

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video conference via Zoom

P Gareth Williams

Meeting date: 23 March 2026

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

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

(13.35 – 13.45)

Instruments subject to the Senedd annulment procedure

3.3 SL(6)793 – The National Health Service (Performers Lists) (Wales) Regulations 2026

(Pages 1 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 4 – Draft report

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

(13.45 – 13.50)



Instruments subject to the Senedd annulment procedure

4.7 SL(6)782 – The Education Workforce Council (Further Education Teacher Qualifications, Periods of Absence from Work and Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 7 – 9)

Attached Documents:

LJC(6)-10-26 – Paper 45 – Report

LJC(6)-10-26 – Paper 46 – Welsh Government response

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

(Pages 10 – 13)

Attached Documents:

LJC(6)-10-26 – Paper 47 – Report

LJC(6)-10-26 – Paper 48 – Welsh Government response

6 Papers to note

(13.55 – 14.00)

6.6 Correspondence from the Counsel General and Minister for Delivery: Updated analysis of subordinate legislation requiring correction

(Pages 14 – 28)

Attached Documents:

LJC(6)-10-26 – Paper 49 – Letter from the Counsel General and Minister for Delivery, 19 March 2026

LJC(6)-10-26 – Paper 50 – Letter to the Counsel General and Minister for Delivery, 30 January 2026

6.7 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill

(Pages 29 – 30)

Attached Documents:

LJC(6)-10-26 – Paper 51 – Welsh Government response

6.8 Correspondence from the European Affairs Committee, House of Lords: Dynamic alignment inquiry

(Page 31)

Attached Documents:

LJC(6)-10-26 – Paper 52 – Letter from the European Affairs Committee, House of Lords, 20 March 2026

9 Legislative Consent Memoranda on the Railways Bill: Draft report

(14.10 – 14.20)

(Pages 32 – 62)

Attached Documents:

LJC(6)-10-26 – Paper 39 – Draft report

12 Legacy report

(14.30 – 14.50)

(Pages 63 – 110)

Attached Documents:

LJC(6)-10-26 – Paper 43 – Draft report

SL(6)793 – The National Health Service (Performers Lists) (Wales) Regulations 2026

Background and Purpose

These Regulations (“the 2026 Regulations”) revoke and replace the National Health Service (Performers Lists) (Wales) Regulations 2004.

The Regulations seek to modernise arrangements for the performers lists to support their efficient operation and administration whilst maintaining public safety.

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 21 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 2 provides a definition for the “armed forces” with reference to the Armed Forces Act 2006. As the Armed Forces Act 2006 is a lengthy and detailed Act, the Welsh Government is asked to confirm why the reader is not directed to section 374 of that Act in order to assist the reader.

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

Reference to the Dentists Act 1984 is made throughout the Regulations, but the term is not defined. The Welsh Government is asked to confirm why it decided not to use the definition “the 1984 Act” for the Dentists Act 1984.

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

Regulation 2 provides a definition for “equivalent body” with reference to a Health Authority, NHS England, a Primary Care Trust, a Health and Social Care Board, a Health and Social Services Board, and a Health Board. Primary Care Trust is also referred to in the definition of



"services list". No meaning is provided for any of these titles, therefore the Welsh Government is asked to confirm how these bodies should be defined and why this is not reflected in the Regulations.

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

In regulation 2, in the definition of "equivalent body", there is a difference between the English and Welsh text. In the English text, there is a conjunction "or" after paragraph (b)(iii) of the definition, but there is no conjunction in the corresponding place in the Welsh text. In addition, it could be argued that the conjunction is superfluous in the English text or that it should appear after paragraph (c)(ii) if it is viewed as necessary. Also, in the Welsh text, the definition of "corff cyfatebol" ("equivalent body") has become merged with the definition immediately before it which is the definition of "Cofrestrdydd Ymarfer Cyffredinol" ("GP Registrar").

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

Regulation 2 provides a definition for "originating event" with reference to a conviction, investigation, proceedings, suspension and disqualification, amongst other terms. No context is provided for these words, for example, what would a conviction be for, who or what would be the subject of the investigation, etc. The Welsh Government is asked to provide further information to put these words into context, perhaps with reference to the relevant provisions in the Regulations, and explain why this is not reflected in the Regulations.

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

In regulation 2, in paragraph (a) of the definition of "period of emergency", in the Welsh text, the term "emergency" should be noted in English in quotation marks in the phrase "(meaning of "emergency")" because it is only defined in English in section 1 of the Civil Contingencies Act 2004. In addition, in regulation 27(3), in the Welsh text, the term "acceptable programme for provisionally registered doctors" should be repeated in English after the words that correspond to "within the meaning" because it has only been defined in English by section 10A of the 1983 Act. This also occurs in regulation 33, in the definition of "scheme", in paragraph (a), where the term "general dental services contract" should be repeated in English in quotation marks after the words that correspond to "within the meaning" because it has only been defined in English by section 57(2) of the 2006 Act.

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

In regulation 2, in the definition of "supplementary list", there is a difference between the English and Welsh text. In the English text, the title of the Regulations in the reference is noted as "the National Health Service (General Medical Services Supplementary List) (Wales)



Regulations 2002". But in the Welsh text, the meaning of "(Wales)" is missing from the title of those Regulations. In this regard, the omission of the meaning of "(Wales)" appears to be an historical error in the Welsh text of the original title of those Regulations which has never been corrected (see regulation 1(1) of S.I. 2002/1882 (W. 191)).

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

In regulation 4(1)(a), the phrase "application for inclusion in a medical performers list, satisfy the requirements of regulation 29" has been expressed in the Welsh text as "application for inclusion of a practitioner in a medical performers list, satisfy the requirements of regulation 29". This also occurs in the Welsh text of regulation 4(1)(b) in relation to a dental performers list and the requirements of regulation 37. However, this is potentially problematic because "practitioner" is defined as either a medical practitioner or a dental practitioner. But only a medical practitioner could be included in a medical performers list under regulation 29 and only a dental practitioner could be included in a dental performers list under regulation 37. Therefore, the defined terms "medical practitioner" and "dental practitioner" rather than "practitioner" should have been used in regulation 4(1)(a) and (b) respectively. In addition, it is inconsistent with the approach taken in the Welsh text of regulation 5(1)(a) and (b) where the same problem does not arise because the phrases "inclusion in a medical performers list" and "inclusion in a dental performers list" have been expressed by "i gael ei gynnwys mewn rhestr cyflawnwyr meddygol," and "i gael ei gynnwys mewn rhestr cyflawnwyr deintyddol," respectively. The same issue arises in the Welsh text of regulation 29(6), where the phrase "inclusion in the GP Registrar" is expressed as "inclusion of a practitioner in the GP Registrar" but it should be limited to "a medical practitioner".

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

Regulation 5(9)(b) states that a practitioner may perform primary services until the end of a period of 3 months, starting on the date on which the Local Health Board receives the application for inclusion on a performers list from the practitioner. However, it is not clear how the practitioner is to know when the Local Health Board received their application. It may have assisted a practitioner if the Regulations provided for when an application would be deemed to have been received from the practitioner. The Welsh Government is asked to confirm how regulation 5(9)(b) is to work in practice.

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

In regulation 5(11), there is a difference between the English and Welsh text. In the English text, it notes "or the certified copy of the enhanced criminal record certificate as required by paragraph (5)" but the meaning given by the Welsh text is "or the enhanced criminal record certificate as required by paragraph (5)". It is also inconsistent because the Welsh text of



paragraph (5) in regulation 5 has correctly expressed the meaning of “certified copy” by using the term “copi ardystiedig”.

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

Regulations 6(1)(b) and (c) and 17(1)(b), (3)(a) and (b), and 5(b), as well as paragraph 4(4) of Schedule 1 to the Regulations, impose duties on the NHS Counter Fraud Authority and NHS Resolution to provide information regarding practitioners who have applied to be on a performers list. Both of these bodies are special health authorities which appear to be reserved authorities. The Welsh Government is asked to confirm the basis upon which it has imposed these duties on these authorities and whether any discussion with the UK Government was required and/or has been undertaken.

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

Regulations 8 and 16 refer to the “relevant Part”. This term is defined for the purpose of regulation 3, but not for regulations 8 and 16. It is therefore not clear which Parts “the relevant Part” is referring to in regulations 8 and 16.

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

Regulation 8(4)(d) states that a practitioner’s application for inclusion on a performers list must be refused if, in a case to which regulation 10(4) applies, the practitioner has not updated the practitioner’s application in accordance with the requirements of that regulation. However, regulation 10 does not appear to require the practitioner to provide any update to their application. The only requirement imposed on the practitioner by regulation 10 is to confirm whether they wish to proceed with their application and provide any additional information required. Confirmation is therefore sought from the Welsh Government as to whether updating an application means confirming whether the practitioner wishes to proceed and/or providing any additional information that may be required and, if so, whether it would have been clearer to specifically state that.

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

Regulation 10(5)(a) requires a Local Health Board to make a decision in accordance with regulation 8 and regulation 31(1) or 39(1) or (2), as the case may be, as to whether or not to grant a practitioner’s application. However, regulation 31(2) also appears to be relevant to the decision making process so the Welsh Government is asked to confirm whether regulation 31(2) should be referred to in regulation 10(5)(a). The same point also applies to regulation 19(2)(d)(i).

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



Regulation 11(13) requires a practitioner to participate in an appraisal system except where the relevant provision provides otherwise. No meaning is given for the phrase “relevant provision” so it is not possible to determine the correct reference. Regulation 4(11)(a) defines this term for the purpose of regulation 4(3)(f) but it is not clear whether the term is intended to have the same meaning in regulation 11(13).

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

Regulation 13(2) requires a Local Health Board to notify the practitioner of any decision it makes in relation to the any failure of the practitioner to comply with conditions, together with notification of the right of review or appeal. Unlike other similar provisions in the regulations, no timeframe is provided within which the Local Health Board is required to provide the notification, and no requirements are imposed as to informing the practitioner when and how they can exercise the right of appeal. The Welsh Government is asked to explain the reason for this different approach.

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

Regulation 16(7)(b) requires periods of service to be disregarded when determining a 12 month period during which services must be performed. References are made to “whole-time service”, “national emergency”, and “reserve liability” but it is not clear what these terms are intended to mean. The Welsh Government is asked to explain the meaning of these terms and why they are not set out in the Regulations.

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

In regulation 33, in the Welsh text, the definition of “AaGIC” (“HEIW”) is not listed in the correct place according to Welsh alphabetical order in the list of definitions.

19. Standing Order 21.2(viii) – that it uses gender specific language

Regulations 37(3)(a)(i) refers to “his or her approved trainer”. Similarly, regulation 39(2)(b) makes reference to “he or she” giving notice to withdraw from a list. The Welsh Government is asked to confirm why it did not use gender neutral language in these provisions.

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

Paragraph 4(3)(a) of Schedule 1 to the Regulations states that a Local Health Board may remove an emergency registered practitioner from the list if it is justified, having checked, amongst other matters, information provided under regulation 4(5). However, paragraph 2(1)(c) of Schedule 1 disapplies regulation 4(5) in relation to emergency registered practitioners. The Welsh Government is asked to confirm whether the reference to regulation



4(5) in paragraph 4(3)(a) of Schedule 1 is correct and, if so, how it is proposed to work in practice.

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

Paragraph 3(a) of Schedule 2 to the Regulations substitutes wording in the Schedule to the Functions of Local Health Boards and the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Primary Dental Services) (Wales) Regulations 2006 (“the 2006 Regulations”), to replace “National Health Service (Performers Lists) (Wales) Regulations 2004” with “National Health Service (Performers Lists) (Wales) Regulations 2026”. However, the Schedule to the 2006 Regulations does not refer to the National Health Service (Performers Lists) (Wales) Regulations 2004 and appears to instead refer to the National Health Service (Performers Lists) Regulations 2004.

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

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Legislation, Justice and Constitution Committee

SL(6)782 - The Education Workforce Council (Further Education Teacher Qualifications, Periods of Absence from Work and Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the 2015 Regulations”) and the Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (“the 2024 Order”).

Regulation 19 of the 2015 Regulations set out the requirements a person must meet in order to provide further education in or for a further education institution. Regulations 2 to 4 of these regulations amend the 2015 Regulations in order to—

- update the list of qualifications a further education teacher may hold;
- add neonatal care leave and absence due to sickness or injury to the list of reasons that can be disregarded when calculating the period of time a person is permitted to carry out certain registered roles whilst working towards qualifications; and
- correct minor errors.

The 2024 Order provides for registration requirements for any person working in the role of adult learning practitioner. They provide a person may work in a registered role for a specified period, if they are working towards qualifications. These Regulations amend those requirements to provide that, when calculating how long a person has been working towards qualifications, a period of neonatal care leave and absence due to sickness or injury may be disregarded.

Procedure

Senedd annulment procedure.

The 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 point is 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 19 of the 2015 Regulations provides that a person may not provide education in or for a further education institution unless they hold a specified qualification. Part 1 (Qualifications) of Schedule 6 (Further education teachers) to the 2015 Regulations list specified qualifications for the purposes of regulation 19.

Regulation 3 of these Regulations updates the list of specified qualifications by inserting 4 new tables into Schedule 6 of the 2015 Regulations. In relation to the awarding bodies listed in the second column of the new tables, some appear to have been named informally without reference to key details such as a full organisational title, company number, charity number or registered or principal address.

For example "OCR" are listed several times. An internet search of the term "OCR" brings up a range of results unconnected with education and one for "Cambridge OCR" who are associated with or part of the Cambridge University Press & Assessment. Similarly "Cambridge English" is also listed as an awarding body. Cambridge English is also part of Cambridge University Press and Assessment. However Companies House also lists two dissolved companies with that name and one existing company that is very similarly named and it is not clear which the inserted table intends to refer to.

The Welsh Government are asked to confirm it is content that each awarding body in the newly inserted tables are described or named in accordance with good legislative practice and in sufficiently precise terms to ensure they will be correctly identified by users of this legislation.

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 16 March 2026 and reports to the Senedd in line with the reporting point above.



Government Response: The Education Workforce Council (Further Education Teacher Qualifications, Periods of Absence from Work and Miscellaneous Amendments) (Wales) Regulations 2026

Technical Scrutiny point 1: The Welsh Government has considered the points raised by the Committee. Where appropriate, historical names of awarding bodies have been included in the table, including Cambridge English. The Welsh Government notes the point made in relation to OCR but is content that the names of all awarding bodies would be correctly identified by the users of this legislation who are likely to be (a) a person wanting to register to provide further education accessing the table to ascertain whether they have a specified qualification, (b) further education institutions checking whether a person has a specified qualification and (c) the Education Workforce Council in carrying out its functions.

Agenda Item 4.8

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 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 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 a 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 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 “(“cymhyrter 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.

Committee Consideration

The Committee considered the instrument at its meeting on 16 March 2026 and reports to the Senedd in line with the reporting points above.



Government Response: The Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026

Technical Scrutiny point 1: The Welsh Government acknowledges the error identified in the report and is in the process of preparing an instrument to correct that error. It is expected that the correcting instrument will be laid by the end of March.

Technical Scrutiny point 2: The Welsh Government does not consider it is necessary or appropriate to define “part-time course”. Part-time course will be given its ordinary meaning, which the Government considers is generally understood and capable of being applied in the context of individual courses, which vary significantly in their intensity of study and mode of delivery. The Welsh Government considers that there are limits to what could be achieved by attempting to define a part-time course, which is likely to create more questions than it answers.

Technical Scrutiny point 3: The paragraph numbers refer to paragraphs in the Schedule to the Regulations. The Welsh Government considers that the provisions are clear in this respect given that the reference to paragraph numbers are to the defined terms of “prescribed category” and “settled category”. In turn those defined terms refer to paragraphs in the Schedule to the Regulations.

Technical Scrutiny point 4: The Welsh Government considers that Regulation 4(6) is within the power contained in section 143(2)(b) of the Tertiary Education and Research (Wales) Act 2022. That provides for Regulations to make incidental or supplementary provision.

Regulation 4(5) specifies what is an equivalent or lower qualification. The determination by the Welsh Ministers in regulation 4(6) is limited to applying regulation 4(5) to the facts of a particular case. There are many qualifications which regularly change, and it would not be possible for the Regulations to contain a mechanism by which each course could be assessed against the requirement of regulation 4(5).

Accordingly, the provision in regulation 4(6) is required to supplement regulation 4(5) in order to make that provision work.

Technical Scrutiny point 5 and 6: The Welsh Government acknowledges the difference between the English and Welsh text and is exploring the possibility of a correction slip to correct this.

Technical Scrutiny point 7: Paragraph 23(2) provides that where a person is a family member (“A”) of an EU national or a relevant person of Northern Ireland (“B”), A does not need to meet the residency requirements in paragraph 23(1)(c) so long as B meets those requirements.

Agenda Item 6.6

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

Mike Hedges MS,
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

19 March 2026

Dear Mike,

Updated analysis of subordinate legislation requiring correction

Thank you for your letter of 30 January. I apologise for the delay in replying. In your letter you ask two questions. One about so-called 'omnibus' statutory instruments. The second related to corrections to statutory instruments in response to the Committee's reporting points and whether those corrections will be made before or after dissolution of the Senedd.

In relation to omnibus SIs we have reflected on our own experience in relation to the Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025 and the Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025.

We have also had regard to the Committee's observations in relation both instruments. The Committee noted that the title of the statutory instruments do not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers' attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments. The Committee also identified the complexity of the preamble to such SIs. These are points that the Welsh Government also identified and, therefore, agree with. In addition, the process for drafting the SIs raised some inefficiencies given the need both for co-ordination of the drafting of the SI along with detailed input from the relevant lawyers for each of the specific subject areas.

For those reasons it is not this Government's intention to bring forward further 'omnibus' SIs of the same nature and breadth of scope in the future.

The Committee's analysis of commitments by the Government to bring forward amending SI to address points raised in the Committee's reports identifies 15 instruments. I am pleased to report to the Committee that amendments have already been made or will be made prior

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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.

to dissolution of the Senedd in respect of 9 of those instruments. The remaining 6 will be addressed in the next Senedd. Those are as follows.

The Local Government(Standards Committees and Member Conduct) (Miscellaneous Amendments) (Wales) Regulations 2025 – the intention is to correct this when the regulations are next reviewed including if the new Government reviews the local government ethical standards framework.

The Official Controls (Import of High-Risk Food and Feed of Non Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2025 – reporting points 1 and 2 have been corrected and we are awaiting confirmation from the Statutory Instrument Registrar that reporting point 3 will be dealt with by correction slip which was requested in January.

The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025 – there is currently no legislative vehicle available prior to the end of this Senedd.

The National Health Service (Optical Charges and Payments) (Amendment) (No. 2) (Wales) Regulations 2025 - the intention is to address this in the next set of regulations required as a result of annual negotiations with the sector (likely not before late 2026).

The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024 – other amendments are in contemplation to the Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations and this issue will be picked up as part of that.

The Agricultural Wages (Wales) Order 2025 - Issue will be addressed in the next Order. The Agricultural Advisory Panel submits the annual draft order to the Welsh Ministers but the timing of the next Order is currently unknown.

I am copying this letter to the First Minister.

Yours sincerely,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Julie James MS

Counsel General and Minister for Delivery

30 January 2026

Annwyl Julie,

Updated analysis of subordinate legislation requiring correction

Please find enclosed the Committee's latest analysis of instances where the Welsh Government has agreed with a Committee reporting point highlighting errors in subordinate legislation, and where the Welsh Government has committed to correcting those errors via further subordinate legislation.

The Committee discussed the analysis during its meeting on 26 January 2026, and would appreciate your response to the following:

1. In your letter dated 28 April 2025, you stated that you were working on developing the first set of "'omnibus' statutory instruments that will make amendments to various earlier instruments". The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025 and the Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025 were subsequently laid on 9 July 2025. We would welcome your reflections on the process of developing omnibus instruments to correct errors in multiple items of subordinate legislation, and also, does the Welsh Government intend to bring forward any further omnibus instruments?
2. With reference to the Committee's enclosed analysis, which corrections does the Welsh Government expect to make before dissolution? How will you address any errors that you do not expect to be corrected before dissolution (if there are any)?

The Committee will be producing a final analysis of subordinate legislation requiring correction for inclusion in its legacy report. I would therefore be grateful for your response no later than 6 March 2026 so that this final analysis can take into account the most up-to-date Welsh Government position.

I am copying this letter to the First Minister, Rt Hon Eluned Morgan MS.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex: Subordinate legislation scrutiny (January 2026)

New issues as of January 2026 (since the Committee previously considered this document in September)¹

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
042 Pack Page 18	681	21/11/25	<u>The Local Government (Standards Committees and Member Conduct) (Miscellaneous Amendments) (Wales) Regulations 2025</u>	<p>Technical reporting point 3: the existing definition of “registered society” was only inserted into the English text of both paragraphs 1(1) and 10(2)(a)(ix)(bb) of the Schedule to the 2008 Order by paragraph 21 of the Schedule to UK SI 2014/1815. This definition is missing from the Welsh text of paragraph 1(1) of the Schedule to the 2008 Order and also from paragraph 10(2)(a)(ix)(bb).</p> <p>The Welsh Government’s response stated that “a translation of the definition of “registered society” appears to be missing from the Welsh text in paragraph 1(1) of the Schedule to the 2008 Order as a result of an amendment made by a UK SI.” It committed to review the definitions in the schedule as part of the ongoing</p>		Local government	Awaiting corrections.

¹ **Red** – Overdue, **Orange** – Due before dissolution, **Yellow** – Promised but not imminent or no timeframe specified (not applicable for this final report of the Sixth Senedd), **Green** – Amending SI laid/issue otherwise resolved.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
				work by Welsh Government in relation to the Local Government Ethical Standards Framework in Wales.			
041	679	18/11/25	<u>The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025</u>	<p>Technical reporting point 1: in regulation 4(3)(d), there is no reference to an interpretation or definition provision for the term “below-threshold contract”.</p> <p>The Welsh Government’s response stated that “...we recognise there is an argument that a direct reference to s.5(5) of the Procurement Act 2023 might be helpful to readers. We therefore propose to insert this definition through an amending provision to be included in a further set of regulations currently being drafted to amend Schedule 9, and which we anticipate will be laid in February 2026.”</p>		Finance	Regulations due Feb 2026.
040	677	17/11/25	<u>The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025</u>	<p>Technical reporting points 7, 15, 16, 19 and 21 relate to form or meaning that needs further explanation and inconsistencies between the meaning of the English and Welsh texts.</p> <p>The Welsh Government agreed that amendments are required and committed to bringing forward an</p>		Economy, Energy and Planning	Awaiting corrections this Senedd term.

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Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
				amending WSI this Senedd term to clarify the amendments.			
039	674	06/11/25	<u>The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2025</u>	<p>Technical reporting points 1, 2 & 3 relate to inconsistencies between the meaning of the English and Welsh texts.</p> <p>The Welsh Government acknowledged the error but considered it is a minor one, It made enquiries with the SI Registrar as to the use of a correction slip to correct the error. If it cannot correct the error via this method, it will be considered for further amendment as part of the ongoing duty to review the lists set on a regular basis, not exceeding a period of 6 months.</p>		Food standards/ safety	Reporting points 1 and 2 have been corrected by The National Archives. Reporting point 3 still requires correction via correction slip.
038	672	04/11/25	<u>The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025</u>	<p>Technical reporting point 1: the Regulations reference an EU Regulation Article that has been repealed.</p> <p>The Welsh Government stated that it would not amend it at this stage but will do so when a suitable opportunity arises.</p>		Rural affairs	Awaiting corrections.
037	667	23/10/25	<u>The National Health Service (Optical Charges</u>	Technical reporting point 2: "In the new Schedule 1 to the 1997 Regulations, reference is made on two occasions to		Health	Awaiting corrections.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
			<p><u>and Payments) (Amendment) (No. 2) (Wales) Regulations 2025</u></p>	<p>“the 2006 Act”. This term is not defined in either the Regulations or the 1997 Regulations.”</p> <p>In their response, the Welsh Government stated that “Schedule 1 to the 1997 Regulations is subject to annual amendments. Considering that opportunity we will look to make an amendment in this respect at that next opportunity.”</p>			
<p>36 Pack Page 21</p>	661	16/10/25	<p><u>The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025</u></p>	<p>(Note: 661 is an instrument that aims to correct errors identified in the Committee’s report on 625. See below for more information.)</p> <p>Reporting point 1 misses ‘2025’ from the title of the Regulations referred to in regulation 2(1).</p> <p>Reporting point 2: “... unlike the definition of “EIA [Environmental Impact Assessment] development”, the definition of “the EIA Regulations” is not corrected by these Regulations in line with that relevant reporting point.”</p> <p>On reporting point 1, the Welsh Government stated it would liaise with</p>		Economy, Energy and Planning	Awaiting an amending instrument to be made by Welsh Government “before the end of the Senedd term”.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
Pack Page 22				<p>the S.I. Registrar about the suitability of correction slip.</p> <p>On reporting point 2, the Welsh Government “notes the committee’s comments regarding this reporting point. We will look to amend this via a further statutory instrument intended to be made before the end of the Senedd term.”</p>			
	29	598	07/03/25	<p><u>The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025</u></p> <p>Reporting points 1 and 2 relate to a missing definition in the Regulations and errors in the Welsh text.</p> <p>The Welsh Government response states that they undertake to make amendments/clarifications “when further amendments to the 2020 Regulations are planned in summer 2025.”</p>	<p>From CSHSC, dated <u>14/10/25</u>. There have been further policy developments in this area. The Welsh Government will lay an SI in early 2026 to capture those policy changes and correct the defects identified by the Committee.</p>	Health	Corrections due early 2026.
	043	606	25/03/28	<p><u>The Building etc. (Amendment) (Wales) Regulations 2025</u></p> <p>Reporting points 1 and 2 seek clarification of a reference and the definition of a term in the Regulations.</p> <p>In its initial response to the Committee’s report, the Welsh</p>		Housing	Addressed in SL(6)708.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
Pack Page 23				<p>Government did not accept that amendments were necessary.</p> <p>However, in the Explanatory Memorandum to SL(6)708, the Welsh Government states that: "Further to the LJCC report in relation to the Building etc. (Amendment) (Wales) Regulations 2025 (SL(6)606) , we have amended the drafting to regulations 15 of these Regulations to address comments in the Technical Scrutiny points raised."</p>			
	23	582	04/02/25	<p><u>The Welsh Elections Information Platform Regulations 2025</u></p>	<p>Reporting point 1 relates to defecting drafting.</p> <p>In response, the Welsh Government stated "The Committee is aware that the Welsh Government intends to amend this S.I., once the Conduct Order is made, to cross refer to that Order. The Welsh Government commit to taking that opportunity to make this amendment at the same time. This will be done before the end of 2025."</p>		Constitution

Issues where there has been no update since the Committee's previous consideration (September 2025)²

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Notes and relevant correspondence	Welsh Government department /policy area	Status update
004	437	20/12/23	<u>The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023</u>	Reporting points 5 to 8 relate to defective drafting.	Letter from the Counsel General 28 April 2025: "The Government intends to address reporting points 5 to 8 together with amendments to the 2023 Regulations following contract negotiations during 2024/25; this instrument will be brought forward in the coming months and these amendments will therefore not form part of either of the omnibus amending instruments."	Health	Amending SI due "in the coming months".
				In response to each of those reporting points, the Welsh Government response states "The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises."			
031	609	31/03/25	<u>The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025</u>	Reporting point 1 relates to defective drafting.		Planning	Issue to be addressed before the end of 2025.

² Red – Overdue, Orange – Due before dissolution, Yellow – Promised but not imminent or no timeframe specified (not applicable for this final report of the Sixth Senedd), Green – Amending SI laid/issue otherwise resolved.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Notes and relevant correspondence	Welsh Government department /policy area	Status update
				vehicle before the end of the year."			
009	457	20/02/24	<p><u>The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024</u></p>	<p>Reporting point 3 relates to defective drafting.</p> <p>In response, the Welsh Government stated that "A small alteration to the wording may assist the reader, but this is not an urgent amendment required to the regulations and will be reviewed at the earliest opportunity to amend."</p>	<p>Letter from the Counsel General of 28 April 2025 states that "it would not be appropriate to alter the wording as this would create an unwelcome difference with the same wording used in five other sets of Regulations. No further action will therefore be taken."</p> <p>The Committee <u>wrote</u> on 9 May 2025 stating "The Committee acknowledges that consistency is important, but notes that this does not necessarily mean that precedent wording should continue to be used when more accessible phrasing is available."</p> <p>Letter from the Counsel General on 4 June 2025 states "It is agreed that the wording contained within</p>	Social Services	Matters to be addressed in 2026-27.

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Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Notes and relevant correspondence	Welsh Government department /policy area	Status update
Pack Page 26					the 2019 Regulations, when this detail was picked up and amended, is clearer and more accessible; therefore an amendment will be made to both the 2024 and the 2017 Regulations to address this. We have also identified additional non-urgent amendments to be made to the 2017 Regulations and, subject to the legislative timetable, propose to deal with all of these matters in work to be undertaken in 2026-27."		
	035	625	17/6/25	<u>The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025</u>	<p>Reporting points 2, 3, 6 to 20, and 22 relate to defective drafting, inconsistencies between the meaning of its English and Welsh texts, and that its form or meaning needs further explanation.</p> <p>The Welsh Government response states that they will seek to clarify the reporting points in an amending instrument before the</p>		Planning

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Notes and relevant correspondence	Welsh Government department /policy area	Status update
				coming into force of the Regulations on 15 December 2025.			Senedd term".
030	600	11/03/25	<u>The Agricultural Wages (Wales) Order 2025</u>	<p>Reporting point 2 relates to the meaning of key terms in the Order.</p> <p>Reporting point 2: The Welsh Government response states "... we note your comments and will take them into account for the 2026 Order."</p>		Agriculture	Issue will be addressed in the 2026 Order.

The Welsh Government's Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill

Welsh Government response to the Legislation, Justice and Constitution Committee's report

March 2026

In February 2026, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill. This is the Welsh Government's response.

Introduction

The Cyber Security and Resilience (Network and Information Systems) Bill makes updates to the UK's only cross-sector cyber regulations, the Network and Information Systems Regulations 2018 (S.I. 2018/506) ("NIS Regulations"), as well as delivering new powers with the aim of ensuring government can respond to new and emerging cyber threats.

The Bill will update the NIS Regulations by bringing more entities into their scope and equipping regulators with powers with the aim of better fulfilling their duties. The Bill includes powers to amend and add to the NIS Regulations in the future and respond to imminent and actual threats to UK national security. These reforms are intended to better protect the services and other activities that are essential to the day-to-day functioning of society in the UK, and the economy, through safeguarding relevant network and information systems (the systems that allow computers and other devices to communicate with each other) and their surrounding environment.

I thank the members of the Legislation Justice and Constitution Committee for their report on the Cyber Security and Resilience (Network and Information Systems) Bill Legislative Consent Memorandum and have set out my response to the report below.

Response to the Report

It is good to see that the Committee agrees with the Welsh Government's assessment, as set out in the LCM, regarding the provision within the Bill which requires the consent of the Senedd, in accordance with Standing Order 29. I thank the members of the Committee for their assessment of the Welsh Government's LCM for this Bill.



Mr Mike Hedges MS
Chair,
Legislation, Justice and Constitution Committee
The Senedd Cymru
Cardiff
CF99

20 March 2026

Dear Mike Hedges MS,

On 13 March 2026, the European Affairs Committee in the House of Lords launched an inquiry into 'dynamic alignment'. (The Call for Evidence can be viewed [here](#).)

The Government, as part of its proposed 'reset' of UK/EU relations, has agreed to pursue new arrangements with the EU requiring 'dynamic alignment' with EU law in three areas:

- a Sanitary and Phytosanitary (SPS) agreement to establish a Common Sanitary and Phytosanitary Area;
- an agreement to link the UK and EU Emissions Trading Schemes (ETSs); and,
- an electricity agreement, under which the UK would participate in the EU's internal electricity market.

The UK and EU have also agreed that in these three areas the Government will be able to contribute to the 'decision-shaping' of the relevant EU law and that it will make a financial contribution to the costs of the EU's work.

In all three areas, dynamic alignment would have implications for the UK's devolution arrangements. You will see that our Call for Evidence includes a specific question addressing the implications of 'dynamic alignment' for devolution in the UK but, during its initial discussion of the inquiry, Members agreed that we would benefit greatly from the views of your Committee.

The closing date for submissions is currently 20 April 2026 and we should be very grateful if you were able to submit written evidence to our Inquiry by that date.

With many thanks for your assistance,

Yours sincerely,

Lord Stirrup

Chair of the European Affairs Committee

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Agenda Item 9

By virtue of paragraph(s) vi of Standing Order 17.42

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