

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 2 June 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.50)

- 1 Introduction, apologies, substitutions and declarations of interest**
(13.30)

- 2 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**
(13.30 – 13.35)

Affirmative Resolution Instruments

- 2.1 SL(6)615 – The Senedd Cymru (Representation of the People) Order 2025**

(Pages 1 – 14)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-17-25 – Paper 1 – Draft report

LJC(6)-17-25 – Paper 2 – Written Statement by the Cabinet Secretary for Housing and Local Government, 8 May 2025



2.2 SL(6)616 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2025

(Pages 15 – 16)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-17-25 – Paper 3 – Draft report

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

(13.35 – 13.40)

Affirmative Resolution Instruments

3.1 SL(6)613 – The Procurement (Wales) (Amendment) Regulations 2025

(Pages 17 – 22)

Attached Documents:

LJC(6)-17-25 – Paper 4 – Report

LJC(6)-17-25 – Paper 5 – Welsh Government response

4 Inter-Institutional Relations Agreement

(13.40 – 13.45)

4.1 Correspondence from the Welsh Government: Meetings of inter-ministerial groups

(Pages 23 – 26)

Attached Documents:

LJC(6)-17-25 – Paper 6 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Group for Environment, Food and Rural Affairs, 21 May 2025

LJC(6)-17-25 – Paper 7 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: British Irish Council

Environment Ministerial meeting, 22 May 2025

LJC(6)-17-25 – Paper 8 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Housing, Communities and Local Government, 22 May 2025

LJC(6)-17-25 – Paper 9 – Letter from the First Minister of Wales: Forthcoming Intergovernmental Meetings, 22 May 2025

4.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025

(Page 27)

Attached Documents:

LJC(6)-17-25 – Paper 10 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 21 May 2025

5 Papers to note

(13.45 – 13.50)

5.1 Written Statement by the Counsel General and Minister for Delivery: Welsh Government report on the implementation of Law Commission proposals 2024–25

(Pages 28 – 35)

Attached Documents:

LJC(6)-17-25 – Paper 11 – Written Statement by the Counsel General and Minister for Delivery, 19 May 2025

LJC(6)-17-25 – Paper 12 – Welsh Government report on the implementation of Law Commission proposals 2024–25

5.2 Written Statement by the Cabinet Secretary for Economy, Energy and Planning: EU–UK Summit

(Pages 36 – 37)

Attached Documents:

LJC(6)-17-25 – Paper 13 – Written Statement by the Cabinet Secretary for Economy, Energy and Planning, 19 May 2025

5.3 Correspondence from the Economy, Trade and Rural Affairs Committee to the Business Committee: Supplementary Legislative Consent Memoranda on the Product Regulation and Metrology Bill

(Pages 38 – 39)

Attached Documents:

LJC(6)-17-25 – Paper 14 – Letter from the Economy, Trade and Rural Affairs Committee to the Business Committee, 19 May 2025

6 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

(13.50)

Private meeting

(13.50 – 14.20)

7 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Public Authorities (Fraud, Error and Recovery) Bill

(13.50 – 14.00)

(Pages 40 – 47)

Attached Documents:

LJC(6)-17-25 – Paper 15 – Legal Advice Note

8 Legislative Consent Memorandum on the Crime and Policing Bill

(14.00 – 14.10)

(Pages 48 – 61)

Attached Documents:

LJC(6)-17-25 – Paper 16 – Draft report

LJC(6)-17-25 – Paper 17 – Legal Advice Note

9 International Agreements

(14.10 – 14.15)

(Pages 62 – 66)

Attached Documents:

LJC(6)-17-25 – Paper 18 – Draft report

10 Forward Work Programme

(14.15 – 14.20)

SL(6)615 – Senedd Cymru (Representation of the People) Order 2025

Background and Purpose

The Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”) makes provision for the conduct of elections. The Conduct Order provides for the manner in which elections and election campaigns are conducted, and for legal challenges to an election.

The Conduct Order remakes, updates and consolidates the existing provisions on the conduct of such elections contained in the National Assembly for Wales (Representation of the People) Order 2007 (“the 2007 Order”), which has been amended a number of times previously. The Conduct Order also implements legislative changes required by the Senedd Cymru (Members and Elections) Act 2024 and reflects changes made in the Elections and Elected Bodies (Wales) Act 2024.

The Explanatory Memorandum to the Conduct Order states that it is bilingual for the first time and follows principles set out in the Legislation (Wales) Act 2019 relating to using modern and clear language which is accessible to the reader.

Procedure

Draft affirmative.

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

Technical Scrutiny

The following 36 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

Article 6(5)(c) refers to a “service declaration” and a “declaration of local connection”. These terms are not defined in the article 2 of the Order and when they are used elsewhere in the Order, they are used with reference to where their respective meanings can be found in other legislation. The Welsh Government is asked to explain why it did not define these terms in article 2, or provide further information in article 6(5)(c) to assist the reader in understanding these terms.

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



In article 16(6), there is a difference between the English and Welsh text. In the English text it notes "Schedule 4 makes further provision..." but the meaning given by the Welsh text is "Schedule 4 makes provision...". Elsewhere the meaning of the same phrase has been expressed correctly in the Welsh text in similar provisions such as articles 14(2) and (3), and 15(4), 43(4), 65(5) and 71(8).

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

Articles 26(3) and 119(1) refers to a "scrutiny". This word is not given any specific meaning in the Order and therefore it is not clear to the reader what a scrutiny is.

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

Articles 26(3) and 26(4) refers to "any penalty for voting". This term is not given any specific meaning in the Order and therefore it is not clear to the reader what any penalty for voting refers to.

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

In article 35(1)(d), reference is made to "sections 6A to 6D of the 2000 Act". However, the term "the 2000 Act" has not been defined in the Order. It appears that the reference should be to "the 2000 Political Parties Act" which is defined in article 2(1) of the Order, if the provision is referring to sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.

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

Articles 47(9) cross refers to rule 70(1) of Schedule 5 with the reference "(destruction of documents)". Rule 70 is headed "Retention and destruction of documents forwarded to relevant registration officer" and rule 70(1) only deals with retention of documents, so referring to "destruction of documents" in the context of rule 70(1) is inaccurate and may be confusing for the reader.

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

Article 54(1) requires an election agent to deliver a "true return" to the returning officer. This term is not defined in the order and the form of a true return is not clear as no form is included for this purpose in Schedule 10 to the Order. Article 54(8) provides the Electoral Commission with the power to prescribe a form of return for this purpose, but that is a discretionary power whereas the requirement to deliver a true return in article 54(1) is mandatory. The Welsh Government is asked to provide further information as to the form of a "true return" should the Electoral Commission not exercise its power under article 54(8).



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

In article 56(3), there is a difference between the English and Welsh text. In the English text, it notes “the registered political party on whose party list the candidate was included” but the meaning given by the Welsh text is “the registered political party on whose list the candidate was included”. In this regard, it is significant because “party list” is a term that is defined by article 2(1) for this Order. In addition, the Welsh Government may also wish to consider that there appears to be a varying throughout the English text of the Order between stating “on whose party list” or “on whose list” in similar phrases, examples include articles 71(3) and 119(2)(b) which use “on whose list” and articles 45(1) and 118(2) which state “on whose party list”.

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

Article 67(4) refers to the sending of communications by candidates, and states that sending such communications is, in part, subject to the condition in article 67(2). However, article 67(2) states that the election communication “may” be a postal communication that contains only matter relating to the election and weighs less than 60 grammes. This appears to be an optional provision rather than a condition – if it was a condition, it would be expected that the word “must” would have been used instead of “may”. The Welsh Government is therefore asked to explain how these two provisions interact.

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

Article 71(4)(a) refers to community, foundation or voluntary aided schools. These terms are not defined in the Order. Other legislation defines these terms with reference to the School Standards and Framework Act 1998 (see, for example, section 51(2) of the recently passed Welsh Language and Education (Wales) Bill). The Welsh Government is asked to explain why these terms are not defined in the Order.

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

Article 72(3) refers to the “chairman” of a meeting. The Welsh Government is asked to explain why the word “chair” or “chairperson” was not used in this instance.

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

Article 73(1) sets out a list of persons who are classed as officials who must not act for candidates. Subparagraph (d) refers to “any partner or clerk of any such person”. It is not clear what the word “partner” here refers to, whether it is a business partner, partner in a personal capacity, civil partner or otherwise. The Welsh Government is asked to clarify what is meant by “partner” in this context.



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

Article 93(4) states that a copy of the evidence transcribed in a trial of a Senedd election petition “must accompany the certificate given by the election court to inform the Senedd”. It is not clear what certificate is being referred to in this context – Part 4 of the Order refers to various instances where a certificate may be required. It may be that this is linked to the obligation on the election court to certify in writing its determination of the petition to the Presiding Officer of the Senedd under article 101(3) but this is not clear, therefore the Welsh Government is asked to clarify the position.

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

Article 104(1) refers to a Senedd election petition being withdrawn with the leave of the election court or “High Court on special application”. There is no further information in the Order as to what a “special application” is. It may be that this should refer to a special case that is brought under article 103 of the Order but clarification would be welcomed from the Welsh Government on this point.

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

Paragraph 7(2) of Schedule 1 to the Order lists persons who can attest and sign an application for a proxy vote on grounds of severe sight-impairment or other disability. The majority of professions listed in sub-paragraph (2) are defined by reference to a specific legislative provision or register. However sub-paragraph (2)(h) refers to “a Christian Science practitioner” with no further definition or reference to any register of such practitioners. The Welsh Government is asked to explain:

- the basis for including a seemingly unregulated profession in this list, and
- whether the inclusion of an unregulated profession creates any risks in relation to the proxy vote system.

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

In paragraph 16(1)(a) of Schedule 2, the English text refers to an “application to remove a person from record of absent voters”, while the meaning of the Welsh equivalent is an “application to remove a person’s **name** from record of absent voters”.

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

In paragraph 18(2)(b) of Schedule 2, the English text provides that the returning officer “must mark the postal ballot box with the words “blwch pleidleisio drwy’r post” or the words



“postal ballot box” or both”. Words meaning “or both” are missing from the Welsh equivalent text.

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

In paragraph 23(9)(b) of Schedule 2, the English text refers to any other ballot paper “with the postal voting statement attached”. The meaning of the equivalent Welsh text is “with the postal voting statement attached to it”, but the phrase “to it” is expressed with the feminine form of the preposition “wrthi”. As “papur pleidleisio” is a masculine noun, the Welsh text does not make sense.

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

In paragraph 23(9)(b) of Schedule 2, the meaning of the provision is unclear because of a difference in syntax between the English and Welsh texts. The English text suggests that it is the postal voting statement that must be marked with the words “gwrthodwyd dros dro”, “provisionally rejected” or both, while the Welsh text provides that it is the ballot paper that must be so marked. The Welsh Government is asked to clarify the meaning of the provision.

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

Paragraph 23(9)(c) of Schedule 2 in the English text provides that in certain circumstances the returning officer must place in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected”. The equivalent Welsh text refers to any valid postal voting statement marked “gwrthodwyd dros dro”. Equivalent provisions elsewhere in Schedule 2 refer to postal voting statements marked in English or Welsh **or both** in both language texts. The Welsh Government is asked to explain this inconsistency.

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

In paragraph 11 of Schedule 3, the English text modifies only the English text of the question in Table 1 in rule 44(4), while the Welsh text modifies only the Welsh text of that question. However, as the Table in both language versions includes the question in Welsh and in English, it appears that the modification should be made bilingually in both the Welsh and English texts.

The same issue appears in paragraph 11 of Schedule 4.

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



In paragraph 23(b) of Schedule 3 the English text of modified paragraph (2)(a) refers to “the office of councillor for a county or county borough” while the Welsh equivalent text refers to “the office of councillor for a county or county borough **council**”.

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

Rule 13(7) of Schedule 5 to the Order refers to persons mentioned in paragraph (1)(a) to (d) of rule 13. However, there are no sub-paragraphs in paragraph (1). It appears that the correct reference should be to paragraph (2)(a) to (d) but the Welsh Government is asked to confirm this.

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

Rule 55(1) of Schedule 5 to the Order refers to the steps that must be taken by the presiding officer as soon as practicable “after every voter has cast their vote”. Article 2 defines “voter”, in part, as “a person voting at a Senedd election”. This is a wide definition which appears to mean that the presiding officer must take steps under rule 55 after every person voting in the election has voted, it is not limited to that particular polling station. The Welsh Government is asked to explain how the presiding officer of each polling station is to know or be made aware that every person voting in the election has cast their vote.

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

Rule 66(3)(d) and 67(2)(h) of Schedule 5 to the Order refer to “registration records”. This term is defined for the purpose of other rules, but not for these two rules, therefore it is not clear when looking at these rules what the term means.

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

In Schedule 5, in rule 68(2)(d) and (3)(c), there is a difference between the English and Welsh text. In the English text, it notes “an order for the inspection or production of the whole or part of its contents”. In the Welsh text, the “or production” is expressed by stating “neu i’w ddangos” where “i’w” is a masculine pronoun causing a soft mutation of “dangos” so that it must be referring to an earlier masculine singular noun. However, in the Welsh text “rhan” (“part”) in the phrase “part of its contents” is a feminine noun and will not be included within the phrase “i’w ddangos” which can only apply to a masculine noun. Therefore, the Welsh text does not succeed in fully conveying the meaning of the sentence as an election court may make an order for the production of either the whole or part of the contents of the sealed packets.

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



In Schedule 5, in rule 75(5), there is a difference between the English and Welsh text. In the English text, it refers to a period of time which is “21 days after the day on which...” but the meaning given by the Welsh text is “21 days after the date on which the...”. Elsewhere a more literal word “diwrnod” (“day”) has been used when describing periods of time in the Welsh text of the Order.

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

In Schedule 5, in rule 75(11), in the opening words before sub-paragraph (a), there is a difference between the English and Welsh text. In the English text, it refers to “under paragraph (4)(b)(i)” but the meaning given by the Welsh text is “under (4)(b)(i)”.

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

In Schedule 9, in paragraph 2(1), the interpretation of rule 2(2) of the Election Petition Rules 1960 is modified by inserting additional definitions. However, in the Welsh text, the new definitions have all been inserted in Welsh despite the existing Election Petition Rules 1960 being English only. Therefore, it seems these new definitions should also have been inserted in English by the Welsh text of paragraph 2(1) in Schedule 9 to the Order under the usual convention (as is the case with further modifications to the 1960 Rules in Schedule 9 – see for example paragraph 3 of Schedule 9).

Subject to the Welsh Government’s response to this point, we note the following two connected points relating to paragraph 2(1) of Schedule 9:

- in the definition of “*the Clerk of the Senedd*” that is inserted as a modification to rule 2(2) of the 1960 Rules, there is a difference between the English and Welsh text as the meaning given by the Welsh text is “the Clerk”.
 - The English definition is used in the modification made by paragraph 4(b) of Schedule 9 and in the Petition Template inserted in the 1960 Rules as a modification by paragraph 7 of that Schedule. However, “*Clerc y Senedd*” rather than the defined term “*y Clerc*” is used in the Welsh text of the Petition Template inserted by paragraph 7 of Schedule 9.
- in the definition of “*Senedd Cymru election*” that is inserted as a modification to rule 2(2) of the 1960 Rules, there is a difference between the English and Welsh text as the meaning given by the Welsh text is “*Senedd election*”.
 - The English definition is used in the Petition Template inserted in the 1960 Rules as a modification by paragraph 7 of Schedule 9. However, “*etholiad Senedd Cymru*” rather than the defined term “*etholiad i’r Senedd*” is used in the Welsh text of the Petition Template inserted by paragraph 7.



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

In Schedule 9, in paragraph 7, in the heading of the new Petition Template, there is a difference between the English and Welsh text. In the English text, it notes “Senedd **Cymru** Election Petition Template” but the meaning given by the Welsh text is “Senedd Election Petition Template”. In this regard, the Welsh text has used the new definition for “Senedd election petition” inserted as a modification in rule 2(2) of the 1960 Rules by paragraph 2(1) of Schedule 9. However, the English text has not used the definition “Senedd election petition” that was inserted in rule 2(2) of the 1960 Rules.

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

In Schedule 10, in Form 20, there is a difference between the heading of the English language Forms found in the English and Welsh versions of the Order. In the English version, the heading of the English language Form is “Form of declaration to be made by the companion of a voter **with severe sight impairment or other disability or inability to read**”. But the heading of the English language Form in the Welsh version of the Order is “Form of declaration to be made by the companion of a voter **with disabilities**”. This was the title of the form in the consultation version of the Order. The title has been amended and updated in the English form in the English text of the Order, but not in the English form contained in the Welsh text.

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

In Schedule 10, in Form 23, there is a difference between the English and Welsh text. In the English text in the words in italics after “Note” it states, “in accordance **with rule** 75 of Schedule 5”. But in the Welsh text of the Form, the words “with rule” are missing in the reference so that the meaning given is “in accordance 75 of Schedule 5”.

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

In Schedule 11, in paragraph 1(3), there is a difference between the English and Welsh text. In the English text, in the words in parentheses, it notes “(amendments to the National Assembly for Wales (Representation of the People) Order **2007**)”. But in the Welsh text the year “2007” is missing from the title of the Order and also the closing brackets at the end.

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

In Schedule 11, in paragraph 1(4)(b), there is a difference between the English and Welsh text. In the English text, in the new definition of “2025 Order” it notes the title of the Order as “the Senedd Cymru (Representation of the People) Order **2025**”. But in the Welsh text, the



year in the title of the Order is "2005" so that the meaning given "is the Senedd Cymru (Representation of the People) Order **2005**".

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

We would be grateful for an explanation to the following two points related to paragraph 5 of Schedule 11 to the Order:

- in paragraph 5(2)(b)(ii), the term "an Assembly election" is textually amended so that it notes "a Senedd election" in regulation 2(3) of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012. In addition, the same term has been amended in regulation 2A of the 2012 Regulations by paragraph 5(3)(a) and (b) of Schedule 11. However, the term "Assembly election" is defined for regulation 2 by regulation 2(5) of the 2012 Regulations. Therefore, could the Welsh Government explain why they have not textually amended the definition of "Assembly election" in regulation 2(5) of the 2012 Regulations? In addition, should the other relevant defined terms in regulation 2(5) such as "Assembly", "Assembly constituency" and "Assembly electoral region" also have been textually amended to state "Senedd" in regulation 2(5) of the 2012 Regulations?
- in paragraph 5(3), amendments are made to regulation 2A of the 2012 Regulations. However, there is a potential historical error in the previous amendments that were made by SI 2016/300 which inserted regulation 2(3) to (5) and regulation 2A in the 2012 Regulations. As a result of those amendments, regulation 2(5) of the 2012 Regulations only defined "Assembly", "Assembly election" and "Assembly constituency" for regulation 2 of those Regulations. Therefore, those terms have not been defined for use in regulation 2A of the 2012 Regulations. Following the amendments made by paragraph 5(3) of Schedule 11 to this Order, it appears the problem will remain that the terms found in regulation 2(5) of the 2012 Regulations will not have been defined with a meaning for regulation 2A of those Regulations.

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

Schedule 12(11) purports to revoke "*The Senedd Cymru (Returning Officers' Accounts) Regulations 2021*". This seems to be an error as an instrument with this title does not appear to exist. The SI number for this instrument has not been provided in a footnote.

We note that the consultation version of this Order initially purported to revoke the *National Assembly for Wales (Returning Officers' Accounts) Regulations 2011* (SI. 2010/676) under Schedule 12(1). These Regulations are still in force, but their revocation has been omitted from this Order. The reason for this is unclear. It is also unclear whether the erroneous reference to the 2021 regulations in Schedule 12 is connected to the deletion of the 2011 regulations.



Merits Scrutiny

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

37. 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

Article 23 of the Order states that a returning officer is entitled to recover their charges in respect of their expenses relating to a Senedd selection. They can also recover charges on behalf of electoral administrators who are listed in article 23(3). Article 23(7) states that any sums recoverable are to be charged on, and paid out of, the Welsh Consolidated Fund. Article 23(8) further states that where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under article 23 as part of a returning officer's charges at a Senedd election, then a sum equal to the increase must be charged on, and paid out of, the Welsh Consolidated Fund to the authority.

38. 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

Article 67 of the Order requires the Welsh Ministers to remunerate the service provider that provides a postal service free of charge for election communications, and the sums payable are to be charged on the Welsh Consolidated Fund.

39. 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

Article 92 of the Order states that the expenses incurred by judges in relation to a Senedd election petition must be paid out of the Welsh Consolidated Fund.

40. 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

Various provisions of the Order permit the Electoral Commission to make regulations. The Order makes no provision for such regulations to be laid before the Senedd, nor for any notification of such regulations to the Senedd or the Welsh Ministers. It is noted that under paragraph 21 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 a copy of the regulations would have to be given to the Secretary of State, and under paragraph 22(4)



would also have to be made available to the public, but the Welsh Government is asked to explain why regulations made by the Electoral Commission in relation to Wales do not have to be laid before the Senedd or a copy provided to the Senedd or the Welsh Ministers.

41. 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 4(2) of Schedule 6 to the Order states that any donation of less than £500 is to be disregarded as a donation which is subject to the rules in Schedule 6. It is noted that the consultation version of this Order set the figure of £50 for this purpose. The Welsh Government is asked to explain what gave rise to this significant increase.

42. 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 consultation version of this Order contained a detailed form (Form 29) in Schedule 10 for the return of individual candidates' election expenses. This form has been omitted from the Order. The omitted form was materially similar to Form CW in the 2007 Conduct Order. The requirement to deliver an election expenses return remains in Article 54. The financial information required is comprehensive, detailed and relatively complex.

Under this Order, the Electoral Commission has a power (but not a duty) to prescribe a form of return which may be used for the purposes of making the necessary returns required by individual candidates.

The Welsh Government is asked to explain the rationale for removing Form 29 and conferring a power on the Electoral Commission to prescribe a form, and whether the Electoral Commission intends to prescribe such a form in time for the 2026 Senedd elections. In the absence of a prescribed form, the Welsh Government is asked whether it's satisfied that an individual candidate could confidently submit the totality of detailed information required by Article 54.

Welsh Government response

A Welsh Government response is required to all reporting points save for merit reporting points 37 to 39 inclusive.

Legal Advisers

Legislation, Justice and Constitution Committee

23 May 2025





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Senedd Cymru (Representation of the People) Order 2025**

DATE **8 May 2025**

BY **Jayne Bryant MS, Cabinet Secretary for Housing and Local Government**

I am pleased to inform members that the [draft Senedd Cymru \(Representation of the People\) Order \('the Conduct Order'\)](#) has been formally laid before the Senedd today. The Conduct Order outlines the procedures for conducting elections to the Senedd. It details how the election is managed and how individual candidates conduct and account for their election campaign. It also addresses the process for legal challenges to an election.

This marks a significant milestone in the comprehensive work to remake a consolidated Order ahead of the 2026 Senedd Elections, replacing the previous much amended 2007 version. The new Conduct Order is clearer, uses modern, gender neutral and accessible language, and is fully bilingual for the first time.

While the structure of the Order will be familiar, it has been updated with the view to implementing the substantial legislative changes required by the Senedd Cymru (Members and Elections) Act 2024 to reflect changes to the Senedd's electoral system. It also takes forward policy proposals outlined in the October 2022 White Paper on Electoral Reform and through the Elections and Elected Bodies (Wales) Act 2024.

Today we have also published the [summary of consultation responses](#). This provides an overview of the feedback received during the formal consultation period which took place from 25 November 2024 to 17 February 2025.

The draft Order that was the subject of the consultation exercise included provision to establish a new postal voting statement correction procedure. The aim of the procedure would be to reduce the current level of unnecessary postal vote rejections by providing postal voters with an opportunity to correct common errors made in the provision of personal identifiers on their postal voting statement before the close of poll. However, having considered the feedback received from stakeholders as part of the consultation, the Government will defer implementation of the correction procedure. This will allow further engagement to be undertaken with electoral administrators to further develop and refine the

procedure and explore options for later introduction. As a result, provisions relating to the correction procedure have been removed from the Conduct Order.

I would like to take this opportunity to thank to all those who participated in the consultation process. The engagement and contributions from a range of stakeholders and the public have been invaluable in shaping the final provisions of the Conduct Order. I would also like to thank the Reform Bill Committee for their considered report on the draft Order within the confines of the consultation period.

I look forward to the Senedd debate on this Order later in the Summer term.

SL(6)616 – The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2025

Background and Purpose

These Regulations amend section 3(1) of the Landlord & Tenant Act 1987 (“the 1987 Act”) and the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022.

Section 1 of the 1987 Act establishes the right of first refusal for qualifying tenants. This means if the landlord of a qualifying tenant wishes to dispose of their interest in a property containing a qualifying tenant’s flat, the qualifying tenant must be provided with an opportunity to purchase the Landlord’s interest, before it is offered for sale to another party.

Section 3(1) of the 1987 Act sets out who is a “qualifying tenant”. These Regulations amend section 3(1) to provide that tenants under occupation contracts, which were introduced by the Renting Homes (Wales) Act 2016, are not qualifying tenants.

Section 3(1) was previously amended by the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022. That earlier amendment unintentionally extended the reach of the right of first refusal making it available to tenants of standard occupation contracts. A standard occupation contract is broadly equivalent to an assured shorthold tenancy (which was in place in Wales prior to implementation of the 2016 Act) and tenants of that type of tenancy were not qualifying tenants. These regulations revoke that earlier amendment.

Procedure

Affirmative.

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

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

- 1. 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 made utilising powers in section 255(1)(a) and (2) of the Renting Homes (Wales) Act 2016 which enables the the Welsh Ministers may make consequential provision for the purpose of giving full effect to any provision of the 2016 Act.

The title of these Regulations sets out that they include consequential amendments. However paragraphs 11 to 13 of the Explanatory Memorandum to these Regulations confirms these Regulations correct an earlier 2022 consequential amendment. We consider the Regulations would be more accurately titled "Amendment" Regulations on that basis. The provision in these Regulations is in consequence of the 2022 Regulations, rather than in consequence of the 2016 Act.

2. 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.

No consultation has been carried out in relation to these Regulations. The Explanatory Memorandum to the Regulations notes that:

"As the Regulations provide for consequential amendments which are limited in their effect to ensuring that section 3 of the 1987 Act reflects and aligns with the changes made to the residential tenancy regime in Wales by the 2016 Act and do not reflect a change in the Welsh Government's policy, a formal public consultation has not been undertaken. There was, of course, extensive consultation undertaken in relation to the development of the 2016 Act."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 May 2025



SL(6)613 – The Procurement (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations make substantive amendments to the Procurement (Wales) Regulations 2024 (“the 2024 Regulations”) to enable the implementation of the Procurement Act 2023 (“the 2023 Act”).

The purpose of the 2023 Act is to reform the United Kingdom’s public procurement regime following its exit from the European Union (“EU”), by creating a simpler and more transparent system, no longer based on transposed EU Directives. The 2024 Regulations supplement the 2023 Act.

Regulation 3 makes several amendments to the 2024 Regulations. Paragraph (2) removes the definition of “utility” from regulation 4 and paragraph (3) inserts it into regulation 3 instead, to enable the definition to apply to the whole Regulations. Paragraph (4) inserts new regulations 45E and 45F into the 2024 Regulations to set out how a calculation of the percentage of activities carried out by a person is to be made, in relation to vertical and horizontal arrangements.

Procedure

Draft Affirmative

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

Technical Scrutiny

The following eight 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

In regulation 3(4), in the new regulations 45E(9) and 45F(9), the term “date of contract award” has been defined with the same meaning for both of those regulations. However, the same term is already used in several places in the existing regulations found in Part 3 of the Procurement (Wales) Regulations 2024 as amended, such as regulations 45A to 45D, where its meaning has not been defined.

Could the Welsh Government explain whether the term “date of contract award” bears the same meaning in the existing regulations 45A to 45D in Part 3 of the 2024 Regulations as



given by the definitions for the new regulations 45E and 45F?

If the intention is for the term to bear the same meaning in all of these regulations in Part 3 of the 2024 Regulations, should a new definition of "date of contract award" be inserted in each of regulations 45A to 45D or in a separate provision for the whole of Part 3 of the 2024 Regulations?

Otherwise, the inclusion of the new definitions of "date of contract award" for regulations 45E and 45F suggests that its meaning differs for those regulations when compared to the other existing regulations in Part 3 of the 2024 Regulations.

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

In regulation 3(4), in the new regulations 45E and 45F, there are several provisions that set out methods of calculating attributable or non-attributable turnover and total turnover. These provisions refer to credible business projections for various periods which are described as "**beginning with** the date of contract award". However, similar provisions in the existing regulations 45A to 45D of the 2024 Regulations describe the credible business projections as being for periods "**starting from** the date of contract award". This does potentially suggest a difference in meaning as to the date of the beginning of the period for the calculations. This is because the phrase "beginning with the date" is usually interpreted as starting at the beginning of that date but "starting from the date" could be interpreted as excluding that date so that the period starts from the following day - see WLW 8.3(1) and (3). Should the descriptions for the beginning of these periods be consistent with each other in these provisions for the calculations?

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

In regulation 3(4), in the new regulations 45E(9) and 45F(9), in the definitions of "relevant period", there is a cross-reference to "sub-paragraph (a)". However, it should be correctly described as "paragraph (a)" rather than "sub-paragraph (a)" as it is a division within a definition. This error already occurs in the existing definitions of "relevant period" already found in regulations 45A(5), 45B(4), 45C(4) and 45D(4) of the 2024 Regulations.

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

In regulation 3(4), in the new regulations 45E(9) and 45F(9) of the 2024 Regulations, in the definitions of "reorganisation", there is an inconsistency in the expression used in the Welsh text to convey the meaning of the phrase "other than a minimal or incidental change". In regulation 45E(9), the phrase "heblaw newid lleiaf neu achlysurol" has been used to express its meaning, but in regulation 45F(9) a different phrase "heblaw newid bach iawn neu anyslyweddol" has been used. The Welsh text should be consistent in both places.



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

In regulation 3(4), in the new regulation 45F, the term “horizontal arrangement” is used on its own in several places such as paragraphs (1), (3), (6) and (9), and also as part of the term “horizontal arrangement’s activities” which is defined for that regulation by regulation 45F(9). However, the term “horizontal arrangement” is a defined term in paragraph 3(2) of Schedule 2 to the Procurement Act 2023. Therefore, should a definition of “horizontal arrangement” also be included in the new regulation 45F(9) so that it will have the same meaning in that regulation as given by the 2023 Act?

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

In regulation 3(4), in the new regulation 45F(8), in the words before sub-paragraph (a), the term “the arrangement” is used without an earlier reference to “the horizontal arrangement”. Should the phrase “the horizontal arrangement” be used in this place rather than only “the arrangement”?

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

In regulation 3(4), in regulation 45F(9), in the definition of “reorganisation”, in paragraph (b), the term “the arrangement” is used, but the term “the horizontal arrangement” has been noted in full in both places it is used previously in the same definition. Therefore, should the term “the horizontal arrangement” also be used in paragraph (b) of this definition?

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

In regulation 3(4), in regulation 45F(9), in the definition of “relevant period”, in paragraph (b), in the English text, it notes “the timing of the preparation **of the preparation** of accounts”. Therefore, it appears that “of the preparation” has been mistakenly repeated twice in the sentence. In addition, it also means that there is a difference between the English and Welsh text because those words have not been repeated twice in the corresponding place in the Welsh text.

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 12 May 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 20**

Legislation, Justice and Constitution Committee

Government Response: The Procurement (Wales) (Amendment) Regulations 2025

Technical Scrutiny point 1: Regulations 45E and 45F make specific provision in respect of calculations to be made under paragraphs 2 and 3 of Schedule 2 to the Procurement Act 2023 (the “2023 Act”). The Welsh Government does not agree that there is any ambiguity as it is clear the definition of “date of contract award” applies to just regulations 45E and 45F respectively. However, we will look to make an amendment in a future set of regulations, in early 2026, to clarify the definitions in Regulations 45A to D which are already made.

Technical Scrutiny point 2: Whilst the Welsh Government note there is a connection between regulations 45E and 45F and the extant regulations 45A-D, we do not believe that the use of the formulation “beginning with”, as opposed to “starting from”, suggests any difference in interpretation as both are clearly qualified by the subsequent words “date of contract award”. We therefore consider an amendment is not necessary.

Technical Scrutiny point 3: The Welsh Government note that Writing laws for Wales (“WLW”) at paragraph 6.15(8) describes a scenario where “A regulation, rule or article, or a paragraph numbered (1), (2) etc., may also contain an unnumbered list of definitions. Lists of this kind work in the same way in statutory instruments as they do in Acts”. The relevant paragraph in WLW dealing with Acts is paragraph 6.13(7), which states that “A section or subsection may also contain an unnumbered list of definitions. Refer to such a definition as “the definition of x”. An unnumbered definition may contain paragraphs (a), (b), (c) etc. which may contain sub-paragraphs (i), (ii), (iii) etc.”

However, paragraph 6.12 of WLW also clearly states that “a division of a paragraph is always a sub-paragraph”. In each provision cited there is a division of a paragraph. Whilst the Welsh Government recognise the merit of the technical point raised, on balance we are not minded to make any amendment.

Technical Scrutiny point 4: The Welsh Government note the point raised and agree that there is inconsistency in the Welsh text. It is noted that there is very little difference in meaning, if any, between the phrases “lleiaf” and “bach iawn” as both phrases accurately convey the intended meaning of “minimal”. The meaning of “incidental” is less specific, and “ansylweddol” and “achlysurol” both accurately convey aspects of the meaning. However, the Welsh Government intend to deal with this as a correction prior to making as outlined in the table below, for the benefit of consistency.

Technical Scrutiny point 5: Regulation 45F is expressly enacted pursuant to paragraph 3(2)(b) of Schedule 2 to the 2023 Act, therefore it is clear that “horizontal arrangement” can only bear the meaning in that paragraph.

Further, we note and agree with paragraph 4.2(2) of WLW that: “A definition should not be included unless it will aid clarity or certainty..... if it is obvious from the context

what the term is referring to, there should be no need for a definition”. As such the Welsh Government are not minded to define a horizontal arrangement in these Regulations.

Technical Scrutiny point 6: Regulation 48F(8) is clear that “the arrangement” means a horizontal arrangement. This is achieved by both referring to paragraphs (2) to (7) which precede it and which refer to horizontal arrangements, and secondly by a subsequent reference to paragraph 3(2)(b) of Schedule 2 to the 2023 Act which also refers to both arrangements and horizontal arrangements. The Welsh Government therefore does not believe that any amendment is required to this provision and that it is entirely consistent with the terminology used in the enabling power.

Technical Scrutiny point 7: The Welsh Government believe the formulation of the definition of “reorganisation” in regulation 45F(9) is clear precisely because of the preceding references to “horizontal arrangements” included in the definition, and that therefore no amendment is needed.

Technical Scrutiny point 8: The Welsh Government note this point and agree this appears to be a typographical error in the English text. Given this is an obvious typographical error that does not affect the substantive meaning, we intend to deal with this as a correction prior to making as outlined in the table below.

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Caffael (Cymru) (Diwygio) 2025	The Procurement (Wales) (Amendment) Regulations 2025
The phrase “heblaw newid lleiaf neu achlysurol” used in regulation 45E(9) should be changed from “heblaw newid lleiaf neu achlysurol” to “heblaw newid bach iawn neu ansylweddol”.	N/A
N/A	In the definition of “relevant period” in regulation 3(4) and the new regulation 45F(9) in (b) the following words will be omitted: “of the preparation”.
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

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

Ein cyf/Our ref: PO/HIDCC/0246/25

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

21 May 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the Inter-Ministerial Group for Environment, Food and Rural Affairs will be held on 23 June. I will be representing the Welsh Government.

The meeting is expected to focus on the circular economy, animal diseases, discussions on the EU-UK Common Understanding Agreement, including a potential SPS Agreement, and the impact of the Internal Market Act on the EFRA sector. I will update you on discussions, and a communique will be issued, after the meeting.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs 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 and Rural Affairs

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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
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HICC/0247/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament

22 May 2025

Dear Mike,

I am writing further to my letter of 15 April 2025, and in accordance with the inter-institutional relations agreement, to report on the British Irish Council (BIC) Environment Ministerial meeting.

The meeting was attended by Deputy Lindsay de Sausmarez, President – Committee for the Environment & Infrastructure, States of Guernsey, from the Government of Guernsey; Timmy Dooley TD, Minister of State at the Department of Climate, Environment and Energy with special responsibility for the Marine, from the Government of Ireland; Minister Clare Barber, MHK from the Isle of Man Government; Deputy Steve Luce, Minister for the Environment from the Government of Jersey; Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs, Pam Cameron MLA, Junior Minister in the Executive, and Aisling Reilly MLA, Junior Minister in the Executive, all from the Northern Ireland Executive; Dr Alasdair Allan MSP, Acting Minister for Climate Action from the Scottish Government; and Mary Creagh MP, Parliamentary Under-Secretary of State (Minister for Nature) from the UK Government.

I have issued a [Written Ministerial Statement](#) summarising the discussion.

I have also copied this letter to 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 and Rural Affairs

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref PO/JB/252/2025
Ein cyf/Our ref PO/JB/252/2025

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

SeneddLJC@senedd.wales

22 May 2025

Dear Chair,

Inter-Institutional Relations Agreement: Inter-ministerial Group (IMG) for Housing, Communities and Local Government.

I am writing in accordance with the inter-institutional relations agreement to notify you of a meeting of the IMG for Housing, Communities and Local Government which will take place on the 04 June 2025.

The in-person meeting will be hosted by the Welsh Government in Cardiff and will be chaired by the UK Government. The meeting agenda will include discussion items on Grenfell Phase 2 Response, Building Control Workforce Issues, Construction Product Reform and Regulation, and Ways of Working with Devolved Governments.

I will be attending on behalf of the Welsh Government along with my colleague the Cabinet Secretary for Economy, Energy and Planning, as the agenda items fall between both of our portfolio responsibilities.

An update will be provided after the meeting.

Yours sincerely,

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

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

SeneddLJC@senedd.wales

22 May 2025

Dear Mike

Inter-Institutional Relations Agreement: Forthcoming Intergovernmental Meetings

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of the second meeting of the Council of the Nations and Regions, which will take place on Friday 23 May. I will attend in person.

On the same day, I am also looking forward to a meeting between the Prime Minister, the First Minister of Scotland and the First Minister and deputy First Minister of Northern Ireland and myself, as well as a short bilateral meeting with the Prime Minister.

I will provide an update on discussions at those meetings in due course.

I am copying this letter to Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs; Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning; Julie James MS, Counsel General and Minister for Delivery; the Rt Hon Elin Jones MS, the Llywydd; the Chair of the Finance Committee; and the Chair Economy, Trade and Rural Affairs Committee.

Eluned Morgan

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

Ein cyf/Our ref: MA/HIDCC/1083/25

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

21 May 2025

Dear Mike,

Further my letter of 14 May 2025 regarding The Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025 ("the No. 3 Regulations").

I previously wrote to you to notify the Committee of my intention to give consent to the Secretary of State for Environment, Food and Rural Affairs for the No. 3 Regulations to apply to Wales. I am writing to notify you that I have now provided this consent. I also laid a Written Statement which can be found [here](#).

The Regulations intersect with devolved policy and will apply to Wales, England and Scotland. The No. 3 Regulations were subject to the negative procedure, were laid and made on 20 May 2025 and come into force on 21 May 2025.

Yours sincerely,



Huw Irranca-Davies AS/MS

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

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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.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Welsh Government report on the implementation of Law Commission proposals 2024-25
DATE	19 May 2025
BY	Julie James MS, Counsel General and Minister for Delivery

Today I am pleased to lay before the Senedd the tenth annual report on the implementation by the Welsh Government of Law Commission proposals that relate to Welsh devolved matters.

Under section 3C of the Law Commissions Act 1965, as inserted by section 25 of the Wales Act 2014, the Welsh Ministers are required to report annually on the extent to which Law Commission proposals relating to devolved matters have been implemented.

This report covers the period from 15 February 2024 to 14 February 2025 and provides Members with an update on a number of areas that relate to Law Commission proposals as well as information on current and future Law Commission projects.

The report provides updates on the progress made over the last twelve months on a range of issues that have been the subject of Law Commission recommendations. This includes the passing of the Automated Vehicles Act 2024 and the Leasehold and Freehold Reform Act 2024 and the introduction to the Senedd of the Disused Mine and Quarry Tips (Wales) Bill last December. We also continue to make progress in taking forward Law Commission proposals in relation to devolved tribunals, electoral law and planning law.

This update and the progress noted demonstrate the value of the Law Commission's proposals to the work of the Welsh Government.



Llywodraeth Cymru
Welsh Government

Report on the implementation of Law Commission proposals

2024-2025



February 2025

Pack Page 29

“And by the common counsel and agreement ... they examined the old laws, and some of them they allowed to continue, others they amended, others they wholly deleted, and others they laid down anew.”

Book of Iorwerth 1240

Introduction

1. The Law Commissions Act 1965, as amended by the Wales Act 2014, places a duty on the Welsh Ministers to report annually to Senedd Cymru on the extent to which they have implemented proposals of the Law Commission of England and Wales that relate to devolved matters.
2. This is the tenth such report; it covers the period from 15 February 2024 to 14 February 2025 and provides updates on the progress made on a range of issues that have been the subject of Law Commission recommendations. This update and the progress noted demonstrate the value of the Law Commission's proposals to the work of the Welsh Government.

Scope of the report

3. Section 3C of the Law Commissions Act 1965 places a duty on the Welsh Ministers to report annually to Senedd Cymru on the extent to which proposals of the Law Commission of England and Wales have been implemented that year.
4. As stipulated by the Act, this report covers Law Commission proposals relating to Welsh devolved matters that have been implemented during the year, and proposals relating to Welsh devolved matters that have not been implemented, including plans for implementation and decisions taken not to implement proposals.
5. The report covers the reports of the Law Commission of England and Wales as far as they relate to Welsh devolved matters.

Proposals that have been implemented

Automated Vehicles (LC404)

6. On 23 April 2024, the Senedd agreed a [Legislative Consent Motion](#) for what became the [Automated Vehicles Act 2024](#), after the Welsh Government had secured changes to the provisions to better reflect the devolution settlement. The Act implements the recommendations of the four year review of regulation for automated vehicles carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission. It sets the legal framework for the safe

deployment of self-driving vehicles in Britain. We are working with the UK Government on plans to use the new powers in the Act.

Proposals that have not yet been implemented

Regulating Coal Tip Safety in Wales ([LC406](#))

7. On 9 December 2024, the [Disused Mine and Quarry Tips \(Wales\) Bill](#) was introduced into the Senedd by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs.
8. In developing the Bill, we recognised the Law Commission’s conclusions about the shortcomings of the existing legislative framework and implemented some of its recommendations. The Bill will establish a new regime to protect human welfare, safeguard communities and protect Wales’s critical infrastructure through the establishment of a new public body that will have functions in relation to the assessment, registration, monitoring and management of tips.
9. At the time of this report (February 2025) the Bill was at Stage 1 of scrutiny by the Senedd. This stage involves the consideration of the general principles of the Bill by the Climate Change, Environment, and Infrastructure Committee, the Legislation, Justice and Constitution Committee and the Finance Committee.

Devolved Tribunals in Wales ([LC403](#))

10. As part of its 13th Programme of Law Reform, the Law Commission and the Welsh Government agreed to embark on a project on the law relating to devolved tribunals in Wales. The Law Commission published its report in December 2021. The Welsh Government later published a White Paper [A New Tribunal System for Wales](#) setting out proposals for the reform of devolved tribunals, drawing upon the Law Commission review and recommendations for reform, together with those of the Commission on Justice in Wales, which reported in October 2019. A [summary of responses to the White Paper](#) was published in January 2024.
11. Extensive work to develop the legislation required to implement the programme of reforms relating to devolved tribunals is ongoing.

Residential leasehold and commonhold (LC392)

12. The [Leasehold and Freehold Reform Act 2024](#) was passed by UK Parliament in May 2024, and applies to England and Wales. Once implemented, this will enact many of the Law Commission's recommendations on leasehold enfranchisement. The powers to make subordinate legislation required before implementation of the Act are divided between the Secretary of State and Welsh Ministers. The majority of the enfranchisement powers, for instance those required to set the rates to calculate the enfranchisement premium, as well as powers to commence the Act's provisions, rest with the Secretary of State.
13. The UK Government has announced an intention to bring forward further draft legislation and enact further Law Commission recommendations relating to enfranchisement, right to manage and commonhold recommendations, in late 2025. We are working together with UK Government to ensure that these important further reforms will also be applied to Wales.

Electoral Law (LC389)

14. To support our longer term goal of modernising electoral law and following the successful passage of two major reforming Acts – the [Senedd Cymru \(Members and Elections\) Act 2024](#) and the [Elections and Elected Bodies \(Wales\) Act 2024](#) – in November 2024 the Welsh Government published a draft version of the [Senedd Cymru \(Representation of the People\) Order](#) for consultation. This Order consolidates and updates the rules governing the conduct of elections to the Senedd in full for the first time since 2007 – and in English and Welsh for the first time ever.

Planning law in Wales (LC383)

15. The Law Commission reported on Planning Law in Wales in 2018, with the central premise being the simplification and modernisation of planning law. The Welsh Government position on each of the recommendations of the report was set out in its final response to the Commission in 2020. The Welsh Government has committed to bring forward a Bill to consolidate planning law.
16. During this reporting period, significant progress has been made, with the production of the main consolidation Bill and its supporting documents near to being finalised in preparation for its introduction to the Senedd. The

consolidation exercise will result in a very large Bill (around 420 pages in each language). It will also be necessary to make a series of consequential amendments and repeals to other enactments, as well as provide for certain transitional and savings provisions. Rather than include these matters in a Schedule to the main Bill, work is underway to prepare a second, "consequential provisions" Bill. The intention is to introduce this into the Senedd at the same time as the main Bill, so that the Senedd is able to consider the full picture. Taking this approach is designed to ensure that the substantive provisions (and those that are used the most frequently) are free of lengthy Schedules of consequential and transitional provisions. A similar approach was taken in 1990 when planning law was last consolidated.

17. The Welsh Government intends to bring the Bills forward before the end of the current Senedd term, and the Counsel General has recently confirmed that this is likely to be in September 2025.

18. Work has already begun on developing the subordinate legislation to support the implementation of the Bills, for example new regulations on the protection of trees and woodland to come into force at the same time as the Bills have been the subject of public consultation that closed on 14 February 2025.

Mental Capacity and Deprivation of Liberty (LC372)

19. No further report.

Taxi and Private Hire Vehicle Services (LC347)

20. Officials continue to work with stakeholders on the development of standards and a training package for the taxi and PHV sector. These are likely to be made available for voluntary use early in 2026 prior to being made mandatory at a later stage. The First Minister will make an announcement on the programme of legislation for the final year of this Senedd before the 2025 summer recess.

Proposals that are not to be implemented

21. The Welsh Government has not taken a decision not to implement proposals in a Law Commission report during this reporting period.

Current and future Law Commission projects

Agricultural law in Wales

22. Since the last report the Welsh Ministers have asked the Law Commission to consider whether, and how, agricultural law in Wales could be modernised, simplified and made more accessible through consolidation and codification. This project began in the spring of 2024 and was initially expected to report in spring 2025. More recently it has been agreed the report will be issued in autumn 2025. The Commission has been asked to consider:

- a. what legislation should form part of a code of agricultural law for Wales;
- b. what technical changes or adjustments to the law are desirable or necessary to simplify, streamline and modernise the law into such a code.

23. Because the current intention is that any future work would be taken forward as a consolidation project, the Law Commission's considerations will not extend to suggesting proposals for legislative reform or reviewing the substance of agricultural policy in Wales.

Other projects

24. The Law Commission are currently working on a number of other projects, some of which relate to Welsh devolved matters. The Welsh Government remains committed to working with the Law Commission to develop proposals capable of implementation.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	EU- UK Summit
DATE	19 May 2025
BY	Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning

Wales is, and will always be, a proudly outward-looking European nation. The EU remains Wales' most significant trading partner and the largest source of inward investment. Our overseas network in Europe plays a vital role in supporting trade and investment and in delivering our commitment to meaningful European engagement.

We welcomed the UK Government's commitment to re-set relations with the EU and we have been very clear about the Welsh Government's priorities. We have used the intergovernmental machinery to engage productively.

We therefore welcome today's announcement following the EU-UK Summit, outlining a renewed approach to UK-EU relations and new opportunities for enhanced security, safety, and economic prosperity for citizens and businesses on both sides of the Channel.

The Welsh Government was clear that securing an agreement with the EU to reduce trade barriers in agriculture, food and drink was a priority. We welcome today's announcement on Sanitary and Phytosanitary Standards. Such an agreement could significantly benefit our agricultural, food, and drink sectors. Welsh produce is among the highest quality available, and we will work closely with the UK Government to ensure Welsh priorities are fully represented in ongoing negotiations. We will continue to push the UK Government to ensure the final agreement allows Live Bivalve Molluscs from Welsh waters to resume trade to the EU.

We recognise the critical importance of energy security and the role of renewables in our energy future. We have strongly called for closer cooperation in these areas to support shared ambitions, and we welcome the commitment made today.

The Emissions Trading Scheme (ETS) is a powerful tool for decarbonisation and supports our goals for green growth and green jobs. Aligning the UK and EU ETS would benefit Wales by creating opportunities for Welsh industries and ensuring a level playing field across a broader market. The Welsh Government shares joint responsibility for the UK ETS

alongside the Scottish Government, the Northern Ireland Executive, and the UK Government, and we welcome this development.

We also welcome the UK and EU's announcement of a mutual commitment to negotiate a youth mobility scheme. This is a top priority for the Welsh Government because we want our young people to have the widest range of opportunities and experiences available to them. We support proposals that enable young people to benefit from the social, cultural, and educational opportunities of living, working, and studying in each other's countries. We will work with the UK Government to ensure the scheme delivers meaningful benefits for Wales and look forward to welcoming young people from across the EU.

We have consistently expressed our ambition for Wales to participate in a broader range of EU programmes, including Erasmus+. Our investment in the Taith programme demonstrates our commitment to international learning and has ensured that a generation of learners has not missed out on life-changing experiences. Taith has been recognised by the European Parliament for its efforts to include underrepresented groups and smaller organisations, and we are committed to preserving and building on these achievements. We will continue to work with the UK Government around on our priorities for accessing other EU programmes such as Creative Europe and European Territorial Cooperation.

We welcome the announcement of dedicated dialogues on the implementation of the TCA's chapter on entry and temporary stays for business purposes and the recognition of professional qualifications. In our discussions, we have been clear about the priority we give to measures that will make it easier for Welsh professionals to do business in the EU.

We deeply value our relationships with European institutions, nations, and regions, and are committed to continuing constructive, positive, and successful cooperation with the EU through the EU-UK TCA and developments announced today. Only through collaboration can we effectively address the global challenges of today and tomorrow.

There is still work to be done to finalise the details, and we are clear that the Welsh Government must be fully involved in discussions on devolved matters or issues that impact Wales. We will continue to ensure that Wales has a strong voice at the table.

Rt Hon Elin Jones MS
Chair
Business Committee

19 May 2025

Dear Llywydd,

Supplementary Legislative Consent Memoranda on the Product Regulation and Metrology Bill

On 25 March 2025, the Business Committee referred the Supplementary LCM (Memorandum No. 2) on the Product Regulation and Metrology Bill to the Economy, Trade and Rural Affairs Committee. On 28 February, the Committee published a report on the original LCM related to this Bill. Members have considered the SLCM and are content that the original LCM report still reflects the position of the Committee regarding both the LCM and SLCM. As such, we will not be publishing an additional report at this time.

On 13 May 2025 the Business Committee referred a second SLCM (Memorandum No. 3) to the Committee with a reporting deadline of 19 May. We would be interested to hear Welsh Government's view on the new clause noted in this SLCM and how the Welsh Ministers consent process may work, however there is not sufficient time to explore these issues before the reporting deadline.

I have copied this letter to Mike Hedges MS in his role as Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

Andrew RT Davies

Andrew RT Davies MS

Chair: Economy, Trade and Rural Affairs Committee

We welcome correspondence in Welsh or English

CC: Chair, Legislation, Justice and Constitution Committee

Agenda Item 7

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

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Agenda Item 8

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

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Agenda Item 9

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

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