

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref:

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

8 February 2018

Dear Mick

During my evidence session on the scrutiny of the Finance Committee's Public Services Ombudsman (Wales) Bill on 15 January 2018 I undertook to write to the Committee about the power within the Bill to make consequential amendments, and whether the words "or expedient" found at section 78 are required.

Having had time to reflect, and in light of the fact it will be for the Welsh Ministers to implement this Committee Bill, my view is the current drafting offers much needed flexibility.. The inclusion of the words "or expedient" enables provision to be made which may be useful or have a practical benefit, but which may fail a strict 'necessity' test. Transitional provisions are an example of the kind of provision which might fall into this category, as are provisions seeking to simplify or clarify the effect of other enactments in light of the changes made by the Bill. The Government considers it is important to retain the flexibility to make provision of this kind.

It is worth bearing in mind, too, the power to make such provision is limited by the words which appear at the end of section 78(1), i.e. the provision may be made only for the purposes of, in consequence of, or for giving full effect to the Bill's provisions.

When I appeared before the Committee I raised concerns about section 78 of the Bill as currently drafted. I wanted to be clear that the Government will follow the debate on this matter closely and may need to bring forward an amendment, later in the Bill's progress,

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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.

should it move beyond stage one. The purpose of any such amendment would be to clarify that the power in section 78 extends to amending primary legislation, in the way provided by the 2005 Act.

There is one final matter I wish to bring to your attention, and for which I would like to apologise. In reviewing the transcript I have noticed a factual inaccuracy in the evidence I gave. The Ombudsman currently has a time limit on complaints investigations of one year, not two years as I stated in my evidence, and as recorded in paragraph 49 of the transcript.

Yours sincerely

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

Mark Drakeford AM/AC

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