriate scrutiny and consideration from the Senedd.

**What timeframe you consider would be necessary to develop and bring through legislation of this sort. Perhaps you could assist the committee on this point with the length taken on any comparable legislation.**

As I set out in my evidence to the Committee, we are preserving a slot for this legislation in the 5th year of our legislative programme.

The challenging timescales should not be understated however, and it is essential that all parts of the process are able to proceed at pace. A balance needs to be struck between maximising the time available to properly develop legislation in what is an area with limited precedent and ensuring that the Senedd has the necessary time to scrutinise and improve that legislation.

**Any conversations you may have had with the UK Government about any potential impacts on the justice system and what if any response received.**

I am conscious that this Committee's inquiry is currently ongoing, including a public consultation, and I have been mindful to not cut across or pre-empt the outcome of that engagement.

In respect of potential impact on the justice system, I am also aware that the Committee has taken evidence from the Chief Constable of North Wales Police and the Criminal Bar Association, as well as receiving written evidence from the [President] of the Adjudication Panel for Wales, and the Crown Prosecution Service. As the detailed policy positions are developed, and where appropriate, we will of course ensure that consideration of the views and expertise of key stakeholders are embedded in that process.

The Justice Impact Assessment process is utilised in the development of all legislation that impacts on the justice system, and that process involves engagement with the Ministry of Justice when the proposed policy model is sufficiently well defined. The assessment will form part of the Explanatory Memorandum that will accompany any Bill.

**What your assessment would be of the risk of vexatious or malicious complaints if legislation is introduced.**

It is important that any system strikes the right balance between providing for an effective model for member accountability, and not allowing the system to be used to prevent legitimate discourse, and I welcome the views of the Committee as to where that balance should lie. As part of the policy work set out above, my officials have been giving consideration as to how the parameters of the wrongdoing are drawn, as well as the extent to which a mechanism to filter complaints should form part of the system, to ensure only the most serious incidences of deception are captured. Additionally, were broader parliamentary privilege protections afforded to Members of the Senedd, the interactions between any legislation on deceptive statements and those protections would need to be carefully considered.

In conclusion, I fully agree with your assessment that *“legislating for deliberate deception has the potential to be complex”*. The government is continuing to work through those complexities, and as such I am looking forward to the recommendations of the Committee on the merits of introducing further mechanisms, drawn from the evidence base that you have gathered.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

**Huw Irranca-Davies AS/MS**

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