



Ein cyf/Our ref: CG/PO/70/2023

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

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02 March 2023

Dear Huw

Thank you for the Committee's recent report on the Welsh Government's draft budget for 2023-24. At the outset, I would like to reiterate comments I have previously made and thank the Committee for its interest in our resourcing of justice related activity. It is important that we appreciate the extent of our commitment to, and expenditure on, justice activity under the current devolution settlement and as we take forward our Programme for Government commitment to pursue the case for the devolution of policing and justice.

I note the Committee's commentary as outlined in the report. Turning to the specific recommendations I have set out my reply as follows:

Recommendation 1. The Counsel General should provide us with timely updates of any increase in demand for cases to be heard by the Welsh tribunals, and any resulting in-year increase to the allocation to the Tribunals BEL.

As the recommendation acknowledges, the Welsh tribunals are a demand led service. In each of his annual reports, the incumbent President of Welsh Tribunals has reported on the number of applications made to the Welsh tribunals and on budget outturn for each financial year. In recent years, the President has reported an underspend against budget, primarily a result of the move to remote rather than face-to-face hearings in response to the impact of the Covid-19 pandemic. In the latest annual report, laid before the Senedd on 31 January, the President has highlighted the potential transition to a budget overspend position as some face-to-face hearings resume, a matter I discussed with the President when we met on 1 February.

I am conscious of the principle of judicial independence, as I am sure we all are, and I recognise the need for the tribunals service to be adequately resourced to deliver its functions. We as a Government consider and review budgetary pressures and this applies equally to the budget allocation for the tribunals service as it does to other budget

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

expenditure lines in our draft budget. I will, of course, provide you with any appropriate updates if the position develops further.

Recommendation 2. The Counsel General should provide us with detail on the anticipated resources required to develop proposals for reform of the Welsh tribunals.

The “Justice Transformation” budget expenditure line supports our justice transformation programme and resources the preparatory work currently in hand to progress the tribunal reform project. As I set out in my letter of 1 March, in response to your letter of 3 February, the timetabling of the legislation required to effect reform and the resourcing of that work is subject to separate processes for the development of our Legislative Programme. As is usual, our proposals for legislation will be accompanied by impact assessments which set out anticipated resource implications.

Recommendation 3. Should the Retained EU Law (Revocation and Reform) Bill become law, the Counsel General should report to us on the Welsh Government’s assessment of the impact of the Bill on its resources within a month of its passing, and at monthly intervals thereafter.

Should the Retained EU Law (Revocation and Reform) Bill (“the Bill”) be passed, and receive Royal Assent, I will provide an initial assessment of the impact of the legislation on Welsh Government resources, as soon as it is possible to do so after the Bill becomes law whilst noting that the Bill is only one part of the story. The priority will be to ensure that we minimise risks of important legal protections falling off the statute book at the end of this year. However, the impact will be very heavily dependent upon understanding the approaches being taken elsewhere in the UK and in particular, decisions by UK Government Ministers to retain or reform individual instruments. Where changes to the status quo are being considered outside Wales, it will be important to understand as far as possible the implications of either aligning with, or diverging from, positions being taken elsewhere. I will update the Senedd on this matter when there is more information to report.

Recommendation 4. The Counsel General should, by the end for March, provide an analysis of whether the anticipated additional staffing costs to the Welsh Government set out in the Explanatory Memorandum to the Legislation (Wales) Bill are proving to be accurate.

The Government has previously committed to set out details of the resourcing and financial implications of delivering the first programme aimed at improving accessibility of Welsh law, and other costs arising from implementing the Legislation (Wales) Act 2019 (“the 2019 Act”). This commitment was given in response to recommendations made by the Fifth Senedd Constitutional and Legislative Affairs Committee and Finance Committee, following their Stage 1 scrutiny of the Legislation (Wales) Bill. The Government agreed to include these details in the annual report under section 2(7) of the 2019 Act that would be made in 2023. I will therefore provide this information in the report due later this year.

Yours sincerely,



Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution