

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/Our ref JH/PO/516/25

Mike Hedges MS
Legislation, Justice and Constitution Committee

21 October 2025

Dear Mike

Thank you for your letter dated 29 September 2025, in which you requested further information following the Legislation, Justice and Constitution Committee meeting on 22 September 2025. At this meeting, you considered the Supplementary Legislative Consent Memorandum (Memorandum No. 2) laid in relation to the Crime and Policing Bill on 2 July 2025.

1) As you state in the supplementary legislative consent memorandum, following official engagement, you are now satisfied with the approach taken by the UK Government in respect of the Bill's I-LEAP provisions (clauses 127 to 129 in the version of the Bill as introduced). Please provide further information as to:

a. why you were unable to recommend that the Senedd consents to these provisions at the time of laying the first legislative consent memorandum;

At the point of laying the first legislative consent memorandum (LCM), discussions with the UK Government and associated analysis were ongoing. I was keen to ensure this did not further delay the laying of the LCM, hence the position was outlined as such in the LCM.

b. the discussions held with the UK Government during the engagement that followed the laying of the first legislative consent memorandum; and

Engagement took place between Welsh Government and UK Government officials, focussing on the UK Government's approach and objectives behind the provisions, coupled with the Welsh Government's existing principles in this area.

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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.

c. why you are now satisfied with the approach taken by the UK Government.

Following those discussions, I was satisfied that the UK Government's approach was based upon a credible position relating to the implementation of international agreements rather than a disregard for devolution. We continue to support the devolution of justice in its entirety, as recommended by the Commission on Justice in Wales. I consider this to be an issue of limited devolved application, and with limited constitutional risk.

2) You also state that the approach taken is a departure from the Welsh Government's usual principles as regards concurrent powers. Please explain why you deem this departure to be appropriate.

As noted above, I consider this to be an issue of limited devolved application, and with limited constitutional risk. The implementation of the relevant international obligations here will involve a mixture of devolved and reserved technical and operational matters, with the details having been mandated at an international level. In this context there is therefore limited flexibility available to the Welsh Ministers.

3) In the same context, you state in the supplementary legislative consent memorandum that you recognise the UK's legitimate positions as regards international obligations. Please clarify the intended meaning of this statement given that, in the first legislative consent memorandum, you acknowledge that observing and implementing international obligations is not a reserved matter.

Whilst I am unable to disclose the specific nature of discussions with the UK Government, it is clear that there is a need to ensure compliance with international obligations from the point they enter into force across the UK. The UK Government position on the ratification of treaties is explored in further detail in the [FCDO guidance on treaties and MOUs](#).

4) The Welsh Government's principles (referenced above) state that in the exceptional cases in which the Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms. Please confirm whether or not such mechanisms were sought, and if not, why not.

The general approach set out in our principles was explored, together with the UK Government position on international obligations, as outlined above. As such, I agreed that there was a need to ensure a UK-wide approach, and that any constitutional risks involved with a concurrent powers approach here were limited.

I thank the members of the Committee for their assessment of the Welsh Government's Supplementary Legislative Consent Memorandum for this Bill.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter 'J'.

Jane Hutt AS/MS

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