



Ein cyf/Our ref LFGT110213

David Rees AM
Chair, Health and Social Care
Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

19 November 2013

Dear David,

Supplementary Legislative Consent Memorandum: Care Bill

Thank you for your letter of 8 November requesting clarification on the practical reasons for not using the Stage 2 process, to bring forward provisions in relation to mental health after-care services.

The Care Bill, being taken forward in Westminster, is the main vehicle through which the proposed amendments to section 117 of the Mental Health Act (MHA) 1983 are being driven. The MHA, as amended, will still be the main legislative statute under which mental health after care services are provided in England and Wales. However, there are some consequential amendments which need to be made to the Social Services and Well-being (Wales) Bill ("SSWB Bill").

We are in a unique position with the Care Bill and the SSWB Bill progressing along similar, yet different, timelines. Timing is the main reason why it is not possible to make these consequential amendments through the SSWB Bill. The SSWB Bill is being considered by the Committee at Stage 2, however, the amendments to section 117, MHA which are being made by clause 71 of the Care Bill will not yet have become law and this creates a difficulty.

Amendments to the SSWB Bill which are required as a consequence of the amendments to section 117 can only be made once the Care Bill has become law. As this will not be the case until after the SSWB Bill has received Royal Assent, it is not possible to make these amendments at Stage 2 of the SSWB Bill process.

Legal advice indicated that the Care Bill was the best vehicle through which to effect these changes and that is the approach which I, and my counterpart Norman Lamb, MP Minister of State for Care and Support have adopted.

Whilst these proposals will not be discussed during Stage 2 and that the timing before the plenary debate is limited I am happy to meet with you to discuss this further if this would be helpful.

I will also seek to make members aware of this position when I introduce the LCM in Plenary on 26 November 2013.

Yours Sincerely

A handwritten signature in cursive script that reads "Gwenda". The signature is written in black ink on a white background. A vertical line is visible behind the signature, likely from a scanning artifact or a watermark.

Gwenda Thomas AC / AM

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services