

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 16 March 2026

Committee Clerk

Meeting time: 13.30

0300 200 6565

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Remote – Supplementary Pack

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

3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

(13.35 – 13.40)

3.2 SL(6)783 – The Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026

(Pages 1 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-26 – Paper 3 – Draft report

3.5 SL(6)781 – The Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 2026

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[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-09-26 – Paper 32 – Welsh Government response



4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered

(13.40 – 13.45)

4.2 SL(6)774 – The Deposit Scheme for Drinks Containers (Wales) Regulations 2026

(Pages 5 – 17)

Attached Documents:

LJC(6)–09–26 – Paper 33 – Report

LJC(6)–09–26 – Paper 34 – Welsh Government response

7 Papers to note

(13.55 – 14.00)

7.10 Written Statement and correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Publication of the UK ETS Authority consultation on regulating cross–boundary CCS pipelines

(Pages 18 – 22)

Attached Documents:

LJC(6)–09–26 – Paper 35 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 12 March 2026

LJC(6)–09–26 – Paper 36 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 12 March 2026

LJC(6)–09–26 – Paper 37 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 12 March 2026

7.11 Correspondence from the Cabinet Secretary for Housing and Local Government: Amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

(Pages 23 – 24)

Attached Documents:

LJC(6)-09-26 – Paper 38 – Letter from the Cabinet Secretary for Housing and Local Government, 13 March 2026

SL(6)783 – The Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026

Background and Purpose

These Regulations specify qualifying courses and qualifying persons for the purposes of section 32 of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”).

A qualifying person undertaking a qualifying course of higher education may not be charged fees that exceed the maximum permitted by the Higher Education (Fee Limits) (Wales) Regulations 2026. Regulation 2 of those Regulations specifies a maximum fee of £9,790 per academic year. Lower fees are specified for certain courses that involve a shortened period of full time study in an academic year, for example a sandwich course.

Regulation 3 specifies the criteria a course must meet to be a qualifying course. Regulation 4 and Schedule 1 together list persons who are a qualifying person.

Procedure

Senedd annulment procedure.

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 8 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 3, there is a difference between the English and Welsh text. The English text of regulation 3(2), in Condition 1, in paragraph (1)(e), says “a course for the Diploma of Higher Education”. The meaning given by the Welsh text of paragraph (1)(e) is “a course for the Higher National Diploma or Higher National Certificate of the Business and Technician Education Council, or the Diploma in Management Studies”.

2. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.



Regulation 3(1) provides that a qualifying course is one that satisfies conditions set out in regulation 3(2) and does not not fall within exceptions set out in regulation 3(3). Exception 1 in regulation 3(3) is that the course is a part-time course however that term is not defined and the Welsh Government are asked to clarify what is considered a part-time course for this purpose.

3. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.

Regulation 4(1) provides that a qualifying person is one that satisfies conditions set out in regulation 4(2) and does not not fall within exceptions set out in regulation 4(3). Exception 3 in paragraph (a) refers to a person falling within paragraph 16 and in paragraph (b) refers to a person falling within paragraph 19 or 20. Exception 5 refers to a person falling within paragraph 21. Do these paragraph numbers refer to paragraphs in the Schedule to these Regulations?

4. Standing Order 21.2(i) - that there appears to be doubt as to whether it is intra vires

Section 32(9) of the 2022 Act provides that qualifying person is a person who is not an international student and who falls within any class of persons *specified in regulations made by the Welsh Ministers*. Regulation 4(1) provides that a qualifying person is a person that satisfies conditions set out in regulation 4(2) and does not not fall within either of the exceptions set out in regulation 4(3). Exception 4 in regulation 4(3) provides that if a person already holds a higher education qualification and a qualifying course being undertaken by that person leads to a qualification which is equivalent or lower, they are not a qualifying person. Regulation 4(6) provides that the question of whether a qualification is equivalent or lower will be *determined by the Welsh Ministers* which suggests an administrative decision making process, albeit one that will apply criteria which is set out in regulation 4(5). The enabling power in section 32(9) requires the Welsh Ministers set out who is a qualifying person *in regulations* and providing for any administrative determination is outside the scope of that power. The Welsh Ministers are asked to clarify how the determination process provided for in regulation 4(6) will operate.

5. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 3, there is a difference between the English and Welsh text. In the English text of regulation 4(6) in the definition of “equivalent or lower qualification” the words that appear in italics and brackets immediately after the definition are “(“cymhwyster cyfwerth neu is”)”. However the definition in the Welsh text is “(“cymhyster cyfatebol neu is”)”.

6. Standing Order 21.2 (vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In paragraph 1(1) of the Schedule, in the definition of “person with protected rights” there is a difference in the paragraph numbering between the English and Welsh text. The English text of the definition sets out a paragraph (1), sub-paragraph (a) and paragraph (i) to (v). The Welsh



text provides for paragraph (1), sub-paragraph (a), paragraphs (i) to (iv) followed by a sub-paragraph (b). Paragraph (1)(a)(v) of the English text corresponds to paragraph (1)(b) of the Welsh text.

7. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Paragraph 23 of the Schedule makes provision for persons resident in Gibraltar. Paragraph 23(2) provides that paragraph 23(1)(c) does not apply to a family member of a person who is an EU national to whom paragraph 23(2)(b) applies. However, the criteria set out in paragraph 23(1)(c) appears to the same as the criteria set out in paragraph 23(2)(b) and the Welsh Government are asked to clarify how the scope of the alternative provision set out in paragraph 23(2)(b) differs.

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.

Legal Advisers

Legislation, Justice and Constitution Committee

11 March 2026



Agenda Item 3.5

Government Response: The Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 2026

Technical Scrutiny points 1 to 6 and 8 to 10: The Welsh Government thanks the Committee for the points it has raised. In response to the issues raised in technical points 1 to 6 and 8 to 10, the Welsh Government is satisfied that none of those issues affect the operation, legal effect or overall meaning of the Regulations. However, the Welsh Government will keep these issues under review and it will consider whether making amendments in respect of any of those points might be advantageous, in the interests of improving the clarity of any of the provisions mentioned, when opportunities to make such amendments arise. In particular, in relation to **Technical Scrutiny point 2 (a) to (e)** the Welsh Government will consider making these amendments as part of the ongoing maintenance of the 2025 Order.

Technical Scrutiny point 7: In regulation 20, in the new paragraph 11C(8) of Schedule 1 to the 2025 Order, a specific meaning is given to the word “copy” for the purpose of paragraph 11C. Paragraph 11C(8) sets out that “In this paragraph “copy” includes an electronic copy.” We note the Committee’s comment that the term “copy” is also used in the new paragraph 11B and the Committee’s query as to whether the meaning of “copy” applies to both paragraphs 11B and 11C. The definition in the new paragraph 11C(8) does not apply to paragraph 11B. The references to “copy” in paragraph 11B relate to instances where the registration officer may require the applicant to provide the registration officer with a copy of certain documents and there is a separate provision in paragraph 11B(11) which sets out that “A document or attestation provided under this paragraph may be transmitted by an applicant by electronic means”.

Merit Scrutiny point 11: Under the current, unamended version of the 2025 Order, paragraph 4 of Schedule 6 provides that donations of under £500 received from permissible donors are to be disregarded from an individual candidate’s election expenses. This reflects the position in the Political Parties, Elections and Referendums Act 2000 for donations made to registered political parties by permissible donors. However, paragraph 6 of Schedule 6 requires an individual candidate to report all donations (which must be donations from permissible donors if they are to be accepted (paragraph 6(1)) over the value of £50, even though those that are under the value of £500 will be disregarded from their election expenses. The amendment therefore raises the threshold at which donations must be reported as it is not considered necessary for individual candidates to report donations that do not count towards their election expenses limitation. This is an administrative amendment only.

SL(6)774 – The Deposit Scheme for Drinks Containers (Wales) Regulations 2026

Background and Purpose

These Regulations establish a Deposit Return Scheme (“DRS”) in Wales for in-scope drinks containers. These include single-use closed bottles and cans made from PET¹ plastic, steel, glass or aluminium that contain between 150ml to 3 litres of liquid and are supplied for consumption in Wales. HDPE² bottles (usually used to supply milk), cartons and plastic pouches/sachets are not included under the DRS.

From 1 October 2027, a person who is supplied with a drink in a container that is in-scope of the Regulations must pay a deposit to the person who supplied that container. The person who returns the container to a designated point will then be entitled to redeem the deposit or elect that an amount equivalent to the deposit is paid to a charity.

The Explanatory Memorandum to the Regulations states that the purpose of the DRS is to support the transition to a circular, zero waste and net zero carbon Wales. In doing so it will build on Wales’ recycling record by further increasing the quantity and quality of recycling of in-scope materials, reduce littering and fly-tipping, and importantly, phase in the reuse of drinks containers. The commitment to implementing a DRS in Wales is set out in the Welsh Government’s circular economy strategy, Beyond Recycling, the Net Zero Wales emissions reduction plan and is a key part of the implementation of the Welsh Government’s Programme for Government commitment to Extended Producer Responsibility.

The Regulations provide for the appointment of a scheme administrator to operate the scheme, referred to as the Deposit Management Organisation (DMO) and set out:

- the scope of the DRS (as described above);
- the role of retailers, drink producers and suppliers;
- the functions of the DMO;
- a four year transition period during which in-scope glass drinks containers will be subject to a 0p deposit and will not be required to comply with DRS labelling requirements; and
- the monitoring, compliance and enforcement measures that will be in place to support the running of the scheme, including the roles of Welsh Ministers and regulators.

The 2026 Regulations require the DMO to make arrangements to recycle drink containers that have been returned. From year four of the scheme onwards, the DMO will also be under

¹ polyethylene terephthalate

² high-density polyethylene



a duty to make arrangements for the reuse of drink containers that have been returned and are capable of reuse.

Procedure

Senedd approval procedure.

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 15 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 1(4) of the Regulations states that regulation 73 (reuse) comes into force on 1 October 2030. Reg 73(1) says “The deposit management organisation must make arrangements for the reuse of returned refund items”.

Page 8 of the Explanatory Memorandum provides that: “Apart from the duty on the DMO to make arrangements to reuse drinks containers that are capable of reuse, which is due to come into force on 1 October 2031, the rest of the 2026 Regulations come into force on 1 October 2027 which is the date from which the DRS will be operational.”

The Welsh Government is asked to confirm whether the date in regulation 1(4) is correct, as it is noted that the transition period (regulation 3(2)) comes to an end on 30 September 2031, and all other references in the Explanatory Memorandum are to 1 October 2031.

2. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 7, there is a difference between the English and Welsh text. In the English text, the provision is numbered as regulation 7, but in the Welsh text it is numbered as regulation 7(1).

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 9, the term “means of distance communication” is defined. That definition refers to “connected goods and services”, but regulation 9 also defines “connected goods or services”. The Welsh Government is asked to confirm whether the two phrases are intended to have the same meaning and, if not, the context in which they are to be interpreted differently.

4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation



Regulation 9(10) deals with the provision of documents under the Regulations, and determines when such documents are deemed to be received by reference to "business days". "Business day" is not defined for the purpose of these Regulations so the Welsh Government is asked to:-

- a) confirm what constitutes a business day for the purpose of regulation 9(10);
- b) explain why this term is not defined; and
- c) explain why it did not use the term "working day" which has a defined meaning under the Legislation (Wales) Act 2019 and therefore would not require further definition in the Regulations.

5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 15(6), in the Welsh text, the definition of "specified" for regulation 15 is noted as "penodedig". However, a different term "a bennir" is used on each occasion to express the meaning of "specified" in regulation 15. Therefore, it would seem more appropriate to note "a bennir" or the root form "pennu" as the definition of "specified" in the Welsh text of regulation 15(6). This also occurs in regulation 31(6) of these Regulations.

6. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 32(2)(b) and (4)(b), there is a difference between the English and Welsh text. In the English text, it notes "state the date" but the meaning given by the Welsh text is "specify the date". It is also inconsistent with the Welsh text of the other provisions in these Regulations where a form of "nodi" has been used for "state" in the same context on almost every occasion. The only exception appears to be in paragraph 3(3)(a) and (b) of Schedule 6 where "datgan" has been used to express "state" in the Welsh text, which is also an appropriate choice of word. The use of the fully standardised term "pennu" ("specify") for both "specify" and "state" also means that the reader of the Welsh text will be unable to distinguish between those terms in these Regulations.

7. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 61(2) sets out the requirements upon a deposit management organisation when determining the amount of the deposit. Regulation 62 provides for that amount to be revised, but does not specify that the requirements set out in regulation 61(2) also apply to any revision under regulation 62. The Welsh Government is asked to clarify whether the requirements in regulation 61(2) are intended to apply to any revision(s) made under regulation 62 and, if so, why this is not made clear on the face of the Regulations.

8. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation



In regulation 86(6)(a), it could be argued that it would aid the reader if the words “of this regulation” were added after the reference to “paragraph (1)”. Likewise, in regulation 86(6)(c), it could aid the reader if the words “of Schedule 18 to the EA 1995” were added after the reference to “in paragraph 6(1)”. This is because there are references to paragraphs in regulation 86 and to paragraphs in Schedule 18 to the EA 1995 in regulation 86(6). Therefore, it would enable the reader to distinguish clearly between them. To a lesser extent, this is also true of the reference in regulation 86(7) to “paragraphs (1) and (2), as modified by paragraph (3)” where an added “of this regulation” could be helpful for the reader.

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

In regulation 86(7), in the English text, the definitions of “the applied enforcement powers” and “the EA 1995” are repeated in English in italics and brackets immediately afterwards. However, the definitions in italics and brackets should be the corresponding Welsh language definitions.

10. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 93 deals with enforcement cost recovery notices. Regulation 19(5) states that a person required to pay costs is not liable to pay any costs which are shown to be unnecessarily incurred. However, there is no detail explaining how this will work in practice, for example, how is a person to “show” this, who determines whether the costs were incurred unnecessarily etc. The Welsh Government is therefore asked to provide further information in this regard and asked to explain why this information is not included in the Regulations.

11. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In Schedule 3, in paragraph 3(4) and (5), there is a difference between the English and Welsh text. In the English text, it refers to “paragraph (3)(b)(ii)” and “paragraph (3)(b)(iii)” but the meaning given by the Welsh text is “sub-paragraph (3)(b)(ii)” and “sub-paragraph (3)(b)(iii)” respectively. In this regard, the descriptions of the references in the Welsh text are correct rather than those in the English text.

12. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In Schedule 4, in paragraph 11(3), there is a difference between the English and Welsh text. In the English text, it refers to “sub-paragraph (1)(b)”, but the meaning given by the Welsh text is “sub-paragraph (1)(a)”.

13. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation



Schedule 5 deals with the appointment of the deposit management organisation. The Schedule sets out when such appointment may be made or revoked, but does not give any information about the application process, such as what form it should take, what information an applicant needs to include in its application, etc. The Welsh Government is therefore asked to provide further information in this regard and asked to explain why this information is not included in the Regulations.

14. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Schedule 6 deals with the civil sanctions. The table in Part 2 provides for civil sanctions to be imposed in relation to regulation 27(1) or (6), which relates to the (requirement to provide or display, or provide for display, the Scheme information. However, although regulation 28(1) is included in relation to the requirement to provide or display, or provide for display, the RLVP information, regulation 28(6) is not, which makes the equivalent provision to regulation 27(6). The Welsh Government is asked to confirm why regulation 27(6) is included in the Table of Civil Sanctions but not regulation 28(6).

15. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Paragraph 8 of Schedule 6 provides for the power to impose a variable money penalty (VMP). Paragraph 8(1) states that where the civil sanctions table indicates that a VMP is available for an act or contravention of a requirement listed in column 1 of the table, an enforcement authority may, by notice, impose a VMP on a person. in relation to that act or contravention. Paragraph 8(3) begins with “Before serving a notice relating to a VMP for failure to comply with a compliance notice or enforcement undertaking...” The civil sanctions table does not appear to make provision for a VMP to be imposed due to a failure to comply with a compliance notice or enforcement undertaking, so the Welsh Government is asked to explain the basis for any VMP in this regard.

Merits Scrutiny

The following six points are identified for reporting under Standing Order 21.3 in respect of this instrument.

16. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Explanatory Memorandum to the Regulations states:

Continuing the collaborative engagement with the UK Government and other Devolved Governments and in line with the outcome of the UK Government’s review of UKIMA, the Welsh Government has proposed a UKIMA exclusion for the inclusion of glass and reuse in the Welsh DRS, through the Common Frameworks process.



The Explanatory Memorandum does not provide any further information regarding the current status of the Welsh Government's request but it is noted that the [Written Statement issued by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs on 12 February 2026](#) confirms that the other Governments in the UK have agreed to the exclusion being brought forward. A [UK Government policy paper published on 25 February 2026](#) also notes:

The UK government has therefore offered an exclusion for single-use glass bottles in Wales, which will be implemented in legislation at the earliest opportunity. This exclusion is subject to the Welsh Government committing to all of these points:

- *commencing its DRS for plastic and metal drinks containers as planned on 1 October 2027*
- *ensuring that its DRS for plastic and metal drinks containers meets key criteria for integrating with a UK-wide scheme (this includes ensuring that schemes have a single registration and reporting system, processes for reciprocal takeback of material – for example, material can be returned in any nation, consistent logos and the same deposit level)*
- *extending its proposed transitional period for single use glass (where a 0p deposit applies and no labelling requirements or targets apply) to October 2031 – this will provide industry with additional lead-in time to prepare for the introduction of glass in the Welsh DRS*

The UK government has also agreed to a proposal from the Welsh Government to establish a joint taskforce on implementation under the Resources and Waste Common Framework, including the devolved governments and the relevant deposit management organisations, in order to oversee interoperability and support the smooth implementation of DRS across the UK.

It would assist the Committee if the Welsh Government could provide a clear, detailed and comprehensive update on the position regarding the exclusion process and the timescales for the progression and completion of the process.

17. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Committee notes that the Regulations do not make detailed provisions regarding reuse. The Explanatory Memorandum notes that this has been the subject of recent public consultation and amendment will therefore be required to the Regulations in the next Senedd, to include detailed provisions relating to reuse and reusable containers in the scheme. The Welsh Government is asked to explain why it felt it necessary to address reuse in the Regulations at this stage, when it is not yet in a position to provide the applicable details.



18. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Paragraph 5 of the Explanatory Memorandum to the Regulations sets out the details of various formal and informal consultation exercises that have been carried out in relation to the Regulations. The Committee notes that links are provided for information relating to the consultations carried out in 2019 and 2021, but since then links to information regarding the results for any further consultations are not provided. The Welsh Government is asked to provide links or further details as to where information regarding the results of the 2025 consultation noted in the Explanatory Memorandum, and any other consultation exercises, regarding any aspect of the Regulations can be found.

19. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Regulatory Impact Assessment (“RIA”) for the Regulations appears to be based upon an initial impact assessment that was undertaken for Wales, England and Northern Ireland in 2021. The Welsh Government is asked to confirm:

- a) whether the RIA is, in fact, based upon the assessment undertaken in 2021 and, if so, why a more recent assessment has not been carried out; and
- b) why it was considered appropriate to use an impact assessment for the three nations, rather than an assessment that is specific to Wales, particularly given the proposed differences between the Welsh scheme and the scheme in England and Northern Ireland.

20. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

These Regulations are related to other regulations. The Explanatory Memorandum to the Regulations states:

These Regulations make provision for the DRS in Wales and will sit in parallel with the schemes developed by the other UK nations’ governments. Whilst the scheme has been developed to deliver in a Welsh context against Wales’ baseline recycling rate, including glass within its scope, the aim is for an aligned 1 October 2027 launch date to support interoperability across the UK.

The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024, which have been developed on a UK-wide basis, place obligations on producers of packaging. Such obligations however do not apply in respect of drinks containers within the scope of DRS. Whilst glass drinks containers are currently in scope of Extended Producer Responsibility (EPR) for packaging, this will only apply until the point at which a DRS is operational in Wales. Products will therefore be obligated under either the DRS or EPR for packaging, but not both. However, if DRS is not operational by January 2028, then containers will fall within the scope of the Producer



Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 by default.

Consequential to the 2026 Regulations further legislation is proposed in respect of permitted development rights for reverse vending machines.

21. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment

Regulation 94(1) requires any penalty payment that Natural Resources Wales receives under Part 9 of the Regulations to be paid into the Welsh Consolidated Fund.

Welsh Government response

A Welsh Government response is required for points 1-19 inclusive.

Committee Consideration

The Committee considered the instrument at its meeting on 9 March 2026 and reports to the Senedd in line with the reporting points above.



Government Response: *The Deposit Scheme for Drinks Containers (Wales) Regulations 2026 (“the Regulations”)*

Technical Scrutiny point 1: The text in the Explanatory Memorandum on the duty on the DMO to make arrangements to reuse drinks containers that are capable of reuse, coming into force on 1 October 2031 is incorrect. It should state 1 October 2030 in accordance with the date in regulation 1(4) of the Regulations. The Welsh Government will withdraw and re-lay the Explanatory Memorandum with the correct date.

Technical Scrutiny point 2: The Welsh Government accepts the reporting point and will seek to amend regulation 7 in the Welsh text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 3: The Welsh Government confirms that the use of “connected goods and services” under the definition of “means of distance communication” is intended to have the same meaning as the defined term “connected goods or services”. The term “connected goods and services” only appears once in error in the regulations under the definition of “means of distance communication”. The Welsh Government will therefore seek to amend the definition of “means of distance communication” under regulation 9 prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 4: A “business day” for the purposes of regulation 9(10) is intended to have the same meaning as “working day” under the Legislation (Wales) Act 2019. In other words, it is intended to mean any day which is not a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In order to aid clarity, this will be considered for amendment at the next available opportunity.

Technical Scrutiny point 5: It is the Welsh Government’s view that “a bennir” is a variation of the term “penodedig” since the definition of the term “penodedig” under regulations 15(6) and 31(6) both include “wedi ei bennu” which is the past tense form of “specified” and more akin to the “a bennir” used in regulations 15 and 31 themselves. As such it is Welsh Government’s view that section 9 of the Legislation (Wales) Act 2019 would apply here. Section 9 of that Act provides that “other parts of speech and grammatical forms or variations” of a defined term are to be interpreted in accordance with the definition and has effect unless express provision is made to the contrary or the context requires otherwise. Therefore, the Welsh Government do not consider that the use of “a bennir” here would cause any confusion to the reader and no amendment is required to address this reporting point.

Technical Scrutiny point 6: We agree that it would have been more appropriate for “nodi” to have been used for “state the date”, as “pennu” is generally translated as “specify” and specifically translated as “specify” in these Regulations. However, in the context where this inconsistency appears, it is the Welsh

Government's view that the inconsistency has minimal effect. If the English text said: "specify the date on which it takes effect," (rather than "state the date"), there would be no difference in the end result. For the purposes of clarity and consistency the Welsh Government will seek to amend regulation 32(2)(b) and (4)(b) of the Welsh text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 7: The intention is that the requirements in regulation 61(2) will also apply to revisions of the amount of the deposit under regulation 62(1). The Welsh Government considers that this would also likely be the legal effect. However, to aid clarity, the Welsh Government will consider including explicit provision to that effect at the next available opportunity.

Technical Scrutiny point 8: The Welsh Government is satisfied that the references in regulation 86(6)(a) and (c) and 86(7) operate as intended. However, to aid clarity, the Welsh Government will consider adding clarificatory text to aid the reader at the next available opportunity.

Technical Scrutiny point 9: The Welsh Government accepts the reporting point and will seek to amend the parenthetical references to the Welsh language definitions for the definitions of "the applied enforcement powers" and "the EA 1995" under regulation 86(7) of the English text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 10: A person may make an appeal under regulation 93 in relation to the amount specified in an enforcement cost recovery notice under regulation 93(3). Appeals under paragraph (6) are made to the First-tier Tribunal, pursuant to regulation 99(1)(c). A person might choose to make such an appeal in circumstances where they consider that any costs set out in the notice are unnecessarily incurred. Whether costs are in fact unnecessarily incurred would be determined by the First-tier Tribunal on the basis of evidence provided (i.e. that which is "shown" under paragraph (5)) by the appellant – who may require the enforcement authority to provide a detailed breakdown of costs under paragraph (4) – and the enforcement authority.

Technical Scrutiny point 11: The Welsh Government accepts the reporting point and will seek to amend paragraph 3(4) and (5) of Schedule 3 of the English text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 12: The Welsh Government accepts the reporting point and will seek to amend paragraph 11(3) of Schedule 4 of the Welsh text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 13: The Welsh Ministers may appoint a Deposit Management Organisation ("DMO") applicant under paragraph 2(2) of Schedule 5 if they are satisfied about certain matters regarding its corporate constitution, and its suitability having regard to the matters specified in paragraph (c)(i) to (vii). Applications must necessarily deal with such matters in order for the Welsh Ministers to have regard

to them, which consequently dictates the form of applications that the Welsh Ministers may invite. Other matters such as the timescales for inviting and considering applications are matters which can be suitably determined by the Welsh Ministers. The Welsh Government therefore consider any further provision about the appointment of the DMO, over and above that already made for in Schedule 5, would be unnecessary and overly-prescriptive.

Technical Scrutiny point 14: Paragraph (5) is the paragraph in regulation 28 which is equivalent to paragraph (6) in regulation 27. Regulation 27(6) is correctly included in the table of civil sanctions, and the Welsh Government will consider including, by amendment, reference to its equivalent provision (regulation 28(5)) at the next available opportunity.

Technical Scrutiny point 15: A failure to comply with a compliance notice or an enforcement undertaking would be an offence under regulation 89(1). The imposition of a variable monetary penalty as an alternative to prosecution should also be available, and therefore the Welsh Government will consider including such provision, by amendment, at the next available opportunity.

Merits Scrutiny point 16: The Welsh Government welcomes the Committee's interest in the UK Internal Market Act (UKIMA) exclusion process. The latest position is that set out in the Written Statement (issued 12 February 2026), and we continue to work to progress matters. We can confirm that as per the Written Statement, all the other governments in the UK have agreed to an exclusion being brought forward for the Deposit Return Scheme (DRS) in Wales. As your report references, the UK Government have offered a conditional exclusion for single use glass bottles for the Welsh Deposit Return Scheme (DRS). This provides the exclusion needed to bring forward the regulations to establish the scheme. This agreement follows extensive engagement by the Welsh Government through the Resources and Waste Common Framework.

The next step for the UKIMA exclusion will see the UK Government bring forward the required statutory instrument and they have committed to doing so at the earliest opportunity. The UK Government has advised that it expects to lay the exclusion legislation during 2026, and we are actively engaging with DEFRA to support them to bring forward the legislation as soon as possible.

Merits Scrutiny point 17: In line with the Welsh Government's Beyond Recycling circular economy strategy and longstanding policy approach, a DRS has been developed to support Wales's transition to a circular economy. As set out in previous written statements, as well as being a critical component of a circular economy, reuse is a core element of the scheme as it is central to the ability of a DRS to deliver benefits for Wales against our already high recycling rates for in scope materials. In establishing the scheme, the provisions therefore clearly set out that reuse is a key purpose.

Whilst the detailed provisions for the full roll out of reuse will follow in a subsequent statutory instrument, the Regulations make provision for the initial introduction of reuse in line with the phased approach consulted upon. This will support the piloting of reuse at scale which industry have stressed as essential in order to inform its subsequent roll-out. This approach therefore provides clarity in relation to the long-term direction and initial phasing in of reuse as a central component of the scheme. The detailed provisions for the roll out of reuse within the subsequent statutory instrument will be informed by the outcomes of the 2025 DRS consultation.

Merits Scrutiny point 18: A series of targeted engagement sessions took place between January and December 2025 with approximately 250 attendees across 16 sessions, with stakeholders representing producers, retailers, local authorities, environmental NGOs, waste sector representatives and reuse organisations. While these sessions were informal, the evidence gathered played a key role in shaping the scheme's design and informed the development of these Regulations. This has helped to ensure that the regulatory framework developed has been directly informed by stakeholder engagement and practical considerations raised through our consultation process.

The 2025 consultation, which in particular focused on the phased approach to reuse, closed on 18 November 2025. A consultation summary report is currently being finalised and will be published on the Welsh Government website in due course. We will provide the Committee with links to the report and associated materials as soon as it is published.

Merits Scrutiny point 19:

a) Use of 2021 assessment

The Regulatory Impact Assessment (RIA) accompanying these Regulations begins by presenting the long list of policy options assessed in the joint 2021 Impact Assessment for Wales, England and Northern Ireland. The results of the 2021 Impact Assessment informed the preferred policy approach and have been included in the RIA so that it links directly to that underpinning rationale. However, the rest of the RIA for Wales is a new Welsh-specific impact assessment.

b) Welsh-specific impact assessment

The 2026 RIA is a Welsh-specific impact assessment in which the preferred policy option (as encapsulated in these Regulations) is assessed in the Welsh context. Whilst it builds upon the research base established through previous four-nations activities, including the previous impact assessments, the policy being assessed and the context of the assessment is specific to Wales.

Where appropriate, the approach, data and assumptions have been updated to reflect the Welsh context. Specifically, the RIA assesses the Welsh DRS policy which includes glass (with provision of a transition period), reuse, and flexibility to provide

hybrid collections by working with local authorities. It assesses the DRS policy against current Welsh recycling rates, noting that local authority recycling rates are particularly high compared to the rest of the UK, alongside the future policy environment in Wales, glass capture rates and reuse potential. This approach ensures that the assessment is both proportionate and reflective of the features of the Welsh scheme.

Future amendments to introduce detailed reuse provisions will be accompanied by further Wales specific impact assessment where appropriate.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Cynllun Ernes ar gyfer Cynwysyddion Diodydd (Cymru) 2026	The Deposit Scheme for Drinks Containers (Wales) Regulations 2026
In regulation 7 delete (1) from regulation 7.	
In regulation 9(1), in the definition of “cyfrwng cyfathrebu o hirbell”, “nwyddau a gwasanaethau cysylltiedig” will be replaced with “nwyddau neu wasanaethau cysylltiedig”.	In regulation 9(1), in the definition of “means of distance communication”, “connected goods and services” will be replaced with “connected goods or services”.
In regulation 32(2)(b), “pennu’r dyddiad” will be replaced with “nodi’r dyddiad”.	
In regulations 32(4)(b), “pennu’r dyddiad” will be replaced with “nodi’r dyddiad”.	
	In regulation 86(7), (“the applied enforcement powers”) will be replaced with (“y pwerau gorfodi cymhwysol”) and (“the EA 1995”) will be replaced with (“DA 1995”).
	In paragraph 3(4) of Schedule 3, “paragraph (3)(b)(ii)” will be replaced with “sub-paragraph (3)(b)(ii)”.
	In paragraph 3(5) of Schedule 3, “paragraph (3)(b)(iii)” will be replaced with “sub-paragraph (3)(b)(iii)”.
In paragraph 11(3) of Schedule 4, “is-baragraff (1)(a)” will be replaced with “is-baragraff (1)(b)”.	
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Publication of the UK ETS Authority consultation on regulating cross-boundary CCS pipelines
DATE	12 March 2026
BY	Huw Irranca-Davies MS, Cabinet Secretary for Climate Change and Rural Affairs

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 a [consultation today on regulating cross-boundary carbon capture and storage \(CCS\) pipelines](#). This is a short, technical consultation to simplify UK ETS regulation of CCS pipelines that cross into different jurisdictions in the UK. All the options aim to reduce regulatory burden and costs for CCS projects to support their economic viability

This consultation will be followed by an Authority Response, which will be published prior to legislation being laid that will enact any changes resulting from the consultation. The Senedd, along with other UK Parliaments, will have the opportunity to scrutinise plans once they are finalised.

I believe that the UK ETS remains a highly influential policy lever in achieving net zero in Wales and I am keen that we ensure the scheme supports businesses investing in and adopting decarbonisation technologies. This consultation is key to exploring where regulations can be simplified and support the economic viability of CCS, which for some industries is the only decarbonisation option currently available.

I have written to the Chairs of the Climate Change, Environment, and Infrastructure Committee and the Legislation, Justice, and Constitution Committee to inform them.

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: MA/HIDCC/2672/26

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

12 March 2026

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 a consultation today on regulating cross-boundary carbon capture and storage (CCS) pipelines¹. This is a short, technical consultation to simplify UK ETS regulation of CCS pipelines that cross into different jurisdictions in the UK. All the options aim to reduce regulatory burden and costs for CCS projects to support their economic viability

This will be important for Wales, with the Hynet CCS pipeline crossing England and Wales both off-shore and on-shore. As you're aware, Hynet represents a transformative economic opportunity for Wales, enabling deep emissions cuts in hard to abate sectors such as cement, power generation, and waste to energy.

This consultation will be followed by an Authority Response, which will be published prior to legislation being laid that will enact any changes resulting from the consultation. The Senedd, along with other UK Parliaments, will have the opportunity to scrutinise plans once they are finalised.

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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

¹ [UK Emissions Trading Scheme: Regulating cross-boundary CCS pipelines - GOV.UK](#)

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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.

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: MA HIDCC 2672 26

Llyr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

12 March 2026

Dear Llyr,

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 a consultation today on regulating cross-boundary carbon capture and storage (CCS) pipelines¹. This is a short, technical consultation to simplify UK ETS regulation of CCS pipelines that cross into different jurisdictions in the UK. All the options aim to reduce regulatory burden and costs for CCS projects to support their economic viability

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I am also copying this letter to the Chair of the Legislation, Justice and Constitution 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

¹ [UK Emissions Trading Scheme: Regulating cross-boundary CCS pipelines - GOV.UK](#)

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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.

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

13 March 2026

Dear Mike

I write to you in relation to the escalating conflict in the Middle East since 28 February 2026. The Committee will be aware that the UK Government has advised British Nationals in several countries in the Middle East to register their presence, with further travel advice expected to change at pace.¹

Currently, the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 do not give certain persons returning to the United Kingdom from the region any exemption from the habitual residence test, should they need to access housing accommodation or assistance on arrival. Those persons are British nationals or persons subject to immigration control who have been given leave to enter or remain in the United Kingdom with access to public funds. We therefore need to act swiftly to ensure that if evacuation advice is issued by the Foreign Office, they can make a claim in Wales for assistance without delay.

It is our intention to lay amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 as soon as is practicably possible both to respond to the current conflict in the Middle East and to ensure that Wales can respond should the UK Government issue 'leave now' advice. In previous crises, the Welsh Government has made region specific amendments to the regulations; this method provided clarity because the evacuation related to a single, defined location and a clearly identified cohort. This is not the case with the current situation. The present conflict is dispersed across several countries, and the scope may widen or change quickly.

As a result, it is not possible to identify with confidence which countries should be cited in regulations, or whether those choices would remain accurate even in the short term. It is therefore our intention to create a "General Crisis" waiver from the habitual residency test that will be activated if and when the Foreign Office issues "leave now" advice to British Nationals and those with leave to remain in the UK with access to public funds, anywhere in the world. The waiver from the habitual residence test would only apply where an

¹ [Foreign Office travel advice updates - GOV.UK](https://www.gov.uk)

application for housing accommodation or housing assistance is made within six months of the date of the “leave now” advice or from the first day of an evacuation from the region, whichever is later.

This approach will enable Wales to respond to the current conflict as well as providing flexibility, clarity and certainty to deal with potential future crises, making it more straight forward for local authorities to plan and prepare for such events.

I want to provide you with notice of the intention to amend regulations and that I recognise the Committee will not have the usual length of time to scrutinise the amended regulations. I am therefore seeking your assistance to expediate the scrutiny of these regulations.

I appreciate that this is a change in approach and the Senedd is being asked to make a decision at pace. To mitigate this, it is our intention to include a ‘sunset clause’ of one year after the amendments come into force. This will limit their duration and overall impact. It is my hope that this will provide assurance to the Committee that, although the provisions are not geographically specific, they would be strictly time-limited. A sunset clause will also allow the general approach to operate only for a defined period, after which a future Senedd would be able to undertake full scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.

I would like to thank the Committee in advance for their assistance in providing support to these arrangements, which will allow people fleeing crises an opportunity to seek housing or homelessness assistance in Wales without undue delay.

Yours sincerely

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

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government