



Ein cyf/Our ref LF/CS/0583/14

Alun Ffred Jones AM  
Chair  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

23 June 2014

Dear Alun Ffred

I refer to your letter of 9 June in which you raise a number of questions following the Environment and Sustainability Committee's consideration of the Legislative Consent Memorandum relating to the Criminal Justice and Courts Bill at its meeting on 5 June. My response to those questions is below.

*Q1. Please set out a timeline of the discussions between the Welsh Government and the UK Government in relation to the amendments to which this LCM relates.*

When the Bill was introduced on 5 February 2014 it included the provision relating to the section 288 proposals on an England-only basis. Welsh Government was asked to consider whether we wanted the provision to be extended to include Wales. In mid-February we informed the Department for Communities and Local Government that the provision should not come into force in Wales as there was a lack of information from UK Government on the level and extent of consultation in Wales. Further information was provided on this issue and when we were content in early April we agreed that the proposal be extended to Wales and would lay an LCM. We were then notified that the UK Government proposed further related amendments which were tabled on 6 May. We laid the LCM on 15 May and notified MoJ of that.

*Q2. In your understanding, has it always been the UK Government's intention to bring these provisions forward on an England and Wales basis? If it was, how and when was the Welsh Government consulted?*

From correspondence between Welsh and UK Government officials and from the Ministry of Justice Parliamentary Under-secretary to the Minister for Local Government and Government Business, our understanding at the start of the process was that the UK Government was content to bring these provisions forward either on an England-only basis, or on an England and Wales basis.

Welsh Government was specifically asked whether we wanted the provisions to be brought in to effect in Wales via the Bill. As explained above, our initial response was that we did not, as we did not feel that we had sufficient information about the extent of consultation on the issue in Wales.

*Q3. If the UK Government's original intention was to bring them forward on an England-only basis as was the case in the Bill as originally introduced in February 2014, why and when did the Welsh Government ask for them to be extended to Wales?*

Following the initial discussions referred to above, the UK Government approached us to inform us that they considered the provisions should apply to Wales as well as England. They preferred a uniform approach to the rules for High Court challenges in relation to planning decisions across the courts in both countries. They also considered that the proposals relate to non-devolved policy.

In our view, the proposals relate to the planning system, and therefore fall within devolved legislative competence. Having said that, we could see the arguments in favour of extending the proposals to Wales, and were prepared to agree to them provided we could see sufficient evidence of consultation on the proposals within Wales. Following receipt of this additional information, we agreed to extending the provisions to Wales, and we have laid an LCM in accordance with our view that the proposals fall within the Assembly's legislative competence.

Yours sincerely



**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration