

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM

(MEMORANDUM NO 2)

THE PUBLIC AUTHORITIES (FRAUD, ERROR AND RECOVERY) BILL

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. The Second Reading of the Bill in the house of Commons occurred on the 3 February 2025.
4. On 21 February 2025, several amendments to the Bill (“the 21 February 25 amendments”) were published. Two of the 21 February 2025 amendments meet the test as set out in SO 29.2 (“the SO29 Test”) and are the subject of this SLCM.
5. The Bill is currently at Committee Stage in the first House.

Policy Objectives

6. The UK Government's stated policy objectives remain the same as set out in first LCM, which was laid on 7 February 2025 ([lcm-ld16978-e.pdf](https://senedd.wales/media/qlsadndi/lcm-ld16978-e.pdf)).

Summary of the Bill

7. The Bill is sponsored by the Department for Work and Pensions and the UK Cabinet Office.
8. A summary of the Bill was provided in the first LCM and remains accurate.
9. 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

10. 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). Please note that of these provisions, clauses 1, 2, 7 (and Schedule 1), 9, 64, 65 and 69 (and

Schedule 2) were identified by the UK Government as requiring an LCM in inter-ministerial correspondence.

Update on the position since the publication of the first LCM

11. Following the Bills Second Reading on the 3 February 2025 the UK Government published amendments to the Bill on the 21 February (the 21 February amendments). These amendments can be viewed at the following link: https://publications.parliament.uk/pa/bills/cbill/59-01/0167/amend/public_authority_rm_pbc_0221.pdf
12. Two of the 21 February amendments meet the SO 29 test:
 - (a) Gov 1 – This amendment would limit the scope of clause 6 of the Bill with the effect that only the PSFA could apply for permission to collect communications data in relation to investigations under the Bill (rather than, under the wording of the clause as introduced, “the Cabinet Office”). Those investigations may relate to fraud against Devolved Welsh Authorities (DWA’s). Clause 6 met the SO29 Test on introduction and was subject of the first LCM. Since the amendment alters the scope of a provision which meets the SO29 Test, the amendment itself also meets that test.
 - (b) Gov 3 – This amendment alters the scope of clause 67(3) which, as introduced, met the SO29 Test and was a subject of the first LCM. Currently, clause 67 provides that a provision of the Bill is to be taken into account in determining whether “disclosure, obtaining or use” of data under it, breaches data protection legislation. The amendment would provide that clause 67(3) applied to all processing of data under a provision of the Bill, not only “disclosure, obtaining or use”. DWAs may well disclose or otherwise process information under the Bill. Clause 67 met the SO29 Test on introduction and was a subject of the first LCM. Since this amendment materially alters the scope of a clause which is already the subject of an LCM, it meets the SO29 Test.

Conclusion

13. 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.