

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Victims and Courts Bill

January 2026



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."

4. The Bill completed its passage through the House of Commons on 27 October 2025. It received its First Reading³ in the House of Lords the next day, and, at the time this report was agreed, the Bill was awaiting its Second Reading.⁴

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 UK Bill makes provision in relation to Wales that has regard to devolved matters (relevant provision).

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).⁵

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

² ~~Victims and Courts Bill~~, as introduced (Bill 233), ~~Explanatory Notes~~

³ ~~Victims and Courts Bill~~, as brought from the Commons (HL Bill 141)

⁴ ~~Victims and Courts Bill~~, ~~Stages~~

⁵ Welsh Government, ~~Legislative Consent Memorandum on the Victims and Courts Bill~~, 20 May 2025

7. We reported on the Memorandum on 9 July 2025⁶ and received a response to our report from the Welsh Government in August 2025⁷.

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2)

8. On 20 May 2025, the Cabinet Secretary laid a supplementary legislative consent memorandum (Memorandum No. 2) in respect of amendments to the Bill tabled by the UK Government for consideration at Commons Report Stage.⁸

9. The Business Committee agreed that the Legislation, Justice and Constitution Committee should report on Memorandum No. 2 by 16 January 2026.⁹

Provisions for which the Senedd's consent is required

10. The Cabinet Secretary states in Memorandum No. 2 that amendment NC14, which expands clause 3 of the Bill (Restricting parental responsibility of certain sex offenders), contains relevant provision.¹⁰

11. The Cabinet Secretary also states that, following a review of the amendments tabled, other provisions in clause 3 of the Bill make relevant provision. She states that clause 3 of the Bill places various duties on Devolved Welsh Authorities.¹¹

UK Government view on the need for consent

12. The Cabinet Secretary states that when the Under-Secretary of State for Victims and Tackling Violence Against Women and Girls, Alex Davies-Jones MP, first wrote to the Cabinet Secretary on 7 May 2025, clause 3 of the Bill was not considered by the UK Government to require the legislative consent of the Senedd.¹²

⁶ Legislation, Justice and Constitution Committee, The Welsh Government's Legislative Consent Memorandum on the Victims and Courts Bill, July 2025

⁷ Welsh Government, Response to the Legislation, Justice and Constitution Committee's report on the Memorandum, August 2025

⁸ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No. 2): Victims and Courts Bill, 20 May 2025

⁹ Business Committee, Timetable for consideration: Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Victims and Courts Bill, November 2025

¹⁰ Memorandum No. 2, paragraphs 9 to 14

¹¹ Memorandum No. 2, paragraph 15

¹² Memorandum No. 2, paragraph 16

13. In respect of amendment NC14, the Cabinet Secretary states:

"The Parliamentary Under-Secretary of State for Victims and Tackling Violence Against Women and Girls, wrote again on 21 October 2025 to highlight the amendments to be made at Commons Report Stage. This letter referenced amendment NC14, coupled with the UK Government assessment that an LCM was required.

*I partly agree with the UK Government assessment in relation to the amendment listed in paragraph 11 [of Memorandum No. 2]. They consider that consent is not required in relation to provision which would only have a minimal impact on local authorities and which, in their view, is a minor modification of existing functions. However, my analysis of those provisions is that they make provision that has regard to devolved matters and thus an SLCM is required in respect of them."*¹³

Financial implications

14. The Cabinet Secretary states that there are no financial implications to the Bill "at this time".¹⁴

The Welsh Government's position

15. The Cabinet Secretary sets out her reasons for making provision for Wales in the Bill:

*"In my view, it is appropriate for this Bill to make provision for Wales because it makes provision which cover both devolved and reserved matters and our inclusion in this UK legislation enables policy objectives to be most effectively achieved."*¹⁵

16. The Cabinet Secretary concludes by recommending that the Senedd gives its consent to the inclusion of relevant provision in the Bill.¹⁶

¹³ Memorandum No. 2, paragraphs 17 and 18

¹⁴ Memorandum No. 2, paragraph 21

¹⁵ Memorandum No. 2, paragraph 20

¹⁶ Memorandum No. 2, paragraph 22

2. Committee consideration

17. We considered Memorandum No. 2 at our meeting on 1 December 2025¹⁷ and agreed our report on 8 December 2025¹⁸.

Our view

Provisions requiring consent

18. We note the Welsh Government's assessment of the amendments to the provisions within the Bill that require the consent of the Senedd, as set out in Memorandum No. 2.

19. 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 Memorandum No. 2, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.

¹⁷ ~~Legislation, Justice and Constitution Committee~~, 1 December 2025

¹⁸ ~~Legislation, Justice and Constitution Committee~~, 8 December 2025