

THE PUBLIC AUTHORITIES (FRAUD, ERROR AND RECOVERY) BILL
SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM
NO 3)

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29 which prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The Public Authorities (Fraud, Error and Recovery) Bill (“the Bill”) was introduced in the House of Commons on 22 January 2025. An LCM was laid on the 7 February 2025 and can be found at <https://senedd.wales/media/qlsadndi/lcm-ld16978-e.pdf>
3. A SLCM was laid on 6 March 2025 [Supplementary Legislative Consent Memorandum: Public Authorities \(Fraud, Error & Recovery\) Bill](#).
4. On 23 April 2025, further government amendments were tabled during Report Stage in the House of Commons.

Policy Objectives

5. The UK Government’s stated policy objectives remain the same as set out in the first LCM, which was laid on 7 February 2025 ([lcm-ld16978-e.pdf](#)).

Summary of the Bill

6. The Bill is sponsored by the Department for Work and Pensions and the UK Cabinet Office.
7. A summary of the Bill was provided in the first LCM and remains accurate.
8. Welsh Government officials and UK Government officials have continued their regular contact in relation to the development of the Bill, including in relation to Government amendments that affect Wales.

Provisions in the Bill for which consent is required

9. The clauses of the Bill as introduced which meet the SO29 Test were 1, 2, 5, 6, 7 (and Schedule 1), 9, 10, 64, 65, 67 and 69 (and Schedule 2).

UK Government view on the need for consent

10. UK Government have identified clauses 1, 2, 7 (and Schedule 1), 9, 64, 65 and 69 (and Schedule 2) as requiring an LCM.

Update on the position since tabling of amendments on 23 April

11. The amendments were tabled in the House of Commons on the 23 April 2025 under the Report Stage of the Bill. The following amendments make relevant provision for the purpose of SO29:

- a) Gov 72 – This amendment alters Schedule 1 of the Bill to enable the Public Sector Fraud Authority (PSFA) to transfer evidence it obtains under a Police and Criminal Evidence Act 1984 ('PACE') warrant to other organisations. The possibility of such transfer alters the potential effect of a request by a devolved Welsh authority ('DWA') for the Minister/PSFA to use their powers of investigation under clause 1 and therefore makes relevant provision because it alters the scope and effect of a DWA's power to make such a request.
- b) Gov 45 – This amendment alters Schedule 1 of the Bill so as to enable the Minister (or the PSFA) to obtain material defined as "excluded" by section 11 of PACE (broadly, confidential business records, human tissue obtained for medical purposes and journalistic material). Therefore, for the same reason given in relation to Gov 72, this amendment makes relevant provision because it alters the scope and effect of a DWA's power to make a request under clause 2 of the Bill.
- c) Gov 76 and Gov 75 – Collectively, these amendments widen the definition of "fraud" in clause 70 (which applies to Part 1 of the Bill) to include offences under sections 6 and 7 of the Fraud Act 2006 and make certain provision about the interpretation of the new parts of the definition. Widening the meaning of "fraud" in turn widens the circumstances under which a DWA could make a request under clause 2 that the core functions under clause 1 be exercised. Therefore, this amendment makes relevant provision because, by amending the definition of "fraud" it changes the scope of a function of DWAs.
- d) Gov 79, Gov 78, Gov 77, Gov 74 and Gov 73 – These amendments extend the limitation period for DWAs to bring a legal claim in relation to covid-related fraud to 12 years by expanding the scope of clause 99. These amendments therefore make relevant provision because they alter the scope of DWAs' function of bringing legal proceedings.

Conclusion

12. In my view, it is appropriate to deal with these provisions in a UK Bill. The legislation is consistent with the Welsh Government's focus on safeguarding public funds from fraud and error. Therefore, I recommend the Senedd supports the proposals and gives its consent.

**Jane Hutt MS Cabinet Secretary for Social Justice, Trefnydd and Chief Whip
May 2025**