



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JH/4157/20

Mick Antoniw MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Crickhowell House  
Cardiff Bay  
CF99 1NA

John Griffiths MS  
Chair  
Equality, Local Government and Communities Committee  
Senedd Cymru  
Crickhowell House  
Cardiff Bay  
CF99 1NA

16 December 2020

Dear Mick and John,


I wrote to you on 15 October with regards to the UK Government's Domestic Abuse Bill ("the Bill") and informed you that the Bill's progression through the House of Lords is delayed, with the Lords' Second Reading now not expected to commence until January.

I also stated that my officials have been involved in ongoing discussions with their UK Government counterparts with regards to c73(1)(b) which, as currently drafted, significantly encroaches on devolved matters as it allows the Secretary of State (SoS) to issue guidance across the whole range of devolved and non-devolved matters related to domestic abuse and in particular its effect on children.

I am pleased to confirm that collective UK Government agreement has been reached to bring forward amendments to c73 of the Bill to ensure the SoS's power to issue guidance is respectfully limited to matters which are reserved and do not encroach on devolved Welsh matters. We will continue to work closely with the UK Government through implementation of c73(6) (*Duty on the SoS to consult with the Welsh Ministers*), to ensure that the guidance issued takes full account of the devolved position.

It remains my position that consent is required for clauses 65, 66 and 68 and Part 1 of Schedule 2 because they fall within the legislative competence of the Senedd. They contain modifications to criminal offences which could be made, in part, by the Senedd. Legislation to observe and implement international obligations, such as those required for the Istanbul convention also fall within the competence of the Senedd where necessary legislation falls within devolved areas.

I hope my letter is helpful and clarifies these matters.

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**

Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip