Justice impact assessments

20 February 2020

Request for Information.

Thank you for your request received on 24 January in which you asked:

Section 110A of the Government of Wales Act (as inserted by section 11 of the Wales Act 2017) requires that Welsh legislation with a potential impact on the justice system be accompanied by a justice impact assessment. In accordance with the Freedom of Information Act 2000 can you please provide me with the following information.

1. Can you please tell me how many justice impact assessments have been completed since Section 110A of the Government of Wales Act (as inserted by section 11 of the Wales Act 2017) was introduced. Can this include details about the assessment including the date that it was completed and sent to the UK Government.

2. Can you please make available any impact assessments that have been produced since Section 110A of the Government of Wales Act (as inserted by section 11 of the Wales Act 2017) was introduced

Please see the response below.

1. We can confirm that we hold some of the information requested.

Justice impact assessments (JIA), as required in accordance with Section 110A of the Government of Wales Act 2006, are published as part of the Explanatory Memorandum that must accompany a Bill introduced into the Assembly.

The requirement for the JIA to be included within the Explanatory Memorandum is set out in the Assembly’s Standing Orders (SO26.6(xii)). This requirement has been in force since 1 April 2018.
Any Bill introduced into the Assembly before that date would not have a JIA included within the EM.

There are no provisions either within the Government of Wales Act 2006 or Standing Orders as to the form a justice impact assessment should take, only that one be included in the EM which sets out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill.

The details for all Bills and Acts of the Assembly are published on the Assembly’s website – see the relevant pages for the Progress of Assembly Bills or Assembly Acts. To locate a particular justice impact assessment, please navigate to the appropriate Bill / Act page using the links provided above and open the Explanatory Memorandum document.

The date the Explanatory Memorandum (and therefore the JIA) was introduced is the date that a JIA is considered to be complete.

There is no legislative requirement for a completed JIA to be sent to the UK Government. The Commission does not hold information in relation to JIAs carried out on Government Bills, other than the information already published on the Assembly website. You should contact the Welsh Government directly if you wish to receive further information on these JIAs.

Two non-government Bills / Acts are relevant to your request: the Autism (Wales) Bill; and the Senedd and Elections (Wales) Act 2020.

The JIA for the Autism (Wales) Bill was sent to the Ministry of Justice on 20 August 2018 (following the introduction of the Bill). No comments were received from the Ministry of Justice. The Bill was not passed by the Assembly; it was defeated on 16 January 2019.

Two JIAs were completed in relation to the Senedd and Elections (Wales) Act 2020. The first assessment focused specifically on extending the Assembly franchise to 16 and 17-year olds. The second assessment encompassed the remaining elements of the Bill.

The first assessment was carried out by the Welsh Government. Therefore, you may wish to contact the Welsh Government directly if you would like further information about this assessment.

The second assessment was sent in draft to the Ministry of Justice on 15 October 2018. Correspondence was received from the Ministry of Justice in relation to this assessment between 19 October 2018 and 7 February 2019.

As some of the requested information is already published on the Assembly website, it is subject to section 21 of the Freedom of
Information Act 2000 (FOIA) which exempts information that is already reasonably accessible by other means.

2. Please see above.

Yours sincerely

Freedom of Information Manager
National Assembly for Wales
Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

**Cause for concern or complaint with your FOI response?**

If you are dissatisfied with the Assembly's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at: Information-request@assembly.wales or in writing to The National Assembly for Wales Governance and Assurance Cardiff Bay Cardiff CF99 1NA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF