

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Welsh Government

14 March 2025

Dear Jane,

Legislative Consent Memorandum on the Public Authorities (Fraud, Error and Recovery) Bill

At our meeting on 13 March 2025, we considered the above Legislative Consent Memorandum.

As part of our consideration, we noted the Welsh Government's view that only certain clauses of Part 1 of the Bill require consent, rather than for all of the clauses contained in Part 1 of the Bill. It is our view that the entirety of Part 1 of the Bill requires consent, for the reasons set out below. We concur with the Welsh Government's view that Parts 2 and 3 of the Bill do not require consent (with the exception of clause 99, which requires consent to the extent that it applies to functions under Part 1 of the Bill).

As an example, the Committee is unable to understand why the Welsh Government has concluded that consent is required for clause 7, which allows the Minister to use powers under the Police and Criminal Evidence Act 1984 to investigate fraud against a public authority but isn't required for clause 3, which allows the Minister to require a person to provide information when the Minister has reasonable grounds to suspect fraud against a public authority. In both instances, both clauses appear to have regard to devolved matters, as it allows a Minister to exercise certain powers on behalf of a devolved Welsh authority.

The Memorandum does not set out in full the basis for the Welsh Government's conclusion that only a limited number of the clauses in Part 1 are subject to approval. On that basis, we ask for an explanation of the Welsh Government's rationale for reaching this conclusion about Part 1 of the Bill.



The Committee is expected to report on this Legislative Consent Memorandum by 2 May 2025. As such, could you reply to our letter by **28 March 2025**, to allow the Committee to consider any further work in this area before the Easter recess?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Isherwood', with a long horizontal line extending to the right.

Mark Isherwood MS

Chair, Public Accounts and Public Administration Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

