

## LEGISLATIVE CONSENT MEMORANDUM

### VICTIMS AND COURTS BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru<sup>1</sup> if a UK Parliamentary Bill makes provision in relation to Wales that has regards to devolved matters.
2. The Victims and Courts Bill (“the Bill”) was introduced in the House of Commons on 7 May 2025. The Bill can be found at: [Victims and Courts Bill](#)
3. 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.
4. The Bill comprises 16 parts and is 74 pages long and addresses a wide range of subjects.

#### Policy Objectives

5. The UK Government’s stated policy objectives are to:
  - Provide new powers for judges to punish offenders who refuse to attend sentencing, including a range of prison sanctions on top of additional years on their sentence.
  - Automatically restricting parental responsibility for offenders sentenced for a serious sexual abuse offence against their own child.
  - Strengthening the powers of the Victims’ Commissioner to increase scrutiny of the systems which support victims.
  - Provide victims with certainty about the routes available to receive information about their offender’s release.

#### Summary of the Bill

6. The Bill is sponsored by the Ministry of Justice.
7. The key provisions of the Bill cover:

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<sup>1</sup> Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

- a) Creation of an express statutory power for judges to order offenders to attend their sentencing hearings, so that these criminals have to face the consequences of their crimes. Adult offenders who refuse to attend without reasonable excuse could face a further 2 years in prison and/or prison sanctions. This measure will also apply with the armed forces context to service offenders.
- b) Creation of an automatic restriction on the exercise of parental responsibility for offenders sentenced to a term of imprisonment or detention of four or more years for a 'serious' child sexual abuse offence against a child for whom they hold parental responsibility. The measure will strengthen the protections for child victims. The measure will also protect indirect child victims by restricting the parental responsibility for all children the offender holds parental responsibility for. Family members will not have to bring an application to the Family Court, allowing these cases to proceed with minimal procedural burdens and reduce unnecessary distress for families and children in already difficult circumstances.
- c) Provide victims with certainty about the routes available to receive information about an offender while they are serving their sentence. The legislative framework that supports the Victim Contact Scheme is being updated to bring victims currently served by different operational schemes into one consistent Victim Contact Scheme. They will also have a statutory right to make representations about any victim-related licence conditions or supervision requirements to which the offender may be subject in the event of their release or discharge. There will also be a clear route for victims to request help, through a new dedicated Victim Helpline. Should they wish, victims will be able to provide representations which could be used to inform offender management decisions on licence conditions.
- d) Strengthen the powers of the Victim's Commissioner to ensure there is greater scrutiny of the systems that support victims. The Victim's Commissioner will be required to produce an independent report on compliance with the Victim's Code. A duty will be placed on local authorities and social housing providers, where they are engaged with victims of anti-social behaviour, to cooperate with the Victim's Commissioner, provided it is appropriate and reasonably practicable for them to do so. The Victim's Commissioner will be empowered to take action in relation to individual cases, where they raise issues of public policy relevance.
- e) Amend legislation to provide a power for the Lord Chancellor to set rates in Regulations at which prosecutors can recover their expenses from Central Funds in private prosecutions. Further consultation will follow to support the introduction of Regulations setting out the rates to ensure that private prosecutor expenses recoverable from public funds are proportionate.
- f) Ensure adequate time is given to the consideration of every request for referral to the Court of Appeal by amending the time limit for the Attorney General to refer a sentence to the Court of

Appeal on the grounds that it appears unduly lenient. This will guarantee that Law Officers have at least 14 days to consider whether to refer a sentence once the request to review the sentence has been received. This amendment follows steps which have already been taken by the Attorney General's Office's (AGO) to improve the effectiveness and efficiency of the Unduly Lenient Sentences Scheme, including increasing resources and introducing an online form for requests to review a sentence.

- g) Amend legislation in relation to six triable either-way offences to bring their maximum penalty in the magistrates' courts in line with other triable either-way offences.

### **Engagement with the UK Government**

- 8. My officials have had early, consistent and positive engagement with officials in the Ministry of Justice as the Bill developed.
- 9. 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.

### **Provisions in the Bill for which consent is required**

#### *Clause 7 – Duty to co-operate with Commissioner: anti-social behaviour*

- 10. Clause 7 places a duty on local authorities and social housing providers to cooperate with the Victims' Commissioner, where appropriate and reasonably practicable to do so. The measure confers reserved functions on devolved Welsh authorities meaning an LCM is required for these provisions.

### **UK Government view on the need for consent**

- 11. The UK Government considers an LCM is required for the following provisions of the Bill:
  - Clause 7 – Duty to co-operate with Commissioner: anti-social behaviour
- 12. I agree with UK Government's assessment in relation to the clause listed in paragraph 11.

## **Reasons for making these provisions for Wales in the Victims and Courts Bill**

13. 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.

## **Financial implications**

14. There are no financial implications to this Bill as this time.

## **Conclusion**

15. As outlined above, in my view it is appropriate to deal with these provisions in this UK Bill. In relation to the provision in this LCM, I recommend the Senedd gives its consent.

**Jane Hutt MS**

**Cabinet Secretary for Social Justice, Trefnydd and Chief Whip**

**20 May 2025**