

Gwenda Thomas AC/AM  
Dirprwy Weinidog/Deputy Minister



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref  
Ein cyf/Our ref

Karen Sinclair AM  
Chair of the Committee on the  
proposed Vulnerable Children and  
Child Poverty LCO  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

18 March 2008

Dear Karen

**The Proposed Legislative Competence Order (LCO) Vulnerable Children and Child Poverty**

I felt it would be helpful to keep you updated with progress on the above. Following a considered process of consultation across respective Whitehall Departments on the policy and scope of the LCO, the Secretary of State for Wales has invited his Whitehall Cabinet Members to clear the LCO so that it can be shortly tabled in Parliament.

As a consequence of these consultations the LCO has been further developed. A copy of the Proposed LCO and the supporting explanatory memorandum that the Wales Office will table is attached.

You will see that the main changes flesh out on the face of the LCO the matters in relation to which the National Assembly for Wales will have enhanced competence and clarifies their application as far as non-devolved bodies are concerned.. The added references to Highways and Transport matters and related exceptions are purely technical ones to maintain the overall coherence of Schedule 5.

As I signalled in my letter of 22 January 2008 to the Committee, the amendments to the proposed Order also meet the UK Government's insistence that it should not confer legislative competence on the Assembly to enable the removal of the defence of reasonable punishment in relation to the physical punishment of children. This is without prejudice to any future request for legislative competence. We felt in the short term that it was important to secure the UK Government's clearance of the LCO to allow us to deliver on our One Wales commitment in respect of vulnerable children and child poverty.

The Explanatory memorandum clarifies the scope and limitations of each Matter and the exceptions to the tables. The LCO may be subject to some further technical refinement but I can assure you that with the exception of the change referred to above the scope of the LCO remains broad and will allow us to delivery on our policy in *One Wales* and more widely.

I remain grateful to the LCO Committee for their comprehensive examination of the LCO and will in the near future formally respond to the LCO Committee's report and recommendations published in January. You will see however that some of the issues have been accommodated within the revised proposed LCO.

You will appreciate that the pre-legislative scrutiny process on this LCO has necessitated a singular approach and as a result it has not been possible to have simultaneous or joint scrutiny by the Assembly's Committee and the Welsh Affairs Committee. While this is not ideal I am sure you will appreciate that it will not affect the collective commitment to press ahead with securing the enhanced powers in a very worthy and important area for the National Assembly for Wales. I apologise for this circumstance and hope that the Committee is content with this approach.

A handwritten signature in black ink that reads "Gwenda Thomas". The signature is written in a cursive, flowing style.

**Gwenda Thomas AM/AC**  
Deputy Minister for Social Services

cc. Sarah Beasley Committee Clerk