

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 1 December 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote – Supplementary Pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered (13.45 – 13.50)

5.4 SL(6)675 – The Climate Change (Carbon Budget) (Wales) Regulations 2025 (Pages 1 – 3)

Attached Documents:

LJC(6)–34–25 – Paper 17 – Report

LJC(6)–34–25 – Paper 18 – Welsh Government response

5.5 SL(6)676 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025

(Pages 4 – 6)

Attached Documents:

LJC(6)–34–25 – Paper 19 – Report

LJC(6)–34–25 – Paper 20 – Welsh Government response

6 Inter–Institutional Relations Agreement (13.50 – 13.55)



6.3 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025

(Pages 7 – 8)

Attached Documents:

LJC(6)-34-25 – Paper 21 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 28 November 2025

7 Papers to note

(13.55 – 14.00)

7.1 Correspondence from the Cabinet Secretary for Finance and Welsh Language: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

(Pages 9 – 19)

Attached Documents:

LJC(6)-34-25 – Paper 22 – Letter from the Cabinet Secretary for Finance and Welsh Language to the Economy, Trade, and Rural Affairs Committee, 27 November 2025

7.4 Correspondence from the Member Accountability Bill Committee to the Business Committee: Senedd Cymru (Member Accountability and Elections) Bill – impact of the timetable on scrutiny

(Pages 20 – 21)

Attached Documents:

LJC(6)-34-25 – Paper 23 – Letter from the Member Accountability Bill Committee to the Business Committee, 26 November 2025

**7.5 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Public Office (Accountability) Bill
Legislative Consent Memorandum**

(Pages 22 – 29)

Attached Documents:

LJC(6)-34-25 – Paper 24 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 27 November 2025

LJC(6)-34-25 – Paper 25 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 6 November 2025

7.6 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Update on UK Emissions Trading Scheme

(Pages 30 – 32)

Attached Documents:

LJC(6)-34-25 – Paper 26 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 27 November 2025

7.7 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Deposit Return Scheme – Application for Deposit Management Organisation

(Pages 33 – 35)

Attached Documents:

LJC(6)-34-25 – Paper 27 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 27 November 2025

SL(6)675 – The Climate Change (Carbon Budget) (Wales) Regulations 2025

Background and Purpose

These Regulations form part of a suite of regulations made under the Environment (Wales) Act 2016 (“the 2016 Act”) that are referred to collectively as the Climate Change (Wales) Regulations 2025.

Part 2 of the 2016 Act requires the Welsh Ministers to meet targets for reducing net emissions of greenhouse gases in Wales.

Section 31(1) of the 2016 Act requires that the Welsh Ministers set carbon budgets for each 5-year budgetary period between 2016 and 2050.

Regulation 3 sets the carbon budget for the budgetary period 2031-2035 so it is limited to an average of 73% lower than the baseline.

Before setting carbon budgets in regulations, the Welsh Ministers must request, and take into account, advice from the Committee on Climate Change (“the CCC”). In May 2025, the CCC provided their advice to Welsh Ministers on the level of Wales’ fourth carbon budget for the five-year period between 2031 to 2035 (“Carbon Budget 4”). In the Explanatory Memorandum accompanying the Regulations, the Welsh Government states that the purpose of these regulations is to accept the CCC’s recommended level and set Carbon Budget 4 at an average of 73% lower than the baseline.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 2, the term “the Act” has been used which has been defined in the preamble of these Regulations. However, as noted in paragraph 4.14(5) of Writing Laws for Wales, it is not possible to define a term in the preamble for the operative provisions in the body of the Regulations. Therefore, the title of the Environment (Wales) Act 2016 should be repeated in



full in regulation 2 of these Regulations.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 25 November 2025 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Pack Page 2

Legislation, Justice and Constitution Committee

Government response: *The Climate Change (Carbon Budget) (Wales) Regulations 2025*

Technical Scrutiny point 1: We are grateful to the Committee for bringing this to our attention. We accept the point raised and will be making the correction identified in the table annexed to this response prior to the making of the Regulations.

Minor correction to be made prior to making the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Newid yn yr Hinsawdd (Cyllideb Garbon) (Cymru) 2025	The Climate Change (Carbon Budget) (Wales) Regulations 2025
In regulation 2, " <i>Rhan 2 o'r Ddeddf</i> " will be substituted with " <i>Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016</i> ".	In Regulation 2, " <i>Part 2 of the Act</i> " will be substituted with " <i>Part 2 of the Environment (Wales) Act 2016</i> ".

Agenda Item 5.5

SL(6)676 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025

Background and Purpose

These Regulations form part of a suite of Regulations that are referred to collectively as the Climate Change (Wales) Regulations 2025, which also include the Climate Change (Carbon Budget) (Wales) Regulations (which set a carbon budget, known as Carbon Budget 4, for 2031-2035) and the Carbon Accounting (Wales) (Amendment) Regulations 2025 (which amend the definition of a carbon unit).

These Regulations set a limit on the amount of carbon units that may be credited to the net Welsh emissions account, in accordance with section 33(4) of the Environment (Wales) Act 2016 (the “2016 Act”).

Regulation 3 limits the number of carbon units that may be credited to the net Welsh emissions account for the budgetary period 2026-2030 to 0% of the carbon budget.

Before laying the draft Regulations, the Welsh Ministers obtained and took into account the advice of the Committee on Climate Change, in accordance with section 49(1) of the 2016 Act.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of these Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2, the term “the Act” has been used which has been defined in the preamble of these Regulations. However, it is not possible to define a term in the preamble for the operative provisions in the body of the Regulations – see *Writing Laws for Wales*, paragraph 4.14(5). Therefore, the title of the Environment (Wales) Act 2016 should be repeated in full in regulation 2 of these Regulations.



Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 25 November 2025 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 5

Government response: *The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025*

Technical Scrutiny point 1: We are grateful to the Committee for bringing this to our attention. We accept the point raised and will be making the corrections identified in the table annexed to this response prior to the making of the Regulations.

Minor corrections to be made prior to making the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<p>Rheoliadau Newid yn yr Hinsawdd (Terfyn Credyd Cyfrif Allyriadau Net Cymru) (Cymru) 2025</p>	<p>The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025</p>
<p>In regulation 2, “<i>Rhan 2 o’r Ddeddf</i>” will be substituted with “<i>Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016</i>”.</p>	<p>In Regulation 2, “<i>Part 2 of the Act</i>” will be substituted with “<i>Part 2 of the Environment (Wales) Act 2016</i>”.</p>
<p>At the end of Regulation 2, “<i>o’r Ddeddf</i>” will be substituted with “<i>o’r Ddeddf honno</i>”.</p>	<p>At the end of Regulation 2, “<i>the Act</i>” will be substituted with “<i>that Act</i>”.</p>

WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE	The Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025
DATE	28 November 2025
BY	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the Minister for Social Security and Disability, Sir Stephen Timms, to make the Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025 ('the Regulations'). The Regulations apply to Wales, England and Scotland.

The Regulations amend article 95(5) of Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ("the Great Britain Biocidal Products Regulation" or "GB BPR"). They extend the date set out in article 95(5) of the GB BPR on which data protection ends for those active substance/product-type combinations listed in Annex 2 to Regulation (EU) No 1062/2014 where no decision has yet been reached. The date is extended for five years from 31 December 2025 to 31 December 2030.

The Regulations also make amendments to paragraphs 3 and 5 of article 95 to update references to Regulation (EC) No 1451/2007 to Regulation (EU) No 1062/2014, which superseded it.

By virtue of article 95(5) of GB BPR, the data protection period for approximately 300 active substance/product type combinations included in the GB Review Programme of existing active substances, but on which an approval decision has not yet been reached, will end on 31 December 2025. This would mean that those active

substances which are yet to be reviewed would receive no data protection after that time.

As a result, active substance manufacturers or those supporting their approval would no longer be able to charge other companies to use their data after 31 December 2025, preventing them from recovering the costs of commissioning the data. Although the consequences of not amending article 95(5) are difficult to predict, there is a significant risk it would lead to companies withdrawing their active substances from the GB market because they are no longer financially viable. This would have knock on impacts on the pest control, transportation and water treatment sectors and could increase public health and safety risks.

Article 60 of GB BPR provides that where data has been protected under GB BPR, once that protection has expired the data cannot be protected again. To avoid data protection ending for active substances in scope, the period in article 95(5) of GB BPR is being extended by five years to 31 December 2030.

In accordance with the GB BPR, the Secretary of State sought Welsh and Scottish Ministers consent to the Regulations.

Although the Welsh Government's general principle is that laws relating to devolved matters should be made in Wales, in this instance it is considered appropriate for the Secretary of State to legislate on a GB-wide basis, given that Welsh Ministers do not have the powers to make the Regulations and a GB-wide approach ensures timely implementation and policy continuity.

The Regulations are subject to the negative procedure and were laid before the UK Parliament on 26 November 2025. There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was not made bilingually. The Regulations neither impact on the legislative competence of the Senedd nor the executive competence of the Welsh Ministers.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Biocidal Products \(Data Protection Periods\) \(Amendment\) Regulations 2025](#)

[The Biocidal Products \(Data Protection Periods\) \(Amendment\) Regulations 2025 - Explanatory Memorandum](#)

Andrew RT Davies MS
Chair, Economy, Trade, and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

27 November 2025

Dear Andrew,

Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

Thank you for your letter following the final evidence session on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill on 20 November. Please find my response below to the additional questions set out in your letter.

Fire Safety Risk Assessment

I agree with South Wales Fire and Rescue Service (SWFRS) that a visitor accommodation provider should consider whether they are sufficiently competent to conduct a fire risk assessment themselves, or whether they should appoint somebody else to conduct the assessment on their behalf, as set out in our statutory guidance on [fire safety in guest accommodation](#). The Bill is clear that the ultimate responsibility for this assessment rests with the visitor accommodation provider, as does the responsibility to put appropriate precautions in place. This reflects the wider approach in the Bill to be clear that responsibility for ensuring the accommodation is fit rests with the provider.

I do not agree, however, with SWFRS' literal interpretation of section 9 that a visitor accommodation provider would be required to conduct the assessment personally. The wording of the requirement is similar to that in article 9(1) of the Fire Safety Order, which provides that "the responsible person must make a suitable and sufficient [fire risk] assessment". It is common practice and entirely lawful for responsible persons to discharge this duty by contracting with an external provider or delegating the task to another suitably qualified person. The same is true for the duty under the Bill. As such, I do not believe any amendment in this respect is necessary.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Gohebiaeth.Mark.Drakeford@llyw.cymru

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.

Smoke Alarms

I also agree with SWFRS that risk should determine the degree of the detection provided, and this should be informed by a suitable and sufficient fire risk assessment, considering the specific circumstances and requirements of the accommodation or premises in question. However, I believe there is added value in visitor accommodation providers being required to demonstrate compliance with a specific minimum standard as part of the licensing process.

The Bill is clear that a visitor accommodation provider must ensure there is at least one functioning smoke alarm for each storey of the premises, notwithstanding the precautions they have otherwise identified as necessary. This minimum requirement in the Bill simply sets out a demonstrable standard all providers of regulated visitor accommodation must meet. It does not supersede their responsibilities under the Fire Safety Order to make their own assessment and put appropriate equipment in place for the detection and warning of fire; nor does it preclude the installation of additional alarms where the assessment of risk justifies the need. We will make this clear in guidance and training on the scheme.

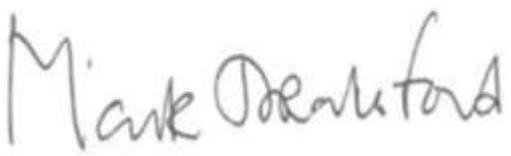
This is also consistent with the approach taken in The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022, which introduced a similar requirement in the private rented sector.

However, as these matters have been raised with the Committee by both SWFRS, and Mid and West Wales Fire and Rescue Services, and you in turn have raised them with me, I have asked officials to consider the requirements under section 9 more generally, with a view to considering whether any amendments could or should be made to the Bill at Stage 2, to ensure it better reflects the existing obligations under the Fire Safety Order.

I look forward to seeing the Committee's report and recommendations on the Bill, and discussing them at the general principles debate.

I am copying this letter to the Chairs of the Finance and Legislation, Justice and Constitution Committees for their information.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style and is contained within a light grey rectangular box.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

The Rt Hon Elin Jones MS
Llywydd
Chair, Business Committee

Dyddiad | Date: 26 November 2025

Annwyl Lywydd

Pwnc | Subject: Senedd Cymru (Member Accountability and Elections) Bill – impact of the timetable on scrutiny

When I wrote to you on 31 October 2025 regarding the Welsh Government’s proposed timetable for the scrutiny of the Senedd Cymru (Member Accountability and Elections) Bill, I expressed the Committee’s concerns that the timetable will mean our work scrutinising this proposed legislation will be challenging.

At our meeting yesterday, we conducted our fourth evidence session; later this week we will be meeting for a second time to hold a further two evidence sessions. Despite our efforts to seek to gather evidence on the Bill, we are increasingly concerned that there is insufficient time available to us to fully consider the Bill’s provisions and its implications should it be passed into law.

The timetable set for us means that only a little over two weeks were available to the public to share their views on the Bill. We have received only sixteen consultation responses, none of which reflect the views of the ordinary Welsh citizen and we believe this is due to the incredibly short consultation period. Furthermore, several of the submissions we have received have highlighted concerns with the pace at which the Bill may progress through the Senedd.

While we will continue with our work, the Committee wishes to make it clear that the introduction of the Bill so late into this Sixth Senedd and the consequential timetable set by the Business Committee is challenging our ability to discharge our responsibility to report to the Senedd on the general principles of the Bill.

I am copying this letter to the Finance Committee and to the Legislation, Justice and Constitution Committee.

Yours sincerely

David F. Rees.

David Rees MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet
dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs

Mike Hedges MS
Chair of the Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

27 November 2025

Dear Mike,

Following your letter dated 6 November regarding the Public Office (Accountability) Bill (“the Bill”) Legislative Consent Memorandum, please find my responses to your questions set out in Annex A to support your scrutiny.

I note, and appreciate, the extension agreed by your office in this particular case. I hope you find my response helpful.

Yours sincerely,



Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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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.

Annex A

Senedd consent

1. The UKG shared their LCM analysis with my officials after introduction of the Bill. In turn, the UKG considered the LCM that was laid before the Senedd and subsequently reviewed part of their analysis in light of it. My officials continue to liaise with UKG on matters relating to legislative competence.

Power to make subordinate legislation

2. I consider the procedure for clause 15(4) provides appropriate scrutiny and note that it is aligned with the procedures the Bill imposes in relation to equivalent regulations made by the Secretary of State. It will be subject to the new Part 2A of the Legislation (Wales) Act 2019 which will implement new Senedd scrutiny procedures and makes no provision for an enhanced affirmative procedure.

Development of the Bill

3. Differences in territorial extent reflect the positions taken by UKG which was not based on significant engagement with me or Welsh Government officials. The Bill reflects some of the challenges and complexities of including or extending equivalencies within Scotland or Northern Ireland where devolution settlements differ.
 - a. Clause 11 – the UK Government believes this clause should be amended so as to apply to Wales, Scotland and Northern Ireland. My officials are in active discussion with the UK Government about this proposal having received the formal invitation for it to extend to Wales on the 11th November. It was not applied to Wales (or the other devolved Governments) as it was a very late inclusion to the Bill without detailed discussion with the devolved Governments. I consider it appropriate to deal with these provisions in this UK Bill to reduce complexity, maximise the clarity and coherence of the law, and allow for a consistent approach across the UK.
 - b. First, as set out in your letter, the LCM only identifies clause 12 as being within the legislative competence of the Senedd. In respect of that clause, I take your point that the Scotland and Northern Ireland equivalents are not in the list in paragraphs 1 and 2 of Schedule 4 of the Bill (Ministers) and paragraphs 4 and 5 (Legislatures). However, as set out in the LCM, I believe that clauses 12 and 13 and Schedule 4 should apply in Wales. Clause 12 creates an offence of committing a seriously improper act whilst holding a public office, but this is to replace the existing common law offence of misconduct in public office that is abolished by clause 16 of this Bill. It would be appropriate to retain this comparable position. Clause 13 is a new offence (breach of duty to prevent death and serious injury) but is a fundamental element given the Bill's origins and nature.

The UK Government have not provided detail as to why the equivalent roles in Scotland and Northern Irish devolved legislatures and administrations are not included in the list of holders of public office in Schedule 4 of the Bill, but I will raise this issue with the UKG if that would be of assistance.

- c. Whilst the Welsh Ministers have repeatedly raised the issue of Senedd members' limited privilege with the UK Government, discussions have not been held between the UK and Welsh Government about addressing that issue in this Bill. This is because the matter is very likely outside the scope of the Bill. Therefore, using this Bill as a vehicle to move towards equality of privilege between Members of the UK Houses of Parliament and Members of the Senedd is not considered feasible.

Consultation

4. As this is a UK Bill, consultation on it is ultimately a matter for the UKG.

Paragraph 32 of the Explanatory Notes sets out details of some official publications regarding the misconduct in public office offence. The Committee on Standards in Public Life (CSPL) recommended that this "*offence be put on a statutory basis; that consent of the DPP should be required to prosecute the offence; and that there may be challenges in defining the boundaries of public office*".

Paragraph 33 states that "*The Joint Committee on Parliamentary Privilege considered the work of the CSPL and noted the high level of support for the proposals to put the offence on a statutory basis*".

In addition, paragraph 34 states that "*The Law Commission carried out a review of corruption more generally in the late 1990s. their recommendations relating to corruption were largely but not wholly adopted in the Home Office's 2003 draft Corruption Bill (which was never enacted)*".

Since engagement with UKG officials began in March, my officials have regularly stressed the importance of UK Government officials engaging with Welsh stakeholders. I understand victims, and families of victims, of the Hillsborough disaster were consulted by the UK Government but I do not have the details of that process. Neither Welsh Government officials nor other Welsh Government representatives were invited to be part of this engagement. On this basis I understand engagement with Welsh stakeholders to be minimal.

My officials have not undertaken any formal consultation with Welsh stakeholders because the legislation is UK Government legislation and so any such exercise might well become unworkable if run by the Welsh Government. Nevertheless, my officials have discussed the Bill with relevant stakeholders and in some appropriate fora. Discussion with UKG officials on how we might improve the approach are ongoing.

Discussions with Scottish and Northern Ireland policy counterparts

5. There have been regular discussions with policy leads in Scotland and Northern Ireland. Where possible and appropriate, Welsh Government and the other devolved Governments are keen to establish consistency. Both Scotland and Northern Ireland have indicated their support in principle for the extension of Clause 11. Scotland and Northern Ireland officials share a number of our broader concerns relating to interpretation and engagement.

Issues requiring clarification

6. Several issues require clarification from the UK Government before the devolved governments decide whether to include these elements in the wider Bill. Some have related to more general implementation elements, but these have predominantly been related to interpretations of definitions included in the Bill, where differences in devolved approaches might indicate the application or capture of individual's or authorities not necessarily intended to be captured. My officials have been engaging closely with UKG officials and a number of more detailed meetings with respective lawyers have been arranged to clarify the position and expectation. Relevant discussions are ongoing.

Definition

7. Whilst it would not be appropriate (and might involve the disclosure of legal advice) to give specific examples, some of the issues revolve around the scope Schedule 4.

Existing codes

8. I understand that existing Codes will need amendment if the Bill is enacted (such as the Local Government Code). The Civil Service Code will be updated by the UKG given the Civil Service is a reserved matter. Officials will need to review and consider existing Codes to see if they need amendment or if new Codes will be needed as a result of the Bill's provisions to ensure compliance. I presume that public bodies in other parts of the UK will need to undertake similar amendment processes. There is minimal concern at this stage as the Bill allows the flexibility to build on and amend existing provisions which should minimise confusion.

UKP legislating for Wales

9. The statement quoted from the LCM was intended to indicate that the Welsh Government did not want Wales to be without the important legal mechanisms and protections afforded by the Bill, not to imply that all parts of the Bill apply equally to all parts of the UK. In any event, it is appropriate to legislate for Wales in this Bill because it provides the best opportunity to implement important legal protections for Wales (as explained in the LCM).

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and
Rural Affairs

6 November 2025

Dear Huw,

Public Office (Accountability) Bill Legislative Consent Memorandum

We considered the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum ("the Memorandum") during our meeting on 3 November 2025. To help us with our scrutiny of the LCM, we would appreciate your responses to the questions set out in Annex A.

The Business Committee has set a reporting deadline for the Memorandum of 19 December. I would therefore be grateful if you could respond to this letter no later than 21 November 2025 so that we can consider your response before we issue our report.

Yours sincerely,



Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex A. Questions re. the Public Office (Accountability) Bill Legislative Consent Memorandum

Provisions for which the Senedd's consent is required

1. In the Memorandum, you state that the parts of the Bill which *do not* make relevant provision for the purposes of Standing Order 29 are clauses 6, 11, 13, 17, 19, 26, schedule 1 (parts 3 to 5) and schedule 5. However, in Annex A to the Explanatory notes to the Bill the UK Government's position is that clauses 6, 13, 17, schedule 1 and schedule 5 require legislative consent. What discussions have you had with the UK Government on this issue? Can you share any more information in relation to these differing assessments?

Powers to make subordinate legislation

2. Clause 15(4) confers powers on the Welsh Ministers to amend Schedule 4 to amend or add to the list of "holders of public office" for the purposes of Part 3 of the Bill insofar as they relate to Welsh devolved matters. Given the potential implications of this power both for the persons subject to the Bill, and for the operation of the Bill itself, have you considered whether these powers should be subject to an enhanced affirmative procedure?

Development of the Bill

3. Your LCM states that there has been limited engagement with the UK Government during the development of the final version of the Bill. Yet there are key provisions in the Bill that differ in their territorial extent, suggesting that active policy choices have been made in respect of Wales. The Committee would welcome an explanation of the following territorial differences:
 - a. clause 11, which creates a new offence of misleading the public, does not apply to an act done by a person in exercise, or purported exercise, of functions relating to Welsh devolved matters. Can you share the policy rationale for this? Can you confirm the offence will apply to public authorities and public officials who are exercising functions in Wales in relation to reserved matters?
 - b. clause 12 and 13 create offences which will apply to the holders of public office. Schedule 4 to the Bill set out who holds public office for these clauses and it includes members of the Welsh Government, members of the Senedd, staff of the Senedd, Welsh civil servants, employees of fire and rescue authorities and local authority employees. Schedule 4 does not list equivalent roles in the Scotland and Northern Irish devolved



legislatures and administrations. In your LCM you state that the Senedd has the legislative competence to create offences of a similar type. In view of that, can you clarify why these clauses apply to these office holders in Wales?

- c. In relation to the application of these offences to the Welsh Ministers and members of the Senedd in Senedd proceedings, compared to their application to a Minister of the Crown and member of either House of Parliament, did you consider how the offence will interact with the limited parliamentary privilege available to members of the Senedd, compared to the full parliamentary privilege that members of Parliament are protected by? Has the Welsh Government had any discussions with the UK Government about using this Bill as a vehicle to move towards equality of privilege between Members of the UK Houses of Parliament and Members of the Senedd?
4. The LCM states that "... there is also a vital need for consultation with affected organisations and public bodies, and for consideration of differential impacts in Wales." How were Welsh public bodies consulted? Was consultation undertaken by the UK Government or by Welsh Government? At what stage of policy development were they consulted? Has there been any consultation since the Bill was published? (Please note that we are also writing to the WLGA, the NHS Confederation and the Senedd Commission to seek their views on this matter.)
5. Given the difference between how the Bill will apply to some Welsh devolved public bodies and public officials, compared with their counterparts in Scotland and Northern Ireland, have you had Bill discussions with your counterparts in Scotland and Northern Ireland? Can you share the nature / general outcome of those discussions?
6. The LCM states that "A number of lines of questioning remain unaddressed." Could you provide more information as to a) what these questions are? b) whether you have had any further engagement with the UK Government on these questions and any progress made to address them?
7. The LCM states that: "There is some concern, in some policy areas as to how holders of a public office is defined, where the individual or authority does not expressly fall under one definition or another." Can you clarify to which policy areas this relates and provide an example of where this may be an issue?
8. The LCM states: "... some provisions in the Bill appear to duplicate (or may expand on) existing mechanisms within Wales". Do you have any concerns about whether this could lead to added complexity or confusion for public authorities and public office holders in those sectors?

Reasons for including provisions for Wales in the Public Office (Accountability) Bill

9. You note in the LCM that "I believe it is desirable for UK citizens to know that the same basic legal protections apply wherever in the UK a future incident might take place." However, different Bill provisions apply to public sector organisations and their employees depending upon whether you are in Wales, England, Scotland or Northern Ireland. Does this therefore undermine your rationale for legislating for Wales via an enactment of the UK Parliament?

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros New
Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID-PO-617-25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

27 November 2025

Dear Mike,

I am writing to inform you that the UK Emissions Trading Scheme (UK ETS) Authority (comprising of the Welsh Government, the UK Government, the Scottish Government, and the Northern Ireland Executive) has published two responses to UK ETS consultations and one further consultation. On 25 November 2025, the Authority published a response to the UK Emissions Trading Scheme Scope Expansion: Maritime consultation, which relates to the inclusion of emissions from domestic maritime. Alongside this response, the Authority also published a consultation on including emissions from international maritime into the scope of the UK ETS. This was followed on 26th November 2025 by the publication of a response to the UK Emissions Trading Scheme: Free Allocation Review consultation. Additionally, *The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026* ("the Order") has today been laid in the Senedd.

The Authority Response to the domestic maritime consultation follows proposals to bring domestic maritime into the UK ETS. It confirms that the scheme will apply to vessels of 5000 Gross Tonnage (GT) and above with no de minimis threshold, with a review point for this threshold in 2028. It explains there will be a delay in the inclusion of offshore vessels until January 2027 and that the inclusion will include a 50% reduction in the UK ETS surrender obligations on routes between Northern Ireland and Great Britain to give parity with routes between the Republic of Ireland and Great Britain. It will provide an exemption for ferries serving the Scottish islands and peninsulas, and for fishing vessels, both of which are to be reviewed in 2028. The overall cap on UK ETS allowances will increase in line with the projected increase in emissions from the introduction of the Maritime sector into the UK ETS.

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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.

The Authority, including officials across the Welsh Government, engaged extensively with affected stakeholders. Most were in favour of these proposals and supported the inclusion of maritime to the scheme. The Climate Change Committee (CCC) advised against adjusting the cap to account for maritime emissions as they were concerned the number of allowances in the scheme is too high and the price of UK ETS allowances is too low to drive decarbonisation. However, the Authority decided to proceed with increasing the cap to account for maritime emissions. The cap is consistent with Net Zero and would continue to be so with the additional allowances for maritime. Any decisions to tighten the cap should be made through a formal resetting of the cap or via market stability mechanisms. Allowances in the scheme are not ringfenced for sectors and therefore not adding allowances to cover the maritime emissions would result in a reduction of allowances available to existing sectors, which would have a significant impact on Welsh participants. While the price of UK ETS allowances has been lower than the price of EU ETS allowances over the last year, it is gradually increasing.

These rule changes will require changes to the legislation, which will be taken forward in the Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026. This is currently aimed to be laid in the Senedd in January 2026, with the coming into force date in April 2026.

The consultation on including emissions from international maritime follows the announcement on 19 May 2025 that the UK and EU will work towards establishing a link between the UK ETS and the EU ETS. The Common Understanding¹ set out the importance of ensuring that a link does not create competitive distortions, with specific reference that the scope should include international maritime transport.

The consultation on international maritime proposes that an international journey would capture any voyage which either starts or ends in a UK port and seeks views on including or excluding emissions from voyages to and from Crown Dependencies and Overseas Territories. It proposes that participants would monitor and report 100% of their greenhouse gas emissions on a voyage between a UK port and a port outside of the UK. However, operators would only be required to surrender allowances to cover 50% of their emissions. This would mirror the EU's current approach to international maritime emissions in the EU ETS. It also proposes that offshore vessels are included and required to meet the Monitoring, Reporting and Verification (MRV) and surrender obligations in the UK ETS. Lastly, it proposes adjusting the cap to account for international maritime emissions using the latest UK net zero consistent trajectory as set out in the Maritime Decarbonisation Strategy.

The Authority, including officials across the Welsh Government, will engage extensively with affected stakeholders to gather views to support final decisions on how the UK ETS will be expanded. These reforms to the UK ETS will require amendments to the Greenhouse Gas Emissions Trading Scheme Order 2020 and EU law as it applies in domestic law, so the Senedd along with other UK Parliaments will have the opportunity to scrutinise the legislation giving effect to our plans.

The Authority Response to the Free Allocation Review consultation follows proposals to reform free allocation policy and adjust it for Carbon Border Adjustment Mechanism (CBAM) sectors, following the UK Government's announcement that a CBAM will be introduced in 2027. Free allocations of UK ETS allowances (known as free allowances, "FA") is the only policy currently in place to mitigate carbon leakage. Carbon leakage is the displacement of greenhouse gas emissions due to the movement of production to other countries with weaker climate change mitigation policies. FA policy protects UK ETS participants from the

¹ [UK-EU Summit - Common Understanding on Maritime Emissions](#)

full carbon price by providing an amount of allowances to participants for free. This is particularly important for Welsh participants who receive high levels of FA.

The Authority Response confirms that operators can choose to exclude activity data from the 2020 year, or the 2020 and 2021 years (due to the impact of Covid-19), from historical comparisons when considering if activity levels have changed. It also confirms that the current benchmarks, which are used to determine levels of FA by representing the performance of the best installations, will continue to be used until the new 2026 EU benchmarks are available. This will provide the most robust and representative framework for reflecting efficiency improvements, incentivise decarbonisation, and will maintain alignment with the EU ETS. While there was interest in developing UK focussed benchmarks, this was not viable due to the significant limitations in the dataset of UK installations. In relation to the introduction of a UK CBAM, the Response confirms a gradual phase-out of FA for sectors covered by the UK CBAM during the period of 2027-2030. This is important to ensure coherence between FA and CBAM policies which overlap in mitigating carbon leakage.

The Response also confirms that the Authority will not be taking forward proposals to amend the Carbon Leakage List (CLL), to tier levels of FA based on the level of carbon leakage, to phase out FA for sectors not on the CLL at an earlier date than currently planned, to consider access to decarbonisation technologies when allocating FA, and to apply conditions to receiving FA. These proposals were not taken forward due to a lack of sufficient UK data, concerns over adding complexity and uncertainty and making it harder for participants to plan and invest in decarbonisation activities, deliverability issues, and the desire to maintain alignment with the EU ETS while a link is being explored.

The rule changes on activity data, benchmarks, and phasing out FA for sectors covered by the UK CBAM require changes to the legislation. Today, the Order has been laid in the Senedd, which will allow for these changes.

Through the UK ETS, we must encourage decarbonisation in a way that does not risk disadvantaging Welsh industry and supports their decarbonisation pathways to a net zero world. These publications and the Order represent a crucial next step in increasing the coverage of the UK ETS and applying a more considered approach to FA within the UK ETS.

I am also copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change & Rural Affairs



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Deposit Return Scheme – Application for Deposit Management Organisation
DATE	27 November 2025
BY	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

On 18 November 2024, I announced the next steps in developing a Deposit Return Scheme (DRS) for Wales. That announcement set out how we would work to implement a scheme that delivers for Wales - for our environment, our economy and our communities for decades to come. Today, I am pleased to be announcing the next key step in Wales' DRS journey as we commence the process to appoint a Deposit Management Organisation (DMO) to run our scheme.

Following my statement last year, we have undertaken extensive engagement with a wide range of businesses, representative organisations, individual sectors, recycling and reuse organisations, the Welsh Local Government Association and environmental organisations to inform our approach. As outlined in my statement in July, this engagement highlighted industry's strong preference for aligning the implementation dates for the Deposit Return Schemes within the UK. It also highlighted the need for a phased approach to glass and the introduction of reuse to manage the difference in the scope of Deposit Return Schemes, caused by the previous UK Government.

As a result, we have made adaptations to the scheme that will both ensure we can bring forward a DRS that delivers clear benefit to Wales, by supporting the transition to reuse and building upon our world class recycling, whilst also taking a pragmatic, phased approach on glass and reuse to ensure interoperability within the UK. These changes will also avoid the significant risks and impacts that industry have outlined would result in the scenario where Deposit Return Schemes are implemented within the other nations but not in Wales.

We have accelerated the development of our scheme in response to the call from industry. As part of this, we have also listened carefully to their calls to commence the process to appoint the DMO as early as possible. This will provide the maximum time available for the implementation of the scheme following the DMO's appointment. I am therefore very pleased to announce that the application process for the DMO will open tomorrow (Friday 28 November), with the deadline for applications being Friday 23 January 2026. The commencement of the application process is being done in parallel with the work to bring forward the regulations, which will be laid before the Senedd in February next year. Subject to the DRS Regulations being approved by the Senedd, the successful applicant can then be appointed by the Welsh Ministers from March 2026. This approach mirrors that taken by the UK Government in the development of their regulations and appointment of the DMO for England.

With Wales already amongst the world's best recyclers, it is vital that we draw from the world's best schemes to ensure DRS will build on our already high recycling performance. With the best schemes internationally already delivering reuse at scale, the ability to support the transition to reuse and move *Beyond Recycling* is central to our scheme and essential to delivering added value for Wales. Reusing materials through a DRS reduces the need to extract raw materials, supports containers to be used multiple times over and can therefore support producers to be more resource efficient, whilst also reducing litter and carbon emissions and saving energy.

Reuse is not just good for the environment; it is also an economic opportunity that can reduce costs for producers, create new green jobs, strengthen supply chain resilience and bring the opportunity to retain greater economic added value within Wales and the rest of the UK. It can also help contribute to lower living costs and reduced inequality.

We have agreed to a phased approach to reuse in the scheme and committed to undertaking a further public consultation to inform our approach. This consultation closed on 10 November 2025, and the responses will help to shape the approach to the phasing in of reuse as a core part of the scheme.

Lastly, I want to also acknowledge the feedback from industry on the importance of ensuring there is clarity of law and certainty for businesses. This is crucial to the effective operation of all Deposit Return Schemes across the UK. The Welsh Government has therefore formally proposed an exclusion for the Deposit Return Scheme in Wales to the United Kingdom Internal Market Act 2020 (UKIMA), noting that the scope of the scheme is fully within devolved competence. We have also been clear that should that exclusion as requested not be agreed, this would lead to the scenario where there would be no DRS in Wales, and as such an exclusion would be required for the schemes in other nations.

With the completion of the WTO notification process on 16 November and the start of the DMO appointment process, we have reached another major milestone in bringing forward a DRS that delivers for Wales. A DRS which will not only bring forward clear environmental benefits but will also bring economic opportunities for green growth whilst supporting our transition to a zero-waste and net zero Wales. By

continuing to work collaboratively, we can implement a scheme that benefits our citizens, supports the economy and in turn your organisations, and the improves our environment for our future generations .