

The Welsh Government's Legislative Consent Memorandum on the Victims and Courts Bill

July 2025



1. Background

1. The Victims and Courts Bill¹ (the Bill) was introduced into the House of Commons on 7 May 2025. It is sponsored by the Ministry of Justice.

2. The Explanatory Notes to the Bill as introduced state:

*"The Victims and Courts (VAC) Bill will make provision about victims and about procedure connected to criminal justice and the administration of criminal justice so far as they relate to the prosecutorial function and sentencing."*²

3. The long title to the Bill states that it is a Bill to:

*"... make provision about the experience of victims within the criminal justice system; about the functions of the Commissioner for Victims and Witnesses; and about procedure and the administration of criminal justice."*³

4. Committee stage in the House of Commons began on 17 June 2025 and was completed on 24 June 2025. At the time this report was agreed, dates for Report stage and Third reading were yet to be confirmed.

The Welsh Government's Legislative Consent Memorandum

5. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant Bill before the UK Parliament makes provision in relation to Wales that has regard to devolved matters.

6. On 20 May 2025, Jane Hutt MS, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip (the Cabinet Secretary), laid before the Senedd a Legislative Consent Memorandum in respect of the Bill (the Memorandum).⁴

7. The Business Committee agreed that the Legislation, Justice and Constitution Committee should report on the Memorandum by 18 July 2025.⁵

¹ The Victims and Courts Bill, as introduced (Bill 233)

² Explanatory Notes to the Bill, as introduced, paragraph 1

³ The Victims and Courts Bill, as introduced

⁴ Welsh Government, Legislative Consent Memorandum on the Victims and Courts Bill, 20 May 2025

⁵ Business Committee, Timetable for consideration: Legislative Consent Memorandum on the Victims and Courts Bill, June 2025

Provisions for which the Senedd's consent is required

8. The Welsh Government's assessment is that consent is required for clause 7 of the Bill (Duty to co-operate with Commissioner: anti-social behaviour), which places a duty on local authorities and social housing providers, where they are engaged with victims of antisocial behaviour, to cooperate with the Victims' Commissioner where appropriate and reasonably practicable to do so.

9. In the Memorandum the Cabinet Secretary states "The measure confers reserved functions on devolved Welsh authorities meaning an LCM is required for these provisions."⁶

10. With regards to the UK Government's views on the need for consent, the Cabinet Secretary states in the Memorandum that the UK Government also considers that clause 7 engages the legislative consent process.⁷

The Welsh Government's position

11. At paragraph 3 of the Memorandum the Cabinet Secretary states "My officials have been engaging with officials in the Home Office on the Bill, which has included the sharing of outlines of the measures expected to be introduced as part of the Bill." The Cabinet Secretary goes on to state:

"My officials have had early, consistent and positive engagement with officials in the Ministry of Justice as the Bill developed.

*The Minister for Victims and Violence Against Women and Girls wrote to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip on 7 May 2025 highlighting that all measures included in the Bill at introduction would extend and apply to Wales."*⁸

12. At paragraph 13 of the Memorandum the Cabinet Secretary states:

"In my view, it is appropriate for this Bill to make provision for Wales, as this Bill is largely concerned with the prosecution, sentencing and management of offenders. These matters are largely reserved."

⁶ Memorandum, paragraph 10

⁷ Memorandum, paragraphs 11 and 12

⁸ Memorandum, paragraphs 8 and 9

13. The Cabinet Secretary concludes that, in her view, it is appropriate to deal with these provisions in the Bill and she recommends the Senedd gives its consent.⁹

2. Committee consideration

14. We considered the Memorandum at our meeting on 23 June 2025¹⁰, and we considered and agreed our report at our meeting on 7 July 2025.¹¹

Our view

Legislative consent

15. We note the Welsh Government's assessment of the provision within the Bill that requires the consent of the Senedd, as set out in the Memorandum. We further note that clause 7 confers reserved functions on devolved Welsh authorities. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government's assessment, as set out in the Memorandum, that clause 7 of the Bill requires the consent of the Senedd in accordance with Standing Order 29.

Intergovernmental working

16. We note that, in the Memorandum, the Cabinet Secretary states that engagement took place in advance of the Bill's introduction between Welsh Government and Home Office officials, involving the sharing of outlines of the measures expected to be introduced as part of the Bill.

17. We further note that Welsh Government officials also had "early, consistent and positive engagement with officials in the Ministry of Justice as the Bill developed".

Delegated powers

18. We note that the Bill does not confer any delegated powers on the Welsh Ministers.

⁹ Memorandum, paragraph 15

¹⁰ ~~Legislation, Justice and Constitution Committee~~, 23 June 2025

¹¹ ~~Legislation, Justice and Constitution Committee~~, 7 July 2025